**5.Kinds Of Legal Rights:**

Following are the kinds of legal rights:

1. Perfect right
2. Imperfect right
3. Real and Personal Rights
4. Rights In Rem And Rights In Personam
5. Proprietary And Personal Rights
6. Inheritable And Uninharitable Rights
7. Rights In Repropria And Rights In Re Aliena
8. Principal And Accessory Rights
9. Legal And Equitable Rights
10. Primary And Secondary Rights
11. Public And Private Rights
12. Vested And Contingent Rights
13. Servient And Dominant Rights
14. Municipal And International Rights
15. Rights At Rest And Rights In Motion
16. Ordinary And Fundamental Rights
17. Jus Ad Rem

**A.Perfect right:**

**According to salmond,** a perfect right is one which corresponds to a perfect duty I .e., which is enforced by law.  
**Example:**  
A contract specially enforceable through the Court of law is an example of perfect right.   
**B.Imperfect right**:

An imperfect right is that which is recognized by law but cannot be enforced by law due to some impediment. These may be turn into perfect rights.

**Positive right:**   
A positive right corresponds positive duty and the person subject to the duty is bound to do something.

**Negative right:**   
Negative right corresponds to negative duties. The enjoyment of negative rights is complete unless such interference takes place.

**C.Real And Personal Rights:**

**Real right:**  
According to salmond, a real right corresponds to a duty imposed upon persons in general. It available against whole word. Real rights are generally negative rights as the duties which can be expected from the whole world are of a negative character.  
**Example:**  
I have a right to be deprived of my life is a real right as it is available against the whole world.

**Personal right:**  
A personal right corresponds to a duty imposed upon determinate individuals. It against a particular person. Personal rights are generally positive right as it imposes a duty on a particular person to do something.  
**Example:**  
I have a personal right to receive compensation form any individual who is any harms me.  
**D.Rights In Rem And Rights In Personam:**

**Rights in Rem:**  
It is derived from the Roman term action in Rem” . It is available the whole world Examples are rights of ownership and possession. My right of possession and ownership is protected by law against all those who those may interfere with the same.

**Rights in Personam:**  
It is derived from the Roman term “ action in personam,” Right in personam corresponds to duty imposed upon determinate persons.  
**Example:**   
Rights under a contract are right in Personam as the parties to the contract alone are bound by it.

**E.Proprietary And Personal Rights:**

**Proprietary Right:**  
The proprietary rights of a person include his estate, his assets and his property in many forms. They have some economic or monetary value. They possess both judicial and economic importance.  
**Example:**  
The right to debt, the right to goodwill etc.

**Personal right:**  
Personal right pertain to man, s status or standing in the law. They promote the man, swell being. Personal rights possess merely judicial importance.  
**Example:**  
Right to life, reputation etc are personal rights.

**F. Inheritable AndUninheritable Rights:**

Inheritable Rights:  
Inheritable rights are those which survives its owners.  
**Example:**  
‘A’ dies leaves his property him ‘B’ his legal heir becomes owner of such property. This is an inheritable right.

**Uninheritable right**:  
A right is uninheritable if it dies with its owners e. g. personal rights die with its owner and cannot be inherit.

**G.Rights In Repropria And Rights In Re Aliena:**

**Rights in Repropria:**  
Rights in Repropria are rights in one, s own property. These are complete rights to which other right can be attached.  
**Example:**  
The owner of a chattel has a right in repropria over it.

**Right in Re aliena:**  
Rights is Re aliena are rights over the property of another person. These rights derogate form the rights of another person and add to the rights of their holder.  
**Example:**  
My right of way across the land another person is a right re aliena.

**H.Principal And Accessory Rights:**

**Principal rights**  
Principal rights exist independently of other rights. Accessory rights are appurtenant to other rights and they have a beneficial on the principal rights.  
**Example**:  
‘X’ owes money to ‘Y’ and he executes a mortgage deed in favour of ‘Y’. The debt is the principal right and the security in the form of mortgage is the accessory right.

**I.Legal And Equitable Rights:**

**Legal Rights:**  
Legal rights are those which were recognized by common Law Court e. g., right to vote etc.

**Equitable Rights**:

Equitable rights are those which were recognized by the Court of chancery.  
**Example:**  
The right of the mortgagor to redeem the property is regarded as a creation of the Courts of equity and is an equitable right knows as the equity of redemption.

**J. Primary And Secondary Rights:**

**Primary Rights:**  
Primary rights are also called antecedent, sanctioned or enjoyment rights. These are those rights which are independent of a wrong having been committed. They exist for own sake. They are antecedent to be wrongful act or omission.  
**Example:**  
Right of reputation, Right to life etc.

**Secondary Rights:**  
Secondary rights are also called sanctioning, restitutory or remedial rights. Secondary rights are a part of the machinery provided by the state of the redress of injury done to the primary rights. Their necessity arises on account of the fact that primary rights are very often violated by the persons.  
**Example:**  
Rights to obtain compensation for defamation to person.

**K. Public And Private Rights: Public rights:**

**Public rights:**  
A public right is possessed by every member of the public. It is between a state and the private individual e. g. , right to vote etc.

Private right:  
A private right is concerned only with the individuals. Both the parties connected with the right are private persons e.g., contract entered into by two individuals.

**L .Vested And Contingent Rights:**

**Vested right:**  
A vested is a right in right in respect of which all events necessary to vest it completely in the owner have happened. No other conditions remain to be satisfied.   
Example:  
If a valid deed of transfer is executed by ;A; in favour of ‘B’, ‘B’ acquires a vested right.

**Contingent right:**  
According to paton when part of the in vestitive acts have occurred, the right is contingent until the happening of all the facts on which the title depends.

**Example:**  
‘A’ executes a deed in favour of ‘B’ according to which he entitles to the possession of certain property when attains the age of 21, the right is contingent right and it will be vested only when he attains the age of 21.

**M. Servient And Dominant Rights:**

A servient right is one which is subject to an encumbrance. The encumbrance which derogates form it may be contrasted as dominant.  
**Example:**  
“X” as the owner of certain house a right of way over the land of ‘Y’ , his neighbor. The house of ‘X’ is the dominant heritage and ‘X’ is the dominant owner. The house of ‘Y’ is the servient heritage and ‘Y’ is the servient owner.   
**N. Municipal And International Rights:**

**Municipal rights**:  
Municipal right are conferred by the law of a country, it is enjoyed by the individuals living in a country.

**International rights:**  
International rights are conferred by international law. The subjects of the International rights are the persons recognized as such by International law.

**O. Rights At Rest And Rights In Motion:**

According to Holland, when a right is stated with reference to its ‘orbit’ and its “infringement’, it is a right at rest. “Orbit’ means the extent of advantages conferred by such right and infringement means an act which interference with the enjoyment of those advantages. Causes by which rights are either connected or disconnected with persons are discussed under rights in motion. 

**P. Ordinary And Fundamental Rights:**

Some rights are ordinary and some are fundamental rights. The distinction between the two lies that fundamental rights are often guaranteed by the institution.i. e., right to life, liberty

**Q. Jus Ad Rem:**

A jus ad rem is a right to right. It is always a right in personam.  
**Example:**  
If ‘A’ sell his house to ‘B’. ‘B’