



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2024 – 2025

BRANCH – XII

DEPARTMENT OF PROPERTY LAW

DEPARTMENT OF PROPERTY LAW

The Department of Property Law of The Tamil Nadu Dr. Ambedkar Law University, School of Excellence in Law, Chennai, was established in the year 2024 as a Branch of Specialization in the University. Property Law in its ever-changing contours requires one to be constantly updated with the latest developments in the field and the Department strives to impart that to the students. The current intake for the Master's Course in Property Law stands at Twenty Candidates and the students of this Department will be going to flourish in practicing law and also in the Judiciary after clearing the Judicial Services Examinations in flying colours, to name a few. The Department has been consistently aiming to promote Continuing Legal Education by organizing periodical events inviting Notable District Collectors, Alumnus practicing Law in the Globalized World amongst others creating value additions to the Research carried out in the field of Property Law.

The LL.M. in Property Law is significant to elaborately learn about the property law in all the dimensions. More than 80% of the civil disputes are relating to land disputes including succession. The very objective of the course is to give a comprehensive and deeper knowledge pertaining to property law and also to give practical insights for growing number of civil litigations. The program offers 6 Specialized Core papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers that synergizes theoretical knowledge and practical applications, perfect for equipping the students with professional levels of competence of Property Laws. The courses are scheduled to be spread over 4 semesters in 2 years (CBCS system).

The specialization provides students with ample opportunity to engage with the key theoretical debates of property law and related areas of law, like Succession, Trust, Intellectual Property and laws relating to conveyance & practices. These courses would provide an all- important bridge between the various disciplines and skills required by the modern property law professional. The elective courses are designed to address the needs arising from the unique dynamics of the current environment, where property plays a significant role. Property Law course will prepare the student by providing insights on the complexities of property interactions. The generic electives are structured to enable a holistic understanding of the Interaction of IP and Property Law and Property Rights of Indigenous People.

The aim of the course is to build a thorough knowledge to ensure that students have an understanding of the different legal rights pertaining to land, when these rights can be enforced on other and how they can be protected etc. The subject is rooted in property, which are the most valuable asset and most people own. Property Law has evolved to be a flexible subject and it is both conceptual and practical in nature.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – XII

DEPARTMENT OF PROPERTY LAW

LL.M. (CBCS) SYLLABUS

HARD CORE COURSES – 06

1. Introduction to Property Rights.
2. General Principles of Property.
3. Law of Succession.
4. Law of Trusts.
5. Land Law of Tamil Nadu.
6. Real Estate and Tenancy Law.

DISCIPLINE ELECTIVE COURSES – 03

7. Land System and Law Relating to Land Acquisition.
8. Law Relating to Intangible Property - IPR.
9. Law Relating to Conveyance and Practices.

ELECTIVE COURSES – 02

10. Property Rights of Indigenous People - Policy and Perspective.
11. Interaction of IP and Property Law.

DEPARTMENT OF PROPERTY LAW

SUBJECTS IN SEMESTERS

First Semester	1. Legal Education and Research Methodology (Common Paper-I) 2. Judicial Process (Common Paper-II) 3. Introduction to Property Rights (Core Course-I) 4. General Principles of Property (Core Course-II) 5. Property Rights of Indigenous People - Policy and Perspective (Elective Course-I) 6. Value Added Course – 1 : Communication Skills
Second Semester	1. Constitutional Law: The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law of Succession (Core Course-III) 4. Land System and Law Relating to Land Acquisition (Discipline Elective Course-I) 5. Ability Enhancement Paper-I 6. Value Added Course – 2 : Personality Development & Soft Skills
Third Semester	1. Law of Trusts (Core Course-IV) 2. Land Law of Tamil Nadu (Core Course-V) 3. Law Relating to Intangible Property - IPR (Discipline Elective Course-II) 4. Interaction of IP and Property Law (Elective Course-II) 5. Ability Enhancement Paper-II
Fourth Semester	1. Real Estate and Tenancy Law (Core Course-VI) 2. Law Relating to Conveyance and Practices (Discipline Elective Course-III) 3. Dissertation

PAPER – I

INTRODUCTION TO PROPERTY RIGHTS

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

1. *This course is intended to give an understanding about the concept of property and to know about the difference between different kinds of properties.*
2. *It intends to give knowledge about the bundle of rights vested with the proprietor of an immovable property*
3. *It intended to give the knowledge about the remedies available to the owner or occupier of a property when his legal right is violated*
4. *It also explains about the constitutional provisions relating to property rights*

COURSE OUTLINE

MODULE - I: CONCEPT OF PROPERTY

- a. Definition, meaning of property, dominium, Possession, ownership, right in rem, right in personam, freehold estates
- b. Nature and concept of property, public property, evolution of private property
- c. Classification of property, Theories of property, kinds of property, modes of acquisition of property

MODULE – II: ADVERSE POSSESSION

- a. Concept, essential of Adverse possession and Ouster
- b. Trespass v. Adverse possession
- c. Acquisition of ownership by prescription
- d. Comparative study: UK, US, Singapore

MODULE III: RIGHTS ON OWNER OF PROPERTY – PROPRIETARY RIGHTS

- a. Right to ownership, right to possession, right to transfer
- b. Right to enjoyment, right to income, right to exclude others
- c. Right to inheritance, right to sue, right to easement, statutory rights

MODULE IV: LAW OF PRE-EMPTION

- a. Definition and kinds of Pre-emption
- b. Constitutional validity of right of Pre-emption
- c. Preferential right under Hindu Law, Muslim Law

- d. Extinction of Right of Pre-emption

MODULE – V: CIVIL WRONGS AGAINST PROPERTY

- a. Trespass to land, trespass to goods, nuisance
- b. sic utere tuo ut alienum non laedas – liability for dangerous premises: Strict liability, absolute liability
- c. Injury to reversionary rights, Waste, Dispossession, Wrongs to natural rights and easement

MODULE – VI: OFFENCES/CRIMINAL WRONG AGAINST PROPERTY

- a. Criminal misappropriation of property, Criminal breach of trust
- b. Cheating, Fraudulent deed and disposition of property
- c. Mischief, Criminal trespass
- d. Forgery, counterfeit of documents, property mark

MODULE – VII: REMEDIES

- a. Judicial and Extra Judicial Remedies: damages, injunction, specific restitution, expulsions, re-entry on land
- b. Remedies for infringement: injunction, penalty, imprisonment
- c. Remedies against air, water and land pollution: pollution control board authorities, prevention, compensation

MODULE – VIII: RIGHT TO PROPERTY – CONSTITUTIONAL PERSPECTIVE

- a. Pre-Constitutional Position of Right to Property, CAD on Article 19(1) (f)
- a. Constitutional protection relating to property- Protection under Article 300-A, Article 31-A, 31-B, 31-C [relevant Provisions and Amendments]
- b. Right to property as right to life, right to clean environment viz., land, water and air free from pollution
- c. Legislative powers of center and state in enacting land laws.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Salmond on Jurisprudence, P J Fitzgerald, Thomson Sweet & Maxwell, Universal Law Publishing Limited
2. The Law of Real Property, By Robert Megarry, Charles Harpum, William Wade, Stuart Bridge, Martin J. Dixon, sweet & Maxwell, 8th edition, 2012
3. Law of Torts by R K Bangia, 26th Edition 2021, Reprinted 2023, Allahabad Law Agency
4. P S A Pillai's Law of Tort by Avtar Singh, 9th Edition, Eastern Book company

5. "Possession, Dispossession & Adverse Possession" by Ram Shelkar, 2nd Edition, 2023, Lawmann's
6. Constitutional Law of India by H. M. Seervai, 4th Edition, Reprinted 2023, Law and Justice Publications
7. Indian Constitutional Law by M P Jain, 8th Edition, 2022, Lexis Nexis
8. J.E.Penner, "The idea of property in law", OUP oxford, 2000
9. Alexander, G., & Peñalver, E, An Introduction to Property Theory (Cambridge Introductions to Philosophy and Law). Cambridge: Cambridge University Press, 2012

JOURNALS/ARTICLES

1. Legha Mamta Ranjitsingh, "Right to Property in India: A Journey from Fundamental Right to mere Constitutional Right", 2019 JETIR January 2019, Volume 6, Issue 1, ISSN-2349-5162
2. A.K. Ganguli, "Right To Property: Its Evolution And Constitutional Development In India" (pp. 489-526), <https://www.jstor.org/stable/43952060>
3. Render, Meredith. (2017) "The Concept of Property", University of Pittsburgh Law Review, 78. 10.5195/LAWREVIEW.2017.497.
4. Title by Adverse Possession, Henry W. Ballantine, Harvard Law Review, Vol. 32, No. 2 (Dec., 1918), pp. 135-159, <https://www.jstor.org/stable/1327641>
5. Adverse Possession : A Critique, Pradeep Kumar Mani, available at <https://ujala.uk.gov.in/files/ch06.pdf>
6. Adverse possession—still an ailing concept?, John Wylie, New Series, Vol. 58 (2017), pp. 1-26, <https://www.jstor.org/stable/26448057>
7. Rivkin, David B. Jr.; Casey, Lee A.; and DeLaquil, Mark W. (2005) "Preemption and Law in the Twenty-First Century," Chicago Journal of International Law: Vol. 5: No. 2, Article 9. Available at: <https://chicagounbound.uchicago.edu/cjil/vol5/iss2/9>
8. Weir, Michael (2001) "Concepts of property," The National Legal Eagle: Vol. 7: Iss. 1, Article 6.

