THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – XII

DEPARTMENT OF PROPERTY LAW

LL.M SYLLABUS

SPECIALIZED CORE PAPERS – 06

1. Introduction to Property Rights
2. Law relating to Transfer of Property Including Easements Act
3. Law of Succession
4. Law of Trusts
5. Land Laws of Tamil Nadu
6. Real Estate and Tenancy Laws

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. Land Systems and Laws Relating to Land Acquisition
8. Law Relating to Intellectual Property
9. Law relating to conveyancing and Practice

GENERIC ELECTIVE PAPERS – 02

10. Property Rights of Indigenous Peoples – Policy and perspectives
11. Interaction of IP and Property Law

SUBJECTS IN SEMESTERS

FIRST SEMESTER	1. Judicial Process **(Common Paper-I)** 2. Legal Education and Research Methodology **(Common Paper-II)** 3. Introduction to Property Rights **(Specialized Core Course-I)** 4. Law relating to Transfer of Property including Easements Act **(Specialized Core Course-II)** 5. Property Rights of Indigenous Peoples – Policy and perspectives **(Generic Elective Course – I)**
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 **(Specialized Core Course-III)** 4. Land Systems and Law Relating to Land Acquisition **(Discipline Specific Elective Course-I)** 5. Applied Research Methodology
THIRD SEMESTER	1. Law of Trusts **(Specialized Core Course-IV)** 2. Land Laws of Tamil Nadu **(Specialized Core Course-V)** 3. Law Relating to Intellectual Property **(Discipline Specific Elective Course-II)** 4. Interaction of IP and Property Law **(Generic Elective Course-II)**
FOURTH SEMESTER	1. Real Estate and Tenancy Laws **(Specialized Core Course-VI)** 2. Law Relating to Conveyancing and Practice **(Discipline Specific Elective Course-III)** 3. Skill Enhancement Course(SEC) 4. 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*

Module - I: Concept of Property

a. Definition, meaning of property, dominium, Possession, ownership, right in rem, right in personam, freehold estates, Leasehold Estates, Right in re propria and Right in re aliena
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

Unit- 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 – detinue and conversion, 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.

Books for Reference:

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 Owneship",* Americal 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 Uttarkakhand, 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 outcome of the course:

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.

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PAPER- II

LAW RELATING TO TRANSFER OF PROPERTY INCLUDING EASEMENTS 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.*

Module - I: Essentials of Transfer of Property:

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

Module - II: Transfer of interest in immovable property

a. Vested and contingent interest
b. Contingent created in favour of unborn
c. Validity of prior and ulterior dispositions
d. Directions for accumulation

Module - III: Conditional Transfer

a. Condition precedent (Doctrine of Cy pres) and condition subsequent
b. Doctrine of acceleration
c. No property can be kept in abeyance without an owner
d. 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 Rights

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. The Transfer of Property Act, 1882
2. The Indian Easements Act, 1882

Books Prescribed:

- G. Sanjiva Row- Commentaries on Easements and Licence
- Vepa P. Sarathi- Law of Transfer of Property Act
- GCV Subba Rao- Transfer of Property
- 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

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.

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

Course Learning Outcomes:

On successful completion of this course, students 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.

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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/HUF 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

Recommended Readings:

Statutory Materials:

1. The Hindu Succession Act, 1956
2. The Indian Succession Act, 1925
3. The Administrators 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 Guidance:

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.
9. Must. Rukia Khatun vs. Abdul KhaliqueLaskar, (1981) 1 GLR 375.
10. Masroor Ahmed vs. State (NCT of Delhi) &Anr. 2008 (103) DRJ 137.
11. VaddeboyinaTulasamma v. VaddeboyinaSheshaReddi, 1977 SCR (3).
12. Jiauddin Ahmed v. Anwara Begum (1981) 1 Gau.L.R. 358.
13. Masoor Ahmed v. State (NCT of Delhi), 2008 (103) DRJ 137, para 27.
14. Nasir v. Sheena 2017 (1) KLT 300.
15. 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

