



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

Course : LL.B. 1st Semester

SUBJECT: Jurisprudence

SUBJECT CODE: LLB 301

LECTURE: 29

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Lecture-29



Lecture-29: Concept of property

Concept of property

The term property means things which are owned. In other words, it means those things on which right of ownership can be expanded. It includes both living and non living things. In broader sense, it means the things without which a person cannot live and it includes rights to live, personal liberty and all those rights which the person can exercise against others.

The term Property is defined by many scholars but Salmond defines it more specifically than all the others. He defined it as the law of property is the law of proprietary rights 'right in rem', the law of proprietary rights 'in personam' is distinguished from it as the law of obligations. According to this usage, a freehold or leasehold estate in land, or patent or copyright is included in property but debt or shares or benefit arising out of a contract is not property.

According to Salmond, the term property has variety of sense.

- 1) Legal rights: these rights are owned by the way of law. A person can exercise them on others and it includes personal and proprietary rights.
- 2) Proprietary rights: it means land, chattels, debts are included in property but not right to life and reputation are included.
- 3) Corporeal rights it says that only land chattels which can be seen are covered under corporeal rights but not debts and shares.

Types of Property

Types of property

Ø CORPOREAL

It includes material property which can be touched e.g. land, money, chattels and it further divided into two parts and these are:

- 1) Movable and immovable property

Immovable property is permanently attached to the earth and cannot be moved from one place to another for example land, house, etc. But movable property can be moved from one place to another with the help of a person and that includes chattels, ornaments.

2) Real and personal property

There is no basic difference between the real and personal property but all those rights which are recognised by law are real rights whereas personal rights includes proprietary rights over the property whether right in rem or right in personam.

Ø INCORPOREAL

Basically, incorporeal rights are those proprietary rights which are covered in right in rem and are not tangible in nature. It can further divide into two parts.

1) Jura in re aliena

Jura in re aliena is also known as encumbrances. It is basically property of one person that is used by other person.

It includes: Lease; Servitude; Securities; Trusts

2) Jura in re propria

It is the right over the immaterial things. The person attains this right due to his skill and labour.

It is categorized into following:

1) Patent

2) Copyright

3) Commercial Goodwill

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	The term property means things which are owned	True	False
2.	The law of property is the law of proprietary rights 'right in rem'	True	False
3.	Law of proprietary rights 'in personam' is distinguished from it as the law of	True	False

	obligations		
4.	Immovable property is permanently attached to the earth and cannot be moved from one place to another for example land, house, etc.	True	False
5.	Jura in re aliena is also known as encumbrances	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a), 5-(a)