Available at: <http://epublications.bond.edu.au/nle/vol7/iss1/6>
9. http://www.law.harvard.edu/faculty/cdonahue/courses/prop/mat/Mats_c34.pdf
10. Ahona, Afrin. (2021). "Transfer of Property Act, 1882 Adheres to Equitable Principle for Ensuring The End of Justice"
11. Thorstein Veblen, "*The Beginnings of Ownership*", American Journal of Sociology, Vol 4, No.3 (Nov 1898) p 352-365, The Universal Chicago Press, available at <http://www.jstor.org/stable/2761517>
12. A.R.Biswas, "*property in a changing society*", 15 J.I.L.I, 1973

13. Mary Gregor, “Kant’s theory of property”, The Review of Metaphysics Vol. 41, No. 4 (Jun., 1988), pp. 757-787, Philosophy Education Society Inc., available at <http://www.jstor.org/stable/20128661>

CASE LAWS FOR REFERENCE:

1. P.T. Munichikkanna Reddy & Ors vs Revamma And Ors, 2007 (6) SCC 59, 2007 AIR SCW 2897
2. State Of Haryana vs Mukesh Kumar & Ors, 2011 (10) SCC 404, 2012 AIR SCW 276
3. Hemaji Waghaji Jat vs Bhikhabhai Khengarbhai Harijan & Ors 2009 (16) SCC 517, 2008 AIR SCW 6996
4. Shiva Nath Prasad vs State Of West Bengal & Ors, AIR 2006 SUPREME COURT 1181, 2006 (2) SCC 757
5. Smt. Kanwal Sood vs Nawal Kishore And Another, 1983 AIR 159, 1983 SCR (1) 871, 1983 CRI. L. J. 173
6. Hukum Singh And Others vs The State Of Uttar Pradesh, 1961 AIR 1541, 1962 SCR (1) 601
7. Manga @ Man Singh vs State Of Uttarakhand, 2013 AIR SCW 3567, 2013 (7) SCC 629
8. State Of Karnataka vs Hemareddy Alias Vemareddy And Anr, 1981 AIR 1417, 1981 SCR (2) 695
9. Shri Ram And Another vs Ist Addl. Distt. Judge & Ors, AIR 2001 SUPREME COURT 1250, 2001 ALL. L. J. 578
10. Rame Gowda (D) By Lrs vs M. Varadappa Naidu (D) By Lrs. & Anr, AIR 2004 SUPREME COURT 4609, 2004 AIR SCW 4205

LEARNING OUTCOMES

Students graduating with this course will be able to:

1. *Understand the jurisprudential aspect of concept and right to property.*
2. *Give guidance to protect the property from the unlawful interference of possession and enjoyment by a third party.*
3. *Advice anyone about their right to get remedy when their legal right is violated even though they have not suffered any actual loss or damage to the property.*

PAPER – II

LAW RELATING TO TRANSFER OF PROPERTY (INCLUDING EASEMENT ACT)

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

- 1. The course intends to define the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it. It explains the transfer of immovable property between living persons.*
- 2. The course covers various general principles of transfer and doctrines. Specific transfer explains about the transfer by way of sale, mortgage, lease, gift and actionable claims.*
- 3. The Easement Act explains various modes of acquisition of easementary rights, rights and obligations of the dominant and servient owners, the extinction and suspension of the easementary right.*

COURSE OUTLINE

MODULE - I: ESSENTIALS OF TRANSFER OF PROPERTY:

- Definition and concept : immovable property, attestation, notice, transfer of property
- Capacity of parties, implied transfer, transfer to Minors and Lunatics.
- Restrictions on transfer of property – restrictions on alienation, restriction on enjoyment and restrictive covenant, Doctrine of Lispendens, Fraudulent Transfer
- Transfer in favour of unborn, Rule against perpetuity and class gift

MODULE - II: TRANSFER OF INTEREST IN IMMOVABLE PROPERTY

- Vested and contingent interest
- Contingent created in favour of unborn
- Validity of prior and ulterior dispositions
- Directions for accumulation

MODULE - III: CONDITIONAL TRANSFER

- Condition precedent (Doctrine of Cy pres) and condition subsequent
- Doctrine of acceleration
- No property can be kept in abeyance without an owner
- Transfer conditional on performance of an act

MODULE - IV: EXCEPTIONS TO THE RULE “NEMO DAT QUOD NON HABET”

- a. Doctrine of Election
- b. Transfer by ostensible owner
- c. Doctrine of feeding the grant by estoppel

MODULE - V: OTHER GENERAL PRINCIPLES

- a. Improvement made by bonafide purchaser under defective title
- b. Doctrine of Part performance
- c. Apportionment
- d. Doctrine of priority

MODULE - VI: SPECIFIC TRANSFERS – TRANSFER OF ABSOLUTE INTEREST

- a. Sale – Definition of Sale- Rights and Liabilities of Seller and Buyer
- b. Gift - Definition- Onerous Gift- Universal Donee- Death Bed – Gift- Suspension and Revocation of Gift.
- c. Gift Under Islamic Law: Hiba - Nature and Characteristics of Hiba - Subject matter of Hiba – Effects of Hiba, Kinds of Hiba – Revocation of Hiba – Marz-ul-maut.
- d. Exchange

MODULE - VII: SPECIFIC TRANSFERS - TRANSFER OF LIMITED INTEREST

- a. Mortgage: Different kinds of Mortgages- Redemption- - Clog on Redemption- Partial Redemption- Rights and Liabilities of Mortgagor and Mortgagee including Doctrine of Consolidation- Marshalling -Contribution- Subrogation.
- b. Charge – kinds – crystallization of charge
- c. Lease: Different Rights and Liabilities of Lessor and Lessee- Determination of Lease- Doctrine of Holding Over.
- d. Actionable Claim

MODULE - VIII: LAW RELATING TO EASEMENTARY RIGHT

- a. Definition, classification and Acquisition of Easement
- b. Easement of Necessity and Quasi Easements
- c. Easement by Prescription, customary easement
- d. Transfer of Easement, Extinction, Suspension and Revival of Easements
- e. License – grant, transfer and revocation

STATUTORY MATERIALS:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS PRESCRIBED

1. G. Sanjiva Row- Commentaries on Easements and Licence
2. Vepa P. Sarathi- Law of Transfer of Property Act
3. GCV Subba Rao- Transfer of Property
4. Mulla, "The Transfer of Property Act", by Poonam Pradhan Saxena, Lexis Nexis, 13th edition

BOOKS FOR REFERENCE:

1. Goyle's "A Commentary On The Transfer Of Property Act" , Eastern Law House
2. Darashaw's Commentaries on the Transfer of Property Act" by Justice M.L.Singha, Lexis Nexis
3. B.B.Katiyar's "Law of Easements and Licences", Universal Law Publishing, 16th Edition
4. Sanjiva Row's "Commentary On The Indian Easements Act, 1882 and Licences", 6th Edition, Delhi Law House
5. James E. Penner, Lecturer in Law J E Penner, "The Idea of Property in Law", Clarendon Press Oxford, first edition, 1997
6. Cheshire and Burn's Modern Law of Real Property, by Edward Burn and John Cartwright, Eighteenth Edition, 4th edition 2011.
7. Barbara Bogusz and Roger Sexton, "Complete Land Law- texts, cases and materials", oxford press, Sixth Edition, 2019.
8. Ben McFarlane and Sarah Nield, "Land Law - Text, Cases & Materials", oxford press, Fourth Edition 2018

JOURNALS/ARTICLES

1. Abraham Bell and Gideon Parchomovsky, *A Theory of Property*, 90 Cornell L. Rev. 531 (2005)
Available at: <http://scholarship.law.cornell.edu/clr/vol90/iss3/1>

2. Exclusion and Exclusivity in Property Law Author(s): Larissa Katz Source: The University of Toronto Law Journal, Vol. 58, No. 3 (Summer, 2008), pp. 275-315 Published by: University of Toronto Press Stable URL: <http://www.jstor.org/stable/20109850>
3. The Rule against Perpetuities and Gifts to Classes, W. Barton Leach, Harvard Law Review, Vol. 51, No. 8 (Jun., 1938), pp. 1329-1353, <https://www.jstor.org/stable/1333400>
4. Case Notes on Steadman v. Steadman, 10 Melb. U. L. Rev. 149 (1975-1976)
5. The Doctrine Of Part Performance In India by G. M. Sen, Journal of the Indian Law Institute, Vol. 11, No. 2 (APRIL-JUNE 1969), pp. 224-229, <https://www.jstor.org/stable/43950022>
6. Claeys, Eric R., Property, Concepts, and Functions (March 10, 2018). Boston College Law Review, Vol. 60, No. 1, 2019; George Mason Legal Studies Research Paper No. LS 18-04. Available at <http://dx.doi.org/10.2139/ssrn.3136041>
7. Essert, Christopher (2013), 'The Office of Ownership,' University of Toronto Law Journal, 63: 418–461.
8. Francis S. Philbrick, "Changing Conceptions of Property in Law", University of Pennsylvania Law Review And American Law Register, Volume 86 May, 1938 No. 7

CASE LAWS FOR REFERENCE:

1. Marshall v. Green, 33 L.T.404
2. Thakur Paramanick Chunder v. Ram Dhone, 6 W.R. 228 (F.B)
3. Shamu Pattar v. Abdul Kadir, 35 Mad. 607 (P.C)
4. Rosher v. Rosher, (1884) 20 Ch.D. 801
5. Pannalal v. Fulmoni, AIR (1987) Cal 368
6. Sopher v. Administrator general of Bengal, (1944) P.C.67
7. Abdul Fata Mohommed v. Rasamaye, 22 Cal 619 P.C.
8. Whitby v. Mitchell,
9. Leake v. Robinson, 35 ER 979, Volume 35
10. Thalluson v. Woodford, (1805) 11 Ves. 112
11. Cooper v. Cooper, (1874) L.R. 7 H.L.53
12. Tulk v. Moxhay, [1848] 41 ER 1143
13. Ram Coomer v. McQueen, 11 B.L.R. 46
14. Bellamy v. Sabine, (1857) 1 Dc. G, and J., 566
15. Ebrahim v. Ful bai, 26 Bom 573
16. Walsh v. Lonsdale, (1882) 21 Ch.D 9
17. Webb v. Macpherson, 31 Cal 57 (P.C)
18. Muhammad Sher Khan v. Raja Seth Swami Dayal A.I.R. 1922 P.C. 17,

19. Noakes & Co v. Rice, (1902) A.C.24

20. Kreglinger v. New Patagonia Meat Gold Storage Co. Ltd. [1914] A.C. 25.

LEARNING OUTCOMES

Students graduating with this course will be able to:

- 1. Define and analyse the concept and nature of transfer of immovable property, and illustrate the different types of transfers and rules relating to it.*
- 2. Evaluate the rules relating to general transfer of immovable property.*
- 3. Determine and analyse the rules of specific transfer and easements.*
- 4. Determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.*
- 5. Apply property law to complex problems and critically examine its operation from a range of theoretical and social perspectives and to prepare convincing written arguments for a legal audience.*

PAPER – III
LAW OF SUCCESSION
(Specialized Core Paper)

OBJECTIVES OF THE COURSE

- 1. The course intends to define testamentary and intestate succession and meanings for coparcenary, partition, Will/testament, probate and letter of administration.*
- 2. This law of succession tries to give the comprehensive knowledge to the students regarding the distribution of property of a deceased person as per his intention or as per the law prevails among different religions.*
- 3. It gives knowledge about execution of testament and the privileges in execution.*
- 4. Indeed, this is a more practical paper which every person should know about the distribution of property in future.*

COURSE OUTLINE

MODULE - I: HINDU JOINT FAMILY AND COPARCENARY

- a. Hindu Joint Family and Coparcenary, Mithakshara and Dayabhaga Coparcenary
- b. Position of male and female Coparceners and their rights, Rights of coparceners under different schools
- c. Powers, rights and duties of Karta in dealing with Hindu Joint Family Property, Ancestral, self-acquired property, gains of learning.
- d. Rights on Hindu Joint Family Property – Karta's & Coparcener's Power of Alienation

MODULE - II: PARTITION

- a. Partition – Meaning - De Facto & De Jure Partition.
- b. Subject matter of partition – persons entitled to claim partition
- c. Partial Partition, Modes of effecting Partition
- d. Re-opening and Re-union of Partition.