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PAPER - IV

LAW OF TRUSTS

(Specialized Core Paper)

Objective 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.*

Module – I: Fundamental ideas underlying religious and charitable trusts

a. Fundamental ideas under Hindu and Muslim law: definition of Trust, Religious and charitable purposes- istha and purtha
b. Vedic religious worship- temples in sutra period, Buddhist period
c. 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

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

Module - III: Religious trusts in favour of idols (Debutter)

a. 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 Trusts 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 Trustees 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

Note: All the legislations includes the time to time amendments and rules. In the event of repeal of any prescribed legislation, the corresponding substituted or successor legislation shall be studied

Statutory Material:

1. The Indian 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)
4. The Official Trustees Act, 1913

BOOKS:

1. Commentary On The Law Waqf In India Hardcover – 2014by 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

Case laws 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 outcome of the course:

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.

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PAPER- V

LAND LAWS OF TAMIL NADU

(Specialized Core Paper)

Objective 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.*

Module– I: Tamil Nadu Estate and Lease Holds Laws:

a. Estate, Inam Estate, Landholder, Principal Landholder, Settlement Officer, Under-tenure Estate, Zamindari Estate

b. Grant of Ryotwari pattas – protection of certain rights and enforceability of certain obligation

c. Determination, apportionment and payment of Compensation

d. Basic annual sum for Zamindari and Inam estates.

Module – II: Ceiling on Land Holdings:

a. Definitions: family, ceiling area, stridhana land

b. Fixation of ceiling on land holdings, Cultivating tenant's ceiling area, ceiling on future acquisition and restrictions on certain transfer, Exemptions

c. Constitution and functions of the land board, Permission by government to hold excess land, Authorities: land tribunal – appeal – revision.

d. The Tamil Nadu Land Reforms (Compensation for surplus Land) Rules, 1966

Module– III: Ownership rights on Apartments

a. Definitions: Apartment- apartment owner- competent authority

b. Ownership, heritability and transferability of apartments

c. Deeds of apartment and its registration

d. 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
d. E-services of land records, star 2.0 registration.

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 includes the time to time amendments and rules. In the event of repeal of any prescribed legislation, the corresponding substituted or successor legislation shall be studied

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, 2022
5. The Tamil Nadu Town and Country Planning Act, 1971
6. The Tamil Nadu Survey and Boundaries Act, 1923
7. The Tamil Nadu Patta Pass Book Act, 1986
8. The Tamil Nadu Land Encroachment Act, 1905
9. The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007
10. The 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

References:

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.

Case laws 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 outcome:

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

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PAPER- VI

REAL ESTATE AND TENANCY LAWS

(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.*

Module – I: Law Relating to Real Estate Regulation

a. 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

b. Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018.

Module – II: Tenancy Laws in Tamil Nadu in relating to Buildings and land

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

Module – III: Laws Relating To Cultivating Tenants in Tamil Nadu

a. 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 unautorised 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

Note: All the legislations includes the time to time amendments and rules. In the event of repeal of any prescribed legislation, the corresponding substituted or successor legislation shall be studied

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 Lands Record of Tenancy Rights Act, 1969
6. The TN Occupants of Kudiyiruppu (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 including The Chennai City Tenants Protection Rules 1970

References:

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.Sundarraj 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

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PAPER – VII

LAND SYSTEMS AND LAWS RELATING TO LAND ACQUISITION

(Discipline Specific Elective Paper)

Objective 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.

Module– I: Concept of land and land movements in India

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

Module – II: Land Tenure System in Pre-Independent India

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

Module –III : Estate Land

a. Definitions: Estate, holding, improvement, landholder, private land, rent, revenue field, ryot, ryoti land, village
b. 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

[The Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997]

a. Definition: industrial purpose, land, person interested
b. Acquisition of land for industrial purposes
c. Determination and payment of amount

Module VII: Land acquisition for Welfare Schemes

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 Acquisition for Highways

a. Definition: Highway, Occupier, Owner, Buildings, Vehicle, Means of access, Encroachment
b. Declaration of Highways, Highways Authorities- Powers, Duties, Function
c. Acquisition of property for Highways - Determination and apportionment of Payment- Reference to court - levy of betterment charges

d. Prevention and removal of unauthorized occupation and encroachment - penalties

