



# RAMA UNIVERSITY

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## **FACULTY OF JURIDICAL SCIENCES**

**Course : LL.B. 1st Semester**

**SUBJECT: Jurisprudence**

**SUBJECT CODE: LLB 301**

**LECTURE: 27**

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# Lecture-27



## Lecture 27: Classification of Legal Right

### **Classification of Legal Right**

#### **Right in rem and Right in Persona**

The right in rem is the right available against society at large. For Example:- a crime committed under I.P.C because it is a crime committed against the state.

Right in Persona means right that is available against an individual. Example breach of Contract. When there is a breach of contract, the party who has performed the act files the suit against the breaching party. Right in Persona is temporary in nature, which can be converted into right in rem. Right in rem is a permanent in nature.

#### **Positive Rights and Negative Rights**

A positive right is a right when some action needs to be done by the person who has the corresponding duty. The person on whom the duty lies must perform some positive acts.

The negative rights are the rights which omit the person from performing certain acts. Negative rights correspond to negative duty. The person on whom such duty is imposed is restrained from performing certain acts.

#### **Personal and Proprietary Rights**

Personal rights are the right to respect the owner of the right. The personal right has no economic value and this right is related to personal status or well being. Example the right to live with dignity, the right to freedom of speech and expression.

The proprietary right is given in respect of the owner of the property. These rights are rights which has some monetary value or economic value and constitute the estate of the person. Example-patent rights, right to land, debt etc.

#### **Perfect and Imperfect right**

Perfect rights are protected and recognized by law and the suit can be instituted in the court against the wrongdoer for the breach of it. Example: A has taken the loan from B. B has the duty to pay the loan and A has the perfect right to claim the loan amount. If B fails to pay then A has the right to file the suit in the court.

Imperfect rights are those rights which are neither recognized nor protected by law. Example: if the loan becomes time-barred, then he can claim his money back but it cannot be enforced by law.

#### **Principal and Accessory Rights**

The principal right is the most important rights. They are the basic right that is vested on an individual.

The accessory right is the consequential or incidental right. They are not important but they are ostensible to basic right.

#### **Right in Re-aliens and Right in Re-propria**

Right in Re-aliena is the right available against the property of another person. Example- The right of easement. It is the result of jurisprudence concept of dominant heritage and servient heritage.

Right in Re-Propria is the right available in respect of one's own property. It results in absolute ownership. This is the result of jurisprudence concept of ownership.

### **Corporeal and Incorporeal right**

Both the rights are protected by law. The corporeal right is the rights over tangible objects or material objects. Corporeal rights are having the rights over the objects which can be seen, touch or perceived. Example: I purchase the watch. The watch has physical existence so I have a corporeal right over it.

The incorporeal right is the right over the object which cannot be seen or touched. Example right to reputation.

### **Legal and Equitable Right**

Legal rights are protected by the common law i.e Court of England. Common law depends upon the usage and custom.

Equitable rights are protected by the equity court or the court of chancellor. The basic principle is natural justice, equity, justice and good conscience.

### **Primary and Sanctioning Rights**

The primary right is important and is a very basic right. These rights are ipso facto. These rights are independent in nature. It has a binding force. They are right in rem. Example: the right to reputation. If these rights are infringed in such case a person can approach the Courts of Law. A legal remedy is available against such right in the form of compensation or imposing a penalty or imprisonment.

Sanctioning rights are resultant rights. They are supporting rights to primary rights. They are right in persona, which results from some wrongdoing. Example: it arises when there is an infringement of primary rights.

### **Public and Private Rights**

The public right is the right that is exercised by the State. Example- right to vote, right to use road etc. The private right is exercised by an individual for his personal benefit. Example:- right to sleep, right to clean water.

### **Vested and Contingent Rights**

A vested right is a right which is vested on the person from the very beginning. No events are required to take place for conferring the rights of an individual. It depends on the present situation.

Contingent rights are rights which are conferred on the happening or non-happening of certain acts. This right depends upon future acts. If the act which is prescribed take place then only the right will be conferred on the person.

### **How Legal Right is Enforced**

Ubi jus ibi remedium which means where there is a right there is a remedy. If the person's right is violated that can be approached to the court. They can get relief in the form of compensation.

When the compensation does not satisfy the claim of the plaintiff then the court may order for the specific performance of the Contract. It is governed by the Specific Relief Act.

**SELF-TEST QUESTIONS**

S.NO	Question	Option (a)	Option (b)
1.	The right in rem is the right available against society at large	True	False
2.	Right in Persona means right that is available against an individual	True	False
3.	Right in Persona is temporary in nature	True	False
4.	Right in rem is a permanent in nature	True	False
5.	A positive right is a right when some action needs to be done by the person who has the corresponding duty.	True	False

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