MODULE - III: INTESTATE SUCCESSION UNDER HINDU LAW

- a. Intestate succession, Category of Heirs under Hindu Law: class I Heirs, class II heirs, Agnates & Cognates.
- b. Division of property when Hindu Male dies Intestate : HJF Property and Self Acquired Property, Disqualifications of Heirs under the Hindu Succession Act - effect on Succession

- c. Rights of adopted child and illegitimate children, Division of property when a Hindu female dies intestate: under Hindu Succession Act, 1956 and Amendment Act, 2005
- d. Comparative analysis of right to property of women under different Religious and Statutory Laws

MODULE- IV: INTESTATE SUCCESSION UNDER MUSLIM LAW, PARSI & CHRISTIAN LAW

- a. Heirs under Muslim Law: Half-blood, full blood and uterine blood, sharers, Residuaries
- b. Sunni and Shia Law of Inheritance, Doctrine of Aul and Radd
- c. Christian Law of Inheritance – Relevant provisions under the Indian Succession Act
- d. Parsi Law of Succession
- e. Right to property of women under different religious and statutory law

MODULE - V: TESTAMENTARY SUCCESSION

- a. Domicile, Capacity of party to execute a Will, kinds of will, Execution of privileged and unprivileged will
- b. Attestation, revocation, alteration, revival of wills, Construction of Will, Arm Chair Rule, Codicil
- c. Succession certificate- procedure on application, extension, effect, revocation of certificate

MODULE - VI: BEQUESTS

- a. Void bequests: rule against perpetuity, direction for accumulation, bequest to take effect on failure of prior bequest, bequest to religious or charitable uses
- b. Vesting of legacies, onerous bequests, contingent and conditional bequests
- c. Bequests with directions as to applications or enjoyment, bequests to an executor, bequest of annuities

MODULE - VII: LEGACIES

- a. Specific legacies
- b. Demonstrative legacies
- c. Universal legacy
- d. Ademption of legacies
- e. Legacies to creditors and portioners

MODULE - VIII: PROBATE AND LETTER OF ADMINISTRATION

- a. Grant of Probate, Letters of Administration

- b. Succession Certificate – restriction, application, procedure for application, extension, revocation of certificate, Limited grants, alteration and revocation of grants
- c. Powers and duties of executor or administrator, Liability of executor or administrator for devastation
- d. The Administrators- General Act, 1963

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. T. Ramappa, Competition Law in India- Policy, Issues and Developments, 2013
2. S.M. Dugar, GUIDE TO COMPETITION LAW, LexisNexis, 6th Edition, 2016.
3. Manoj Kumar Sinha & Sushmitha P Mallaya, Emerging Competition Law, Indian law Institute, New Delhi, Wolters Kluwer, 2017

STATUTORY MATERIALS:

1. Hindu Succession Act, 1956
2. Indian Succession Act, 1925
3. The Administrator General Act, 1963

BOOKS:

1. Dr. Poonam Pradhan Saxena, Family Law Lectures: Family Law II, LexisNexis Butterworth, India, 4th Edition 2018.
2. ASAF A.A.Fyzee , Edited and Revised by Tahir Mahmood, “Outlines of Muhammadan Law”, Oxford University Press, 5thEdition 2009.
3. Kusum, “Family Law Lectures”, 2003, Lexis Nexis, New Delhi.
5. Mulla, “Principles of Mahomedan Law” by Hidayatullah, 19th Edition. LexisNexis Butterworth, New Delhi.
6. Dr. Tahir Mahmood & Dr. Saif Mahmood, Introduction to Muslim Law, Universal Law Publishing – An imprint of Lexis Nexis, 2014.
7. R.K.Agarwal, “Hindu Law”, Central Law Agency, 2019.
8. Dr. Paras Diwan’s Family Law, Allahabad Law Agency, 2018.

JOURNALS/JOURNAL ARTICLES:

1. Hindu Law - Daughter: A Coparcener, Kulkarni, K.V. All India Reporter, 2004 Mar.

2. Hindu Succession (Amendment) Act 2005: An Appraisal, Dash, U.N., All Indian High Court Cases, 2007.
3. Hindu Women's Right to Property (with special reference to The Hindu Succession Act, 1956), Roy, Sujoy, PRP Journal of Human Rights, 2004, Oct. – Dec.
4. Law Commission of India: Proposal to amend The Hindu Succession Act, 1956 as amended by 39 of 2005: Editor- Madras Law Journal, Madras Law Journal, 2008, Feb.
5. Right of a Female Heir to claim Partition in a dwelling house under S.23 of the Hindu Succession Act, 1956, Kumar, M.R. Pradeep, Madras Law Journal, 1993 184(1).
6. S.6 and 29-A of The Hindu Succession Act: A critic, Ramakoti, M., All India Reporter, 2003, Oct.
7. "The Hindu Succession Act, 1956: An Experiment in Social Legislation", J. Duncan M. Derrett, The American Journal of Comparative Law, Vol. 8, No. 4 (Autumn, 1959), pp. 485-501
8. Pendem, Suhruth. (2024). A critical study on female coparcenary: its devolution in relation & with respect to the Hindu succession (amendment) Act, 2005 and judicial interpretation. 10.33774/coe-2024-lfkx9.
9. "Right To Property of Hindu Women: A Critical Analysis Of Provisions Under Hindu Succession (Amendment) Act,2005", Paripex - Indian Journal Of Research | Volume – 11, Issue - 06 |June – 2022, PRINT ISSN No. 2250 - 1991

CASES FOR REFERENCE:

1. P.G.Reddy v. GollaObulamma AIR 1971 A.P.,363(F.B.).
2. Narain Devi v. Ramo Devi AIR 1976 SC 2198.
3. Rajeshwari Rani v. NirjaGuleri AIR 1977 P&H, 123.
4. Thotappa v. G.Gurusiddappa AIR 1977 Kant, 175.
5. Nawazish Ali Khan v. Ali Raza Khan 75 I.A. 62.
6. Commissioner of Income Tax, West Bengal v. Sri Jagannathji AIR 1977 SC 1523.
7. Yousuf Rawther vs. Sowramma, AIR 1971 Ker. 261.
8. Sri Jiauddin Ahmed vs. Mrs. Anwara Begum, (1981) GLR 358.Must. Rukia Khatun vs. Abdul KhaliqLaskar, (1981) 1 GLR 375.
9. Masroor Ahmed vs. State (NCT of Delhi) &Anr. 2008 (103) DRJ 137.
10. VaddeboyinaTulasamma v. VaddeboyinaSheshaReddi, 1977 SCR (3).
11. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
12. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
13. Nasir v. Sheena 2017 (1) KLT 300.
14. Shamim Ara vs State of U.P. &Anr. (2002) 7 SCC 518.

COURSE LEARNING OUTCOMES:

On successful completion of this course, students will be able to:

- 1. Understand the different categories of heirs on the death of male and female dies intestate*
- 2. Distribute the property of the deceased among the heirs, sharers and Residuaries*
- 3. Distinguish between the rights and shares of the legal heirs under different personal laws*
- 4. Understand the execution and implementation of testament/ will*

PAPER – IV

LAW OF TRUST/ TRUST LAW

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

- 1. This course intends to give inputs regarding essentials, functions and power of alienation of trust property.*
- 2. Intends to give an understanding about the trust laws under various religious and charitable trusts.*
- 3. This course intends to elaborate the formation of trust, powers and duties of the trustee and the rights of beneficiaries*
- 4. Intends to give knowledge about taking over of the heirless deceased's property.*

COURSE OUTLINE

MODULE – I: FUNDAMENTAL IDEAS UNDERLYING RELIGIOUS AND CHARITABLE TRUSTS

- Fundamental ideas under Hindu and Muslim law: definition of Trust, Religious and charitable purposes- istha and purtha
- Vedic religious worship- temples in sutra period, Buddhist period, dedication
- Essentials of a religious and charitable trust: charitable purpose, public benefit, superstitious uses, idols, samadhis, mutts, dharmasalas and tanks.

MODULE – II: PURPOSES AND FORMALITIES OF A VALID RELIGIOUS AND CHARITABLE TRUST

- Dedication, acceptance, certainties, discretionary trusts, doctrine of cypres, perpetuities, accumulation.
- Constitution of Indian and Hindu law of religious and charitable trusts - Remedies for breach of trust- judicial supervision over administration of trusts
- The constitution of India and the Hindu Religious and Charitable Trusts- Right to Freedom of Religion (Articles 25-28 : Constitution of India)
- Remedies for breach of Trust: Suits and Judicial Proceedings – Section 92 of CPC

MODULE - III: RELIGIOUS TRUSTS IN FAVOUR OF IDOLS (DEBUTTER)

- Worship of idols among Hindus – idol as entity – temples – consecration of Idols

- b. Dedication – private and public temples – kattalai grants
- c. Management of debutter : nature of office, devolution, disabilities based on sex, transfer of office – general observation and exception
- d. Administration of debutter: rights, duties and powers of Shebait, termination

MODULE - IV: RELIGIOUS INSTITUTIONS OR MATH (MUTTUM/MUTT)

- a. Definition, creation of Mutts by religious teachers – Ramanujam, Ramanand. Madhavacharya etc, Ascetics, difference between Math and Debutter,
- b. Dedication and vesting, appointment and legal status of Mohunt,
- c. Appointment of successor, alienation, termination of office.

MODULE – V: MUSLIMS RELIGIOUS TRUST (WAQF)

- a. Definition: waqf, mutawalli, beneficiary, grants
- b. Central Waqf Council, Establishment of Boards and their functions
- c. Mutawalli – appointment, duties, removal
- d. Judicial proceedings, constitution of Tribunals

MODULE – VI: INDIAN TRUST ACT, 1882

- a. Definition, creation of trust
- b. Duties and liabilities of trustees
- c. Rights and powers of trustees, disabilities of trustees
- d. Rights and liabilities of beneficiaries – extinction of trust.

MODULE – VII: THE OFFICIAL TRUSTEE ACT, 1913

- a. Office of the Official Trustee
- b. Rights, powers of the official trustee
- c. Duties and liabilities of Official Trustee

MODULE – VIII: ADMINISTRATION OF TEMPLE PROPERTY

- a. Definition, constitution of advisory committee, constitution of District Committee
- b. The Commissioner and other Controlling Authorities, Religious Institutions General Provisions- Power and duties of commissioner, qualification and disqualification of trustees, etc.
- c. Religious institutions other than Maths and specific endowments attached thereto
- d. Maths, Encroachments, Funds: endowments administration fund, devaswom fund

STATUTORY MATERIAL:

1. The Indians Trusts Act, 1882
2. The waqf Act, 1995 (including the Amendment Act, 2013)
3. The TN Hindu Religious and Charitable Endowments Act, 1959 (till the latest amendment)

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Commentary On The Law Waqf In India Hardcover – 2014 by Dr. Ahmedullah Khan (Author), Asia Law House
2. B.K Mukherjeas The Hindu Law of Religious & Charitable Trusts Tagore Law Lectures by A.C. Sen, Eastern Law House
3. Dr. Paras Diwan, Muslim law in Modern India, 12th Edition
4. S Krishnamurthi Aiyar, Commentary on the Indian Trusts Act, revised by S.K.Sarvaria, Universal Law Publishing, 2017
5. Indian Trusts Act, 1882 by M. P. Tandon, Allahabad Law Agency

CASES FOR REFERENCE

1. Laxman Prasad v. Shrideo Janki Raman, (1973) MPLJ 842
2. Commissioner of Income Tax v. PEmsel, (1891) AC 531, 543
3. CIT v. Bar Council, Madras, (1943) ITR 1; AIR 1943 Mad 137
4. Fathima Bibi v. Advocate General of Bombay, ILR 6 Bom 42
5. Ramanasramam v. Commissioner of Hindu Religious and Charitable Endowments, Madras, AIR 1961 Mad 265

LEARNING OUTCOMES

On successful completion of this course, students will be able to:

1. Give advice about the formation of various kinds of Trusts
2. Bring out remedies for the breach of trust
3. Give outlines about the rights and obligations of the Trustees under various religious trusts.