Module – IX – 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. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [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

References:

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. 605-616Cambridge University Press, available at http://www.jstor.org/stable/25208012

Case laws for reference:

1. Putchalapalli 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 outcome:

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

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PAPER - VIII

Law Relating To Intellectual 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 Trademarks

a. Evolution of Trademarks 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 Patents Act, 1970
3. The Trade Marks Act, 1999
4. The Designs Act, 2000
5. The Geographical Indication of Goods (Registration and Protection) Act, 1999
6. The Protection Of Plant Varieties And Farmers' Rights Act, 2001
7. The Semiconductor Integrated Circuits Layout - Design Act, 2000

Recommended Readings:

Books:

1. David I. Bainbridge – Intellectual Property Law, Pearson Education Ltd.
2. Cornish & Llewelyz-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) Thomason 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
5. 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)

Case laws 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 Corpn 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

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PAPER - IX

LAW RELATING TO CONVEYANCING AND PRACTICE

(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

a. 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
b. Will/Testament: Presenting of Wills and authorities to adopt, of the deposit of Wills
c. Of the effect of registration and non-registration
d. Duties and powers of registering officers, refusal to register, fees for registration, searches and copies ; penalties
e. 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.
f. Tamil Nadu Society Registration Act, 1975

Module – II: Stamping an instrument

a. Definition – stamp, duly stamped, impressed stamp, kinds of stamps
b. 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

c. 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

a. 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
e. Levy of duty on transfer

Module – IV: Law of Limitation

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

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. The Registration Act, 1908
2. The Indian Stamp Act, 1899
3. The 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 Society Registration Act, 1975
8. The Transfer of Property Act, 1882
9. The Power - of - Attorney Act, 1882
10. The Specific Relief Act, 1963
11. Madras High Court Original side rules
12. Civil and Criminal Rules of Practice

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 PRacatice, 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

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.

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PAPER- X

Property Rights of Indigenous People – Policy and perspective

(Generic Elective Paper)

Objective 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 though 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

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

Module – II: Tribals Right to Property International and National Perspective

a. Definition of Tribes, characteristics of tribes
b. 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,
c. Conventions: ILO Convention on Indigenous Peoples, Convention on Biological Diversity, Role of World Bank
d. 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

a. Forest Policy during Pre-Colonial Period and Colonial Period
b. 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

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:

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
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.orgin/ 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/ncsxna/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 at 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

Case laws 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 Outcome:

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.

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PAPER - XI

INTERACTION OF IP AND PROPERTY LAW

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

1. *To understand the foundational concepts of Property Law and Intellectual Property Law and examine their points of convergence and divergence.*
2. *To analyse how principles of ownership, transfer, succession, commercialization and enforcement under Indian Property Law apply to intellectual property assets.*
3. *To examine the statutory frameworks governing intellectual property in India and their interaction with traditional property law principles.*
4. *To explore conceptual and practical challenges arising when intellectual property rights are treated as proprietary interests.*
5. *To evaluate emerging issues relating to artificial intelligence, digital assets, blockchain technology, data ownership and virtual property.*
6. *To critically assess the adequacy of existing Indian property law in addressing contemporary forms of intellectual and digital property.*

MODULE I: FOUNDATIONS OF PROPERTY LAW AND INTELLECTUAL PROPERTY LAW

a. Concept, Nature and Classification of Property - Tangible and Intangible Property;

Corporeal and Incorporeal Property.

b. Historical Evolution of Property Rights in India.

c. Theoretical Justifications for Property Rights - Lockean Labour Theory, Utilitarian

Theory, Personality Theory and Economic Theory of Property.

d. Constitutional Dimensions of Property Rights in India - Evolution from Article 19(1)(f) to

Article 300A; Constitutional Status of Intellectual Property Rights.

e. Introduction to Intellectual Property - Nature, Scope, Classification and Rationale of

Intellectual Property Protection.

f. Intellectual Property as a Form of Property - Similarities and Distinctions between

Physical Property and Intellectual Property Rights.