PAPER – V

LAND LAW OF TAMIL NADU

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

- 1. This course intends to give knowledge about the land laws of the State of Tamil Nadu.*
- 2. This course is meant to explain about the ownership rights of the Apartment holder.*
- 3. To give an understanding about the ceiling limit of the family and various institutions.*
- 4. This course gives complete understanding of applicability of patta pass book and survey and boundaries.*
- 5. This course will be very much helpful for civil side practice.*

COURSE OUTLINE

MODULE– I: TAMIL NADU ESTATE AND LEASE HOLDS LAWS:

- Estate, Inam Estate, Landholder, Principal Landholder, Settlement Officer, Under-tenure Estate, Zamindari Estate
- Grant of Ryotwari pattas – protection of certain rights and enforceability of certain obligation
- Determination, apportionment and payment of Compensation
- Basic annual sum for Zamindari and Inam estates.

MODULE – II: CEILING ON LAND HOLDINGS:

- Definitions: family, ceiling area, stridhana land
- Fixation of ceiling on land holdings, Cultivating tenant's ceiling area, ceiling on future acquisition and restrictions on certain transfer, Exemptions
- Constitution and functions of the land board, Permission by government to hold excess land, Authorities: land tribunal – appeal – revision.
- The Tamil Nadu Land Reforms (Compensation for surplus Land) Rules, 1966

MODULE– III: OWNERSHIP RIGHTS ON APARTMENTS

- Definitions: Apartment- apartment owner- competent authority
- Ownership, heritability and transferability of apartments
- Deeds of apartment and its registration
- Society or association of apartment owners, its bye-laws and functions, Common profits, common expenses and other matters.

MODULE – IV: TOWN AND COUNTRY PLANNING:

- a) Definitions – constitution and incorporation of the Tamil Nadu town and country planning authorities
- b) Constitution and incorporation of the metropolitan Development authority for the Chennai metropolitan (CMDA) Planning area and special provisions relating thereto - planning areas, planning authorities and plans
- c) Acquisition and disposal of land - special provisions regarding new town development authority.

MODULE – V: SURVEY AND BOUNDARIES

- a. Definitions: proprietor – survey mark – survey of government lands – powers of survey officer- appeal – revision – survey of estates – duties of village officer.
- b. Definitions – patta, chitta, adangal, issue of **Patta Pass Book** – making of entries of registration of alienation or transfer in Patta pass book
- c. Prima facie evidence – modification of entries in patta pass book – appeal – revision

MODULE – VI: PROHIBITION OF LAND ENCROACHMENT

- a. Definitions – land encroachment – liability for encroachment – recovery of penalty – power to make rules – limitation for appeal and revision.
- b. Definitions: Ayacut Area, Field Channel, Foreshore Area, Supply Channel, Surplus Course, Surplus Weir, Tank – power to direct survey of tanks
- c. Power of survey officer -eviction of encroachment – alienation of poramboke lands.

MODULE– VII: RURAL DEVELOPMENT

- a. Town Panchayats- establishment, constitution and Government of district municipalities
- b. Requisitioning of Property for Election Purposes
- c. Powers of Municipal Authorities In Respect Of Property, Contracts and Establishment – property tax, Building regulations in hill stations
- d. Nuisances: control over abandoned lands, untrimmed hedges, etc, Licenses and fees, Rules, by-laws and regulations.

MODULE VII: CONSERVATION AND IMPROVEMENT OF SOIL AND WATER RESOURCES

- a. Definition: owner, district committee, soil conservation, land improvement board, waste land, soil conservation Board, Notification of areas and control over them

- b. Constitution of Land Improvement Board, District Committee and Soil Conservation Boards, Preparation of schemes and execution of schemes
- c. Maintenance, repair and use of works carried out under the scheme, reclamation of waste lands, Appeal, penalty, evaluation of schemes
- d. The Tamil Nadu Land Improvement Schemes Rules, 1961.

MODULE VIII: REVENUE RECOVERY

- a. Public revenue, arrears of revenue, interest on arrears
- b. Seizure and sale of movable property
- c. Distraint crops, articles exempted from distraint
- d. Fraudulent transfer of property, proclamation of sale, procedure

Note: All the legislations include the time-to-time amendments and rules

STATUTORY MATERIALS:

1. Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948
2. The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963
3. TN Land Reforms Fixation of Ceiling on Land Act, 1961 [including amendments]
4. The TN Apartment Ownership Act, 1994
5. Tamil Nadu Town and Country Planning Act, 1971
6. Tamil Nadu Survey and boundaries Act, 1923
7. Tamil Nadu Patta Pass Book Act, 1986
8. Tamil Nadu Land Encroachment Act, 1905
9. Tamil Nadu protection of Tanks and Eviction of Encroachments Act, 2007
10. Tamil Nadu District Municipalities Act, 1920
11. The Tamil Nadu Land Improvement Schemes Act, 1959
12. The Tamil Nadu Land Reforms (Compensation for surplus Land) Rules, 1966
13. Tamil Nadu Revenue Recovery Act 1864

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Baden Powell, "The Land Systems of British India", 1892.
2. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline.
3. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman & Co.Pvt. Ltd, 2013 edition.

CASES FOR REFERENCE

1. The Dhaya College Of Engineering vs The Secretary To Government on 21 October, 2011, Madras High Court
2. State Of Tamil Nadu And Ors. vs Narendra Dairy Farms (P) Ltd. And Anr, AIR1987MAD161, AIR 1987 MADRAS 161, (1986) 99 MADLW 1074
3. Valliammal vs The Authorized Officer, Land Reforms, AIR1973MAD321
4. R.Ramesh vs State Of Tamil Nadu Represented on 22 December, 2014, Madras HC
5. The Tamil Nadu Housing Board vs Mrs.Mary Rani Immanual on 26 April, 2013, Madras HC
6. K.Balasubramaniam vs G.Rani on 11 August, 2022, Madras HC
7. Assocn. Of Vasanth Appts. Owners vs V. Gopinanth And Ors. on 13 February, 2023, Civil Appeal Nos. 1890-91 of 2010
8. Nawab Shafath Ali Khan vs The District Collector on 12 July, 2011, Madras HC

LEARNING OUTCOMES

On successful completion of course, the students will be able to:

1. *Understand the local laws relating to land*
2. *Handle any civil cases relevant to land*
3. *Explain the procedural aspect in registration of land, obtaining patta, chitta etc*

PAPER – VI

REAL ESTATE AND TENANCY LAW

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

- 1. RERA is a most significant legislative measure to regulate the field of Real Estate Projects. It aims to regulate and promote the real estate sector by regulating the transactions between buyers and promoters of residential as well as commercial projects.*
- 2. Tenancy laws bring within its ambit the rules for residential and non-residential premises and further develop the policies to promote balanced rental housing. It is aimed at ensuring better access to housing opportunities, while alleviating fears of the house owners in granting tenancy rights and also establishes a better structure for enforcing rights and responsibilities of property owners and tenants.*
- 3. The Tenancy Laws includes building tenancy and law relating to cultivating tenants in the state of Tamil Nadu. This subject is most significant for civil side practice.*

COURSE OUTLINE

MODULE – I: LAW RELATING TO REAL ESTATE REGULATION

- Definitions – Registration of Real Estate Project and Registration of Real Estate Agents – Functions and Duties of Promoter- rights and duties of Allottees – The Real Estate Regulatory Authority – Central Advisory Council – The Real Estate Appellate Tribunal – offences and penalties
- Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

MODULE – II: TENANCY LAWS IN TAMIL NADU IN RELATING TO BUILDINGS AND LAND

- Lease under Transfer of Property Act, 1882 – Sections 105 to 117
- Definitions: Tenancy, Rent - Revision - Renewal
- Obligations of Landlord and Tenant, Repossession of the Premises by the Landlord
- Rent Authorities: Appointment, Powers and Functions, Rent courts and Rent Tribunals.

MODULE – III: LAWS RELATING TO CULTIVATING TENANTS IN TAMIL NADU

- Definition: cultivating tenant, landlord- rights and liabilities of landlords- grounds for eviction of tenant- protection available to member of armed forces- restrictions on restoration of possession - Cultivating Tenants Special Provisions Act, 1968 with amendments

- b. The Tamil Nadu Cultivating Tenants Protection Rules, 1955
- c. The TN Cultivating Tenants Arrears of Rent (Relief) Act, 1972 [including all amendments]
- d. The TN Cultivating Tenants Protection From Eviction Act, 1989 [including all amendments]

MODULE – IV: RECORD OF TENANCY

- a. Definition: Agricultural labourer, land lord
- b. Rent court and rent tribunal, kaieruvaramdhar and mattuvaramdhar
- c. Record of tenancy rights, Advisory committee, Revision

MODULE– V: OWNERSHIP ON KUDIYIRUPPU

- a. Definitions: agricultural labourer, agricultural land, kudiyiruppu
- b. occupant of Kudiyiruppu, alternative site, Payment and recovery of compensation
- c. Prohibition of alienation, Appeal, Revision
- d. The Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Rules, 1972

MODULE – VI: EVICTION FROM PUBLIC PREMISES

- a. Definition: corporate authority, estate officer, premises, public premises, rent, unauthorized occupation
- b. Estate officers – appointment, powers, Eviction of unauthorized occupants, disposal of property left on public premises by unauthorised occupants,
- c. Bar of jurisdiction, appeal, exemptions
- d. The Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Rules, 1978

MODULE VII: REDUCTION OF RENT

- a. Appointment of special officer, Reduction of rent by State Government
- b. Constitution of Tribunals
- c. Religious, educational or charitable institutions
- d. Rules under Tamil Nadu Estates Land (Reduction of Rent) Act, 1947

MODULE VIII: THE CHENNAI CITY TENANTS' PROTECTION ACT, 1921

- a. Definitions: building, improvement, landlord, tenant
- b. Payment of compensation of ejectment, disposal of suits for ejectment
- c. Application by tenants, appeal
- d. Restriction on application of Transfer of Property Act, 1882

STATUTORY MATERIALS:

1. Real Estate (Regulation and Development) Act, 2016

2. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 [including amendments, rules]
3. The TN Cultivating Tenants Protection Act, 1955
4. The TN Cultivating Tenants (Payment of Fair Rent) Act, 1956
5. The TN Agricultural Land Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyruppu (Conferment of Ownership) Act, 1971
7. The Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975
8. The Tamil Nadu Estates Land (Reduction of Rent) Act, 1947
9. Rules under Tamil Nadu Estates Land (Reduction of Rent) Act, 1947
10. The Chennai City Tenants' Protection Act, 1921

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. A handbook of Land Tenures in Tamil Nadu by Sambandham and V.S.Rajaram, 2017 edition, C.Sitaraman & Co.Pvt. Ltd.
2. Taxmann's Guide to RERA with RERA check lists, 3rd edition, 2017.
3. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018 at https://www.tnrera.in/Downloads/Acts_Rules_Regulations/Regulations.pdf
4. Land laws of Tamil Nadu, Prof.A.Chandrasekaran, C.Sitaraman & Co.Pvt. Ltd, 2013 edition.
5. The Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 Bare Act

CASE LAWS FOR REFERENCE:

1. Anandan v. Lingam on 22 February, 2013
2. P.K.Selvaraj v. The Revenue Divisional Officer on 17 February, 2006
3. K.Thangammal vs R.Murugan on 24 September, 2018
4. Nachayee Ammal and others v. Sri Venugopalakrishnaswamy on 1 March, 2003
5. Somasundaram v. Subramanian on 20 March, 2019
6. E.K.M.G.Bakir Ali v. G.Sundarraaj on 20 June, 2011
7. Maria Seeman Nadar v. Anna Muthu Ammal on 18 December, 2006
8. Church Of South India Trust v. The District Revenue Officer on 30 March, 2010
9. Shanmugham vs Arulmigu Vinayagar And Arulmighu on 18 June, 2002
10. R. Jayakumar vs P. Kaliyaperumal And Ors. on 17 February, 1999
11. Jayaraman (Died) vs Eswaran on 10 February, 2012

12. T.K.Ayub vs Mohammed Hanif on 23 March, 2010
13. B.Venkatesh vs Nagarajan on 12 July, 2018
14. G.Surya Kumari vs The Government Of Tamil Nadu on 1 September, 2017
15. Sanjay phulwaria and 22 others v. Mumbai metropolitan region development authority and 4 others, Bombay high court on 16 October, 2018

LEARNING OUTCOME:

Students graduating with Land Laws will be able to:

1. *Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.*
2. *Understand the Constitutional perspectives relating to these subjects have to be taught as an essential part of this course.*
3. *Solve the complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.*
4. *Effectively apply knowledge to solve practical problems*

PAPER - VII

LAND SYSTEM AND LAW RELATING TO LAND ACQUISITION

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

The objective of this specialized paper is to know about the

- 1. Land system in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation*
- 2. Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property.*
- 3. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.*

COURSE OUTLINE

MODULE– I: CONCEPT OF LAND AND LAND MOVEMENTS IN INDIA

- Concept of land and real property
- land system in ancient India
- Panchami Land, Gramdhan Land - Boodan Movement
- Tamil Nadu Boodan Act, 1958

MODULE – II: LAND TENURE SYSTEM IN PRE-INDEPENDENT INDIA

- Zamindari system- permanent settlement
- Inamwari, Mahalwari
- Ryotwari-melwaram-kudiwaram-rights and responsibilities of Ryotwari pattadar.

MODULE –III : ESTATE LAND

- Definitions: Estate, holding, improvement, landholder, private land, rent, revenue field, ryot, ryoti land, village
- General rights- right to collect rent, occupancy right, improvements, General provisions relating to the rates of rent payable by ryots -Pattas and muchilikas -Payment, arrear and deposit of rent and recovery of excess payments

- c. Irrigation works, Subdivision and transfer of holdings of estates, Survey, record of rights and settlement of rents, etc.,

MODULE IV– LAND ACQUISITION AND SEZ

- a. Definition: special economic zone, manufacture, export, import, developer
- b. Establishment of Special Economic Zone, Constitution of Board of Approval
- c. Functions of Development Commissioner
- d. special fiscal provisions for special economic zones, Special Economic Zone Authority

MODULE – V: ACQUISITION OF LAND FOR PUBLIC PURPOSE

- a. Definition: affected family, cost of acquisition, family, land owner, person interested
- b. Social Impact Assessment, Notification and acquisition
- c. Rehabilitation and resettlement – Award, Procedure, National monitoring committee
- d. Establishment of Rehabilitation and Resettlement Authority, apportionment of compensation
- e. Difference Between 1894 and 2013 Act.

MODULE – VI: ACQUISITION OF LAND FOR INDUSTRIAL PURPOSES AND HIGHWAYS

- a. Definition: industrial purpose, land, person interested
- b. Acquisition of land for industrial purposes
- c. Determination and payment of amount
- d. Definition: Highway, Occupier, Owner, Buildings, Vehicle, Means of access, Encroachment
- e. Declaration of Highways, Highways Authorities- Powers, Duties, Function
- f. Acquisition of property for Highways - Determination and apportionment of Payment- Reference to court - levy of betterment charges
- g. Prevention and removal of unauthorized occupation and encroachment - penalties

MODULE VII: LAND ACQUISITION FOR WELFARE SCHEME

- a. Definition: building, land, Harijan, Harijan welfare scheme, owner, person interested
- b. Power to acquire land
- c. Determination and payment of amount
- d. Appeal, overriding effect

MODULE – VIII –LAND CONSOLIDATION

- a. Definition: competent authority, government land, project land, person interested
- b. Application for consolidation of project land, Notification of Special Project

- c. Publication of land consolidation proposal, Draft and final - Land Consolidation Scheme
- d. Power of Government to call for record, Protection of water bodies.

STATUTORY MATERIALS:

- 1. The TN Estate Land Act, 1908
- 2. The Special Economic Zones Act, 2005
- 3. LARR Act, 2013
- 4. Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997
- 5. The TN Acquisition of land for Harijan Welfare schemes Act, 1978
- 6. The Tamil Nadu Land Consolidation (for Special Projects) Act, 2023
- 7. The Tamil Nadu Highways Act, 2001

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

- 1. Salmond on Jurisprudence, by P J Fitzgerald, Sweet & Maxwell, Universal Law Publishing co pvt ltd, 2016
- 2. Right to property in India by Naveen Sharma, Deep & Deep Publications
- 3. Baden Powell, "The Land Systems of British India", 1892
- 4. Land Reforms in India by M. L. Dantwala, 66 Int'l Lab. Rev. 419 1952, heinonline
- 5. Land System in India: A Historical Review, Rekha Bandyopadhyay, Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155
- 6. Constitutional law of India by H.M.Seervai, Universal Law Publishing, 4th edition 2015.
- 7. Commentary on The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Universal Law Publishing
- 8. New Law Relating to Land Acquisition Rehabilitation & Resettlement, 2013, by Taxmann
- 9. Commentary on The New Land Acquisition Act (LARR),2013: Comprehensive Analysis of LARR-13, with Case Laws diagram and process flow charts by Naveen Kumar Shelar

JOURNALS/ARTICLES

- 1. Indian Law on Special Economic Zone (SEZ) by Mr. Anand Singh
<https://www.conservationindia.org/resources/facts-about-the-forests-rights-act>

2. E. Washburn Hopkins, "Land-Tenure in Ancient India", Political Science Quarterly, Vol. 13, No. 4 (Dec., 1898), pp. 669-686 available at <http://www.jstor.org/stable/2139978>
3. Rekha Bandyopadhyay, "Land System in India: A Historical Review", Economic and Political Weekly, Vol. 28, No. 52 (Dec. 25, 1993), pp. A149-A155 available at <http://www.jstor.org/stable/4400592>
4. B. H. Baden-Powell, "The Origin of Village Land-Tenures in India", The Journal of the Royal Asiatic Society of Great Britain and Ireland, (Jul., 1898), pp. 605-616 Cambridge University Press, available at <http://www.jstor.org/stable/25208012>

CASES FOR REFERENCE

1. Puthalapalli Venkata Subbareddi vs Duvvuru Papireddi And Anr, 1957CRILJ923
2. Pavadi Pathan And Anr. vs Ramaswami Chetty And Ors., 25 M.L.J . 578
3. [A. Suryanarayana vs A. Patanna And Eight Ors., 24 M.L.J., 659](#)
4. [Sundarammal And Pachalla Doraiswami ... vs Sri Mahant Prayaga Dosjee Varu, 39 MLJ 597](#)
5. [M/S. Sesa Sterlite Ltd vs Orissa Electricity Regulatory Comm & ... on 25 April, 2014](#)
6. [M/s.Vedanta Limited And Another vs National Aluminium Company Limited ... on 26 March, 2019 AIRONLINE 2019 ORI 248](#)
7. [M/s Consolidated Construction ... vs The Assistant Commissioner \(Ct\) on 28 February, 2023](#)
8. [Biomedical Life science Pvt vs Union Of India Through on 3 July, 2013](#)
9. [M.Haridass vs The State Of Tamil Nadu Rep. By Its on 3 June, 2008](#)
10. [M/s. L & T Hydrocarbon Engineering ... vs Union Of India on 19 January, 2021](#)
11. [M/s. Ranganath Properties Pvt. Ltd And ... vs Phoenix Tech Zone Pvt. Ltd.And 2 Others on 2 March, 2023](#)
12. [Cambay Sez Hotels Pvt Ltd vs Board Of Approval For Special Economic ... on 20 April, 2020](#)
13. [State Of Kerala Represented By ... vs Sunil J Arackalan on 14 February, 2022](#)
14. [Shri Manohar Patel R vs Union Of India on 19 July, 2022](#)
15. [Abdul Manaf P.M vs State Of Kerala on 5 January, 2024](#)
16. [V.P.Denny vs Union Of India on 8 September, 2020](#)
17. [N Ananda Reddy vs The State Of Andhra Pradesh, on 1 September, 2021](#)
18. [J.Deepak vs The Secretary To Government on 24 November, 2021](#)

LEARNING OUTCOMES

On successful completion of this course, students will be able to:

1. *Understand the concept of real property and the various movements of India*

2. *Evaluate various land reformatory systems exists in pre-independence*
3. *Understand the doctrine of eminent domain and the power of acquisition of land by the government*
4. *Analyse the circumstances under which land can be acquired for industrial purposes*

PAPER - VIII
LAW RELATING TO INTANGIBLE PROPERTY

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

1. *This course intends to bring an understanding about the development of Intellectual Property Rights through International Conventions and Institutions.*
2. *TRIPs Agreement prescribed the Minimum standard of protection of IP rights.*
3. *IPR plays a vital role in the nation's economic development and promote International Trade. However, there is a controversy that IP Laws encourages monopoly rights.*
4. *And community right is not recognized under IP Laws which leads to violation of cultural property.*
5. *This course is designed to create consciousness on IPR and to familiarize the various issues and challenges due to technology development.*

COURSE OUTLINE

MODULE I: INTRODUCTION TO INTELLECTUAL PROPERTY RIGHTS

- a) Definition, Concept and Nature of Property, Kinds of Property
- b) Intellectual Property - Meaning, Nature, and Concept
- c) Indian theory on Private Property and intellectual property
- d) Constitutional Values and Protection of Private Property and Intellectual Property- Need for Protection of Intellectual Property- Origin and Development of Intellectual Property Rights.

MODULE II: INTERNATIONAL CONVENTION AND ORGANIZATION – PROTECTION OF INTELLECTUAL PROPERTY

- a. Paris Convention, Berne Convention, TRIPs Agreement
- b. Role of WIPO in protecting IP Rights
- c. Concept of Minimum Standards- Concept of National Treatment and Most Favoured Nation (MFN),
- d. Doctrine of Exhaustion with respect to Intellectual Property Rights

MODULE – III: LAW OF TRADEMARK

- a. Evolution of Trademark Law

- b. Definitions: certification trademark, collective mark, deceptively similar, false trade description, mark, registered user, trademark
- c. Procedure and conditions for registration– absolute and relative ground for refusal, Procedure for and duration of registration
- d. Infringement and passing off remedies, Certification trademarks , Offences and penalties

MODULE – IV: COPYRIGHT LAW

- a. Origin of law of copyright, Definition: adaptation, artistic work, author, computer programme, infringing copy, performer
- b. Copyright office and appellate board, Subject matter of Copyright, ownership of copyright and rights of the owner, Economic and moral rights, Doctrine of sweat of the Brow, Doctrine of Merger, Assignment and licences, compulsory licence
- c. Infringement of copyright, exceptions, remedies against infringement
- d. Digitalisation of copyrighted work, artificial intelligence.

MODULE – V: PATENT LAW

- a. Origin and development of patent law, patentable subject matter, inventions –not patentable, patents - pharmaceutical, biotechnology and software
- b. Rights of patent holders, exceptions and limitations, compulsory licence, Bolar exceptions, parallel imports
- c. Doctrine of Equivalents, Doctrine of Pith and Marrow
- d. Patent infringement and remedies

MODULE – VI: GEOGRAPHICAL INDICATION

- a. Origin and development of protection of geographical indication – international conventions, TRIPs and Minimum standard of Protection of GI
- b. Definitions: indication of sources, appellation of origin, geographical indication, producer, registered user, Procedure for registration of GI, duration
- c. Falsifying GI and falsely applying GI, Remedies

MODULE – VII: PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHT

- a. International undertaking on Plant Genetic resources for food and Agriculture, Convention on Biological Diversity, ITPGRFA
- b. The Protection of Plant Varieties and Farmers' Rights: definitions, registrable varieties, genetically modified varieties
- c. Protection of breeders and farmers right, Researcher's rights, benefit sharing

MODULE – VIII: INDUSTRIAL DESIGNS AND SEMI-CONDUCTOR INTEGRATED CIRCUITS

- a) Origin and development of Industrial Designs, Definition of Design
- b) Requirements of originality or novelty, Copyright in Registered Designs
- c) Piracy of Registered Design- remedies.
- d) Definition of Layout Design and Integrated Circuit, Subject matter scope of Semiconductor and integrated Circuit
- e) Overlapping between Designs, Copyright and Trademark.

STATUTORY MATERIALS:

1. The Copyright Act, 1957
2. The Patent Act, 1970
3. The Trade Mark Act, 1999
4. Industrial Designs Act, 2000
5. The Geographical Indication of Goods (Registration and Protection) Act, 1999
6. The Protection of Plant Variety and Farmers right Act, 2001
7. The Semiconductor Integrated Layout Design Act, 2000

RECOMMENDED READING:

BOOKS

1. David I. Bainbridge – Intellectual Property Law, Pearson Education Ltd.
2. Cornish & Llewellyn-Intellectual Property, Thomson, Sweet & Maxwell
3. Elizabeth Verkey, Intellectual Property law and Practice (Eastern Book Company),2015
4. Taraporevala V J, Law of Intellectual Property, (2nd Edition) Thomson Reuters, 2013.
5. V.K. Anthony D. Amato – International Intellectual Property Law, Kluwer Law International
6. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
7. V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015

JOURNALS/ARTICLES

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Yogesh A Pai, Copyright Protection for Computer Program: walking on One Leg? (2006)48 JILI 359.
3. Jane C. Ginsburg, Copyright without Borders - Choice of Forum and Choice of Law for Copyright Infringement in Cyberspace, 15 CARDOZO Arts & ENT. L.J. 153 (1997)

4. John F. Hacking, Trademark Dilution: Setting the Dilution Standard under the Federal Trademark Dilution Act, 5 TUL. J. TECH. & INTELL. PROP. 115 (2003).
6. Ian S. Blackshaw & Gillian Hogg, Comparative Advertising and Product Disparagement, 13 TOLLEY's J. MEDIA L. & PRAC. 294 (1992).
7. N. M. Dawson, Trade Mark Law and the Creation and Preservation of Well-Known Brands, 49 N. IR. LEGAL Q. 343 (1998)

CASES FOR REFERENCE

1. Kameshwar Singh v State of Bihar AIR (1951) Pat 91
2. Shankari Prasad Singh Deo v Union of India AIR (1951) SC 455
3. State of West Bengal v Mrs Bella Banerjee AIR (1954) SC 170
4. Eastern Book Company v D B Modak (2008)
5. R G Anand v Delux Films (1978)
6. Anil Gupta v Kunal Dasgupta (2002)
7. Bayer Corp v. Union of India (2012)
8. Monsanto v Nuziveedu (2019)
9. Diamond v. Diehr 450 US 175 (1981)
10. Starbucks Corp. v Wolfer Borough Coffee Inc
11. Rolex watch USA, Inc. v Michael Co.
12. Yahoo Inc v Akash Arora (1999)

LEARNING OUTCOMES:

On succession completion of course, the students will be able to:

1. *Understand the procedural aspects of patent acquisition, both national and international.*
2. *Familiarize with the system of maintenance of patent by the right holder and also the practical aspects of transfer of rights.*
3. *Develop a clear understanding of the Law of Trademark and Law of Geographical Indication.*
4. *Analyse the trademark issues in cyberspace, copyright issues*
5. *Understand the various kinds of infringements and remedies for infringement*

PAPER - IX

LAW RELATING TO CONVEYANCE AND PRACTICES

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

- 1. This course is intended to give practical knowledge about the execution of various instruments relating to immovable property*
- 2. The most essential component for litigation is to draft the pleadings. This course intends to give practice to draft different pleadings*
- 3. The knowledge about Limitation to take any action either before court or registering authority to get remedy failing which though a person has right, he cannot claim remedy. Therefore Limitation Act plays vital role*

COURSE OUTLINE

MODULE – I: REGISTRATION OF INSTRUMENTS

- Of the registration – establishment, Registrable documents: compulsory & optional Registration, of the time of presentation and place of registration, of presenting documents for registration, of enforcing the appearance of executants and witnesses
- Will/Testament: Of presenting Wills and authorities to adopt, of the deposit of Wills
- Of the effect of registration and non-registration
- Duties and powers of registering officers, refusal to register, fees for registration, searches and copies, penalties
- The Societies Registration Act, 1860: Constitution and Registration of society, Amalgamation and Division of registered Society, Inspection –inquiry –cancellation – winding up – appeal, offences – fees – supervision.

MODULE – II: STAMPING AN INSTRUMENT

- Definition – stamp, duly stamped, impressed stamp, kinds of stamps
- stamp duties: Of the liability of instruments to duty, Of Stamps and the mode of using them, Of the time of stamping instruments, Of valuations for duty, Duty by whom payable
- Adjudication as to stamps, Instruments not duly stamped, Allowances for stamps in certain cases, Reference, revision, criminal offences and procedure

MODULE – III: COURT FEE AND SUIT VALUATION

- Liability to pay fee, determination of fee

- b. Computation of fee, valuation of suits
- c. Probate and letter of administration, Refunds and remission
- d. Tamil Nadu Duty on Transfer of Property (in Municipal areas) Act, 2009

MODULE – IV: LAW OF LIMITATION

- a. Object, bar of suit by limitation, Condonation of delay, Legal disability
- b. Computation of period of limitation, Acquisition of ownership by prescription
- c. Schedule – prescribed period of limitation for each cause of action
- d. Levy of duty on transfers of property

MODULE – V: ESSENTIALS, PROCEDURE AND EXECUTION OF DEEDS

- a. Sale, mortgage, lease, gift (provisions relating to essentials under Transfer of Property Act), Power of attorney [sections 1-5 of The Powers-Of-Attorney Act, 1882], Settlement deed, Partition deed
- b. Essential requirements, Procedure for Execution and Registration
- c. Model Instruments: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Power of Attorney, Settlement Deed, Partition Deed, Trust Deed, Testament/Will

MODULE – VI: PLEADINGS

- a. Suit for declaration to title by Adverse possession, through instrument viz sale, Will, settlement, Suit for Injunction restraining the interference from peaceful possession over immovable property, Suit for redemption, foreclosure and sale under mortgage
- b. Suit for declaration of any instrument to be Null and Void (Specific Relief Act- Sec 40) - Suit for specific performance
- c. Recovery of possession: trespass, lease, usufructuary mortgage
- d. Suit for partition, Probate of will, Revocation of settlement, Revocation of gift
- e. Suit for handing over vacant possession (suit for ejectment), Application relating to Rent Control Cases

STATUTORY MATERIALS:

1. Registration Act, 1908
2. The Indian Stamp Act, 1899
3. Limitation Act, 1963
4. The Tamil Nadu Court Fees and Suit Valuation Act, 1955
5. Tamil Nadu Duty on Transfer of Property (in Municipal areas) Act, 2009
6. The Societies Registration Act, 1860

7. Tamil Nadu Duty on Transfer of Property (in Municipal areas) Act, 2009
8. The Transfer of Property Act, 1882
9. Power of Attorney Act, 1882
10. The Specific Relief Act, 1963
11. Original side rules
12. Civil and Criminal Rules of Practice

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Mulla, The Registration Act, Lexis Nexis, 14th Edition 2020
2. Commentary on the Registration Act 1908 by Malik, Delhi Law House, 5th Edition, 2021
3. GF Harwood, Odgers on Pleadings and PRactice, 20th edition, Universal Law Publising Co Pvt Ltd, Delhi
4. Justice Thakker, Code of Civil Procedure, 5th Edition – 2007, EBC Lucknow.
5. The Indian Stamp Act by K. Krishnamurthy, Lexis Nexis, 13th Edition 2021
6. Commentary on Societies Registration Act, 1860 by Lal, Rajesh Gupta, 6th Edition, 2023
7. Indian Registration Act by J P S Sirohi, 8th Edition, 2023
8. T.R.Desai Commentary on the Limitation Act, Universal Law Publishing, 12th Edition
9. Law of Pleadings in India With Precedents by G C Mogha, S N Dhingra, 18th Edition 2013, Reprinted 2023
10. Murali Manohar, Conveyancing and Pleading, 2nd edition-2004, EBC, Lucknow
11. S. Parameswaran, Laws relating to Societies Registration, Universal Law Publishing, 3rd Edition, 2017