MODULE II: OWNERSHIP AND PROPRIETARY INTERESTS IN INTELLECTUAL

PROPERTY

a. Concept of Ownership under Indian Property Law.

b.Copyright as Property - Economic Rights, Moral Rights and Proprietary Dimensions of

Copyright.

c. Patent as Property - Inventions as Proprietary Interests; Compulsory Licensing and

Property Law Dimensions.

d. Trademark as Property - Goodwill, Brand Value and Passing Off.

e. Geographical Indications and Community Property.

f. Trade Secrets and Confidential Information as Quasi-Property.

g. Co-ownership of Intellectual Property - Joint Authorship and Joint Inventorship.

MODULE III: TRANSFER, LICENSING AND SUCCESSION OF INTELLECTUAL

PROPERTY RIGHTS

a. Application of Property Law Principles to Intellectual Property Transactions.

b. Assignment and Licensing of Intellectual Property Rights- Comparison with Sale, Lease and Transfer under the Transfer of Property Act, 1882.

c. Mortgage, Charge and Security Interests over Intellectual Property Assets.

d. Commercialization and Securitization of Intellectual Property Rights- Testamentary Succession of Intellectual Property Rights- Intestate Succession of Intellectual Property Rights.

MODULE IV: ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS AS PROPERTY RIGHTS

a. Civil Remedies for Intellectual Property Infringement - Injunction, Damages and Account

of Profits - Anton Piller Orders and Mareva Injunctions.

b. Criminal Enforcement of Intellectual Property Rights under Indian Law.

c. Jurisdiction and Forum Selection in Intellectual Property Disputes-Alternative Dispute Resolution - Arbitration, Mediation and Conciliation.

d. Online Enforcement of Intellectual Property Rights and Digital Infringement Challenges.

MODULE V: EMERGING PROPERTY DIMENSIONS OF INTELLECTUAL PROPERTY

a. Artificial Intelligence and Ownership of Intellectual Property Rights- AI-Generated Works and AI-Generated Inventions.

b. Data Ownership and Data Property Rights-Digital Assets - NFTs, Cryptocurrencies, Domain Names and Virtual Assets.

c. Blockchain Technology and Intellectual Property Management.

d. Smart Contracts and Automated Licensing of Intellectual Property Rights.

e. Virtual Property in the Metaverse - Virtual Real Estate, Digital Goods and Avatar

Ownership-Digital Inheritance and Succession of Digital Assets.

MODULE VI: CONTEMPORARY CHALLENGES IN THE PROPERTIZATION OF INTELLECTUAL PROPERTY

a. Limitations of Traditional Property Law in Regulating Intellectual Property.

b. Collective and Community-Based Property Interests - Traditional Knowledge, Geographical Indications and Benefit-Sharing Mechanisms.

c. Intellectual Property, Biodiversity and Genetic Resources - Ownership of Genetic Resources, Biodiversity-Based Innovations, Digital Sequence Information (DSI) and Benefit-Sharing Obligations.

d. Emerging Intangible Assets and New Forms of Property - Data as Property, Digital Assets, Virtual Property and AI-Generated Creations.

e. Legislative and Policy Reform - Harmonisation of Property Law and Intellectual Property Law, Recognition of Digital and Intangible Assets and Future Directions in Indian Property Jurisprudence.

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 Relating 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.
13. V.K. Ahuja - Law of Intellectual Property, LexisNexis.
14. Poonam Pradhan Saxena - Property Law, LexisNexis.
15. Salmond - Jurisprudence (on theories of property).

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): This peer-reviewed 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://nujslawreview.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. SSRN Electronic Library (https://en.wikipedia.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-journal-of-law-and-public-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): 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/): 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/): 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. Analyse 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.). Analyse 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: Analyse 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 analyse and debate legal issues related to intellectual property and its protection under Indian law.
6. Students shall gain 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.

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