CASES FOR REFERENCE

1. Voltas Ltd vs Rolta India Ltd, AIR 2014 SC 1772
2. Oriental Insurance Co.Ltd. vs M/S Tejparas Associates, AIR 2019 SUPREME COURT 4785, AIRONLINE 2019 SC 1165
3. State Of Karnataka vs Laxuman, 2005, AIR 2006 SUPREME COURT 24, 2005 (8) SCC 709
4. The State Of Telangana vs M/S Tirumala Constructions on 20 October, 2023
5. Seth Beni Chand (Since Dead) Now By L.Rs vs Smt. Kamla Kunwar And Others, 1977 AIR 63
6. Sridevi Amma And Ors. vs Venkitaparasurama Ayyan And Ors. AIR1960KER1

LEARNING OUTCOMES

After the completion of the course, the students will be able to-

- 1. Execute instruments relating to immovable property*
- 2. Draft pleadings for different category of suits relating to immovable property*
- 3. Calculate and arrive at correct period of limitation*
- 4. Have knowledge about the registration fee and stamp duties for judicial and non-judicial instruments.*

PAPER - X

PROPERTY RIGHTS OF INDIGENOUS PEOPLE – POLICY AND PERSPECTIVE

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

- 1. This course intends to give an understanding about the recognition of property rights of the indigenous people*
- 2. It gives an insight on how various international conventions through which the right of the indigenous are conferred*
- 3. Since property right includes the intangible property, the rights of indigenous people on intangible property viz the recognition of traditional knowledge is also discussed.*
- 4. It also deals with the constitutional rights conferred on the indigenous people.*

COURSE OUTLINE

MODULE – I: RIGHT TO PROPERTY – INTERNATIONAL AND NATIONAL PERSPECTIVE

- UDHR, ICCPR, ICESCR, European Convention on Human Rights
- The United Nations Declaration on Racism and Racial Discrimination
- Pre-Constitutional Position and post constitutional developments of Right to Property
- Power to Acquire, Hold and Dispose of Property

MODULE – II: TRIBALS RIGHT TO PROPERTY INTERNATIONAL AND NATIONAL PERSPECTIVE

- Definition of Tribes, characteristics of tribes
- Declarations: declaration on the Rights of Indigenous Peoples, Rio Declaration of Environment and Development & Agenda 21, Vienna Declaration and Programme of Action, Durban Declaration and Programme of Action,
- Conventions: ILO Convention on Indigenous Peoples, Convention on Biological Diversity, Role of World Bank
- Constitutional Protection to Tribes, Scheduled Area, Fifth schedule, Sixth schedule, Policies Protecting Tribal Development, Draft of National Environment Policy

MODULE – III: FOREST RIGHTS ACTS AND LAND RIGHTS OF TRIBES

- Forest Policy during Pre-Colonial Period and Colonial Period
- Forest Acts and Forest Policy

- c. Panchayat Extension to Scheduled Areas (PESA) Act (1996)
- d. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

MODULE – IV: DISPLACEMENT AND DEPRIVATION OF TRIBALS RIGHT TO PROPERTY

- a. Compulsory Acquisition of Property
- b. Compensation for Deprivation of Property
- c. Development Induced Displacement
- d. Globalization a Threats to Constitutional Safeguards of Tribals

MODULE – V: TRADITIONAL KNOWLEDGE - IP RIGHTS OF INDIGENOUS INTERNATIONAL PROTECTION

- a. Scope and need of Traditional Knowledge Protection, Definition, characteristics and international dimensions of TK, Traditional Knowledge in the Global Economy
- b. International Organizations and Declarations in protecting Traditional Knowledge: WIPO, WTO, WHO, Rio Declaration - Declarations by the Indigenous People- World Health Organization's Traditional Medicine Strategy - Voices of Earth Congress, 1993 - Vienna Declaration and Programme of Action 1993
- c. TK Protection through IP Laws: TRIPS, Convention on Biological Diversity
- d. International treaty on plant genetic resources for food and agriculture (ITPGRFA)

MODULE VI: TRADITIONAL KNOWLEDGE - IP RIGHTS OF INDIGENOUS PEOPLE

- a. Protecting Traditional Knowledge as Patents under the Indian Patents Law, copyright law and Trade Secret, Prior Art
- b. Benefit Sharing: Benefit Sharing in CBD, The Nagoya Protocol on Access and Benefit-sharing, Access and Benefit Sharing (ABS) Guidelines, Traditional Knowledge Digital Library (TKDL)
- c. Bio-Piracy and Remedies
- d. The Protection Of Plant Varieties And Farmers' Rights Act, 2001

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Naresh Kumar Vaid, *“Who Cares For Tribal Development”*, Mittal Publications, New Delhi, 2004

2. Behura, N.K., "Tribes in India: Planned development" In Singh. A.K. and Jabbi, M.K. (Eds) "Tribals in India: Development, Deprivation and Discontent" Har Anand, New Delhi, 1995.
3. Das, Vidya , "PESA: A Reality, National consultation of PESA Act", AGRAGAMEE, Kashipur, Rayagada,
4. Orissa as referred by, Prof. S.N.Tripathy, "Tribal Displacement and Deprivation in India"
5. "Development –vs- Displacement of Tribal People in India : Problems and Prospects", edited by R.C.Pandit, Abhijeet Publications, Delhi, 2009
6. Vandana Shiva, "Women in the Forest in Ethical Perspectives On Environmental Issues In India" 73 (George Alfred James ed., 1999).
7. Berthold Ribbentrop with a Commentary by Dr. Ajay S. Rawat, "Forestry in British India", Indus publishing company. New Delhi
8. Fernandes. W, "Development Induced Displacement In Tribal Areas Of Eastern India", Indian Social Institute, New Delhi.
9. Nath.N and D.K.Behera, "The so-called Development, Displacement And Dispossession: An Analysis On Land And Forest Rights Of The Project Affected People", in Sarkar.R.M., ed "Land And Forest Rights Of The Tribals Today", serials publications, Delhi, 2006.
10. Cernea, M.M., "Impoverishment or Social Justice? A Model for Planning Resettlement" in Mathur, H.M., and D.Marsden, eds "Development Projects And Impoverishment Risks: Resettling Project- Affected People In India", Oxford University press, Delhi, 1998.

JOURNALS/ARTICLES

1. Article "The Concept of Property in Human Rights Law and International Investment Law", URSULA KRIEBAUM / CHRISTOPH SCHREUER, available at https://www.univie.ac.at/intlaw/concept_property.pdf
2. José E. Alvarez, The Human Right of Property, 72 U. Miami L. Rev. 580 (2018) Available at: <https://repository.law.miami.edu/umlr/vol72/iss3/3>
[https://www.researchgate.net/publication/355651183 Transfer of Property Act1882 Adheres to Equitable Principle for Ensuring The End of Justice](https://www.researchgate.net/publication/355651183_Transfer_of_Property_Act1882_Adheres_to_Equitable_Principle_for_Ensuring_The_End_of_Justice)
3. "International law and indigenous peoples: Historical stands and contemporary developments", cultural survival quarterly magazine, 1994. Available at <https://www.culturalsurvival.org/publications/cultural-survivalquarterly/international-law-and-indigenous-peoples-historical-stands>
4. Fact Sheet No.9 (Rev.1), The Rights of Indigenous Peoples, available at <http://www.undocuments.net/ohchr/factsheet09rev.1en.pdf>
5. Amartya Sen, Inequality Re- examined, (1995) Oxford U. Press.

6. B.M. Kumar, "Forestry in Antecedent India: Some Literacy Evidences on Productive and Protective Aspects", 12 ASIAN AGRI-history 299, 299 (2008), available at <http://re.indiaenvironmentportal.org.in/files/Forestry%20in%20ancient%20India.pdf>
7. Dr. N.C. Saxena, "Tenurial issues in Forestry in India", Planning Commission Of India, available at planningcommission.nic.in/reports/articles/ncsxn/ar_forestry.htm
8. Bhat. S, "Natural Resources Conservation Law", SAGE Publications, New Delhi, 2010; also see Guha, R,
9. "Forestry in British and Post-British India: A Historical Analysis", Economic and Political Weekly, 18 (44): 1882–96, 1983.
10. Nutan Marian Tigga, "Taking Sides With Nature", series publications, Man In India, 96(11):4367-4378, available <http://serialsjournals.com/serialjournalmanager/pdf/1481888296.pdf>
11. Guha, R., "Forestry in British and Post-British India: A Historical Analysis", Economic and Political Weekly, 18 (44): 1882–96, 1983.
12. Bijayashree Satpathy, "Where are Tribals in Their Development? A Century of Indian Forest Legislations", International Journal of Rural Management 11(1) 60–74, available at <http://irm.sagepub.com>
13. Armin Rosencranz, "The Forest Rights Act 2006: High Aspirations, Low Realization", The Indian Law Institute, vol 50:4, 656-677
14. Bhargava, M, "Forest, People and State", Economic and Political Weekly, 37(43); 4440-46, 2002.
15. Usha Ramanathan, "Displacement and the Law", Economic and Political Weekly, Vol. 31, No. 24 (Jun. 15, 1996), p. 1486-1491. available at <http://www.jstor.org/stable/4404270>

CASES FOR REFERENCE

1. Venkata v. state of A.P., AIR 1967 SC 71(72)
2. P. Rami Reddy v. State of Andhra Pradesh, AIR 1988 SC 1626.
3. Lingappa pachanna v. State of Maharashtra, AIR 1985 SC 389
4. Manchegawda v. State of Karnataka, AIR 1984 SC1151
5. Fateh Chand Himmat Lal v. State of Maharashtra, AIR 1977 SC 1825
6. Pathumma v. State of Kerala, AIR 1978 SC 771
7. Chiranjit Lal Choudhary v. Union of India, AIR 1951 SC 41, 54.
8. State of Bihar v. Kameshwar Singh, AIR 1952 SC 252
9. Chiranjit Lal Chowdhuri v. Union of India, AIR 1951 SC 41.
10. Ananda Behera v. State of Orissa, AIR 1956 SC 17.
11. Chandra Deb v. State of Orissa, AIR 1962 SC 1288.
12. Wazir Chand v.State of U.P, (1955) 1 SCR 408.

13. Virendra Singh v. State of U.P, (1955) I SCR 415.
14. Jilubhai Nanbhai Khachar v. State of Gujarat, AIR 1995 SC 142.
15. Bangalore City Corporation Housing Society Ltd. v. State of Karnataka, AIR 2012 SC 1395.
16. Narmada Bachao Andolan v. State of Madhya Pradesh, AIR 2011 SC 2001.

LEARNING OUTCOMES

On successful completion of the course, the students will be able to:

- 1. Understand the deprivation of tribals right to property*
- 2. Analyse the property rights of the tribals in the international and national perspective*
- 3. Come forward to protect the right of the Tribals property right viz the land rights and the intellectual property rights.*

PAPER - XI

LEGAL CONVERGENCE OF INTELLECTUAL PROPERTY WITH INDIAN PROPERTY LAWS

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

1. *Analyze the Intersection: This course aims to explore the areas where Intellectual Property (IP) law and traditional Indian property law overlap and interact.*
2. *Understand Legal Frameworks: The course will provide a comparative analysis of the legal frameworks governing both IP and Indian property laws, identifying similarities and potential conflicts.*
3. *Examine Protection Mechanisms: Students will examine the different mechanisms for protecting various forms of intellectual property under Indian law, including patents, copyrights, trademarks, and geographical indications.*
4. *Assess Practical Implications: The course will delve into the practical implications of this legal convergence, focusing on issues like ownership rights, licensing, enforcement, and dispute resolution.*
5. *Develop Critical Thinking: By analyzing case studies and real-world scenarios, students will develop critical thinking skills to apply legal principles to complex situations involving both IP and Indian property law.*

The student will understand how technologies are developing in current world. The legal gap for regulations in this sector will be understood. The current legal interpretation for future technologies can be learned. Students will be able to suggest their own recommendations and limitations to make these technologies safer to society and law

COURSE OUTLINE

MODULE I: TECHNOLOGICAL REVOLUTIONS AND EVOLUTION OF LEGAL PRINCIPLES IN DIGITAL SPACE

- a. The rise of the internet and personal computers.
- b. Social media and user-generated content - Issues of copyright infringement, fair use, and online piracy.
- c. Online marketplaces and e-commerce platforms - Formation of online contracts, clickwrap agreements, and digital signatures.
- d. Artificial intelligence and machine learning - Challenges of data privacy in the age of big data analytics.

MODULE II: BEYOND TANGIBLES: EXPLORING THE INTERSECTION OF IP AND PROPERTY IN INDIA.

- a. Definition and basic concept of Meta verse, Blockchain, AI - Content moderation and censorship in the digital space.
- b. Evolution of metaverse - Consumer protection laws in the digital marketplace.
- c. Origin and development of blockchain - Regulatory frameworks for cryptocurrency exchanges and ICOs - Legal challenges surrounding ownership, transfer, and taxation of crypto assets.
- d. AI and its development - Challenges of data privacy in the age of big data analytics - Development of data protection regulations like GDPR (EU) and potential for a national framework in India - Ethical considerations of AI development and potential legal frameworks for algorithmic bias

MODULE III: LEGAL SYSTEMS AND THEIR RESPONSE TO TECHNOLOGICAL CHANGE

- a. Legal framework for e-commerce transactions (Information Technology Act, 2000 & related amendments) - Consumer protection in the digital space (e.g., Consumer Protection Act, 2019 & its implications) - The Constitution of India - The Indian Evidence Act, 1882
- b. The law of IPR in regards to works of AI and metaverse - Legal challenges surrounding AI development (algorithmic bias, liability for AI actions).
- c. Regulatory frameworks for cryptocurrency exchanges and ICOs (Initial Coin Offerings) - Exploring legal considerations for smart contracts and decentralized applications (dApps).
- d. The digital personal data protection Bill, 2023.

MODULE IV: INTELLECTUAL PROPERTY IN THE METAVERSE - DATA PRIVACY AND GOVERNANCE IN THE METAVERSE

- a. AI and automation in normal human works – its taxing, violation of human property rights, its illegal and unlimited application - User data collection and usage practices within metaverse platforms.
- b. Regulatory frameworks for data privacy in the metaverse (potential application of existing laws) - Challenges of data security and cross-border data flows in a decentralized virtual space.
- c. Metaverse – a power to create, a unaccounted income, unnoticed offences - Defining user rights and responsibilities within the metaverse - Legal aspects of user conduct – virtual harassment, hate speech, and criminal activity - Avatar ownership and rights – customization, virtual property ownership, and potential legal claims.
- d. Regulating the virtual economy – currency exchange, fraud prevention, and consumer protection - Supplementing technologies – Augmented reality, virtual reality, haptic technology.
- e. Crimes that can happen in computer that impacts real life properties – property theft, sexual harassment and theft in metaverse, kidnapping for the access of virtual world riches - International cooperation and harmonization of legal frameworks for the metaverse - Ethical considerations of user behavior and potential harms in the metaverse

MODULE V: TECHNOLOGICAL DEVELOPMENTS AND ITS RELATED CIVIL AND CRIMINAL DISPUTES

- a. Taxing – AI, Indirect tax for crypto currencies, taxing of services in meta verse - Cybercrime and Digital Forensics in the Indian Context.
- b. Crimes through technologies that are affecting real property - Understanding cybercrime offenses under the Information Technology Act - Torts, Intellectual property violations, medical negligence and liabilities - Investigating cybercrimes and digital evidence gathering techniques - Legal procedures for cybercrime prosecution and data preservation - Cyber security challenges and legal frameworks for data breach notification.
- c. Information technology act, 2000 and technologies of modern era - Case studies: Recent high-profile cyber-attacks in India, legal challenges in cybercrime investigations.

MODULE VI: EMERGING TECHNOLOGIES AND LAW – BLOCKCHAIN/AI/ ONLINE LEDGERS AND LEGAL IMPLICATIONS AND INTELLECTUAL PROPERTY

- a. Defining and differentiating blockchain technology, AI, and online ledgers - Understanding the current legal landscape for emerging technologies in India.
- b. Exploring how blockchain can enhance IP registration, licensing, and royalty distribution - Challenges of copyright protection in a decentralized environment like blockchain - Opportunities for new IP models like tokenization and smart contracts. Blockchain in food supply chain.
- c. Identifying ownership rights for AI-generated creations: who is the inventor – the AI or the programmer? - Legal implications of using AI for copyright infringement (e.g., AI-powered content scraping) - Ethical considerations of AI authorship and potential legal frameworks.
- d. Understanding the legal status of data stored on online ledgers (e.g., admissibility as evidence) - Examining regulatory approaches for data privacy and security within online ledger systems - Challenges of cross-border data transfer and online ledger platforms operating globally.
- e. Blockchain and Geographical indications/ domain name/ ledger and real estates.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Artificial Intelligence and Law Challenges Demystified, authored by Rodney D Ryder & Nikhil Naren, 2022, ISBN 978-9393850096, published by Law & Justice Publication company.
2. Law and artificial intelligence: regulating AI and applying AI in legal practice, Bart custers & Eduard fosch, 2022, ISBN 978-94-6265-525-6, published by Springer.
3. Intellectual Property Law by P. Narayanan
4. Commentary on The Copyright Act, 1957 by B.L. Wadehra.
5. Law realting to IPRs by B.L. Wadehra.

6. The Law of Trade Marks including International Registration under Madrid Protocol & Geographical Indications by B.L. Wadehra
7. The Law of Property in India by Meenu Kakkar.
8. Mulla on the Transfer of Property Act by Dinshah Fardunji Mulla.
9. Law of Easements and Licenses in India by D.P. Gupta.
10. An Introduction to Indian Legal System by Avtar Singh.
11. Judicial Review of Administrative Action in India by H.M. Seervai.
12. The Indian Constitution by Granville Austin.

JOURNAL/ ARTICLES

1. Civil liability for the actions of autonomous AI in healthcare: an invitation to further contemplation Ahmed Eldakak, Abdulla Alremeithi, Emad Dahiyat, Moatasem ElGheriani, Hassan Mohamed & Mohammad Ibrahim Abdulrahim Abdulla.
2. Journal of Intellectual Property Rights (JIPR)*
(https://academic.oup.com/jiplp)(https://academic.oup.com/jiplp)): This peerreviewed journal published by the National Law Institute University (NLU) occasionally publishes articles on the intersection of IP and new technologies like blockchain.
3. NUJS Law Review (https://nujlawreview.org/)(https://nujlawreview.org/)): The National University of Juridical Sciences Law Review publishes occasional articles on emerging legal issues, and some may cover the topics you're interested in.
4. SSRNElectronicLibrary
(https://en.wikipedia.org/wiki/Social_Science_Research_Network)(https://en.wikiped
ia.org/wiki/Social_Science_Research_Network)): The Social Science Research Network (SSRN) is a repository for scholarly papers, including pre-prints and working papers.
5. Indian Journal of Law and Public Policy (https://www.lawctopus.com/indian-journalof-law-and-public-policy-3/)(https://www.lawctopus.com/indian-journal-of-law-andpublic-policy-3/)): This journal may publish articles on the legal implications of new technologies in India.
6. Journal of the Indian Law Institute*
(https://www.jstor.org/journal/jindilawinst)(https://www.jstor.org/journal/jindilawinst)): Published by the prestigious Indian Law Institute (ILI), this journal may cover articles on emerging legal issues related to technology and IP.
7. National Law Review (https://www.nludelhi.ac.in/)(https://www.nludelhi.ac.in/)): The National Law Review, published by the National Law University Delhi, might have articles on your chosen topics.
8. Vidhi Kendra (https://vidhi.org/author/vidhi/)(https://vidhi.org/author/vidhi/)): This legal

research and resource center may have articles or reports on the legal aspects of blockchain, AI, and online ledgers in India.

9. National Institute of Intellectual Property (<https://www.inpit.go.jp/english/>): While this is a Japanese institute, it may have resources or publications on IP and new technologies that could be relevant in a broader context

LEARNING OUTCOMES

This course aims to equip the students with a comprehensive understanding of the interplay between Intellectual Property (IP) law and traditional Indian property law. Upon successful completion of the course, the students will be able to:

1. *Analyze the Intersection:*

Identify and explain areas of overlap and potential conflict between IP law and Indian property law.

Understand the historical development of these legal frameworks in the Indian context.

2. *Grasp Legal Frameworks:*

Compare and contrast the legal frameworks governing IP protection (patents, copyrights, trademarks, etc.) with Indian property laws (land ownership, inheritance, etc.).

Analyze how these frameworks interact and influence each other.

3. *Evaluate Protection Mechanisms:*

Critically examine various mechanisms for protecting different forms of intellectual property under Indian law.

Assess the strengths and limitations of these mechanisms in safeguarding IP rights.

4. *Apply Practical Implications:*

Analyze the practical implications of legal convergence for issues like ownership rights, licensing, enforcement of IP rights, and dispute resolution.

Identify and understand relevant case studies that illustrate the application of both IP and Indian property law.

5. *Develop Critical Thinking:*

Develop critical thinking skills for applying legal principles to complex situations involving both IP and Indian property law.

Effectively analyze and debate legal issues related to intellectual property and its protection under Indian law.

Depending on the course structure, you might also gain skills in drafting basic legal documents related to IP protection. Exposure to international IP frameworks and their comparison to the Indian legal system. Insights into emerging trends and challenges in the convergence of IP and Indian property law.

This course will equip the students with a strong foundation for understanding the complex legal landscape surrounding intellectual property in India. By fostering critical thinking and analysis, it will empower you to navigate the legal intricacies of protecting and enforcing intellectual property rights within the Indian legal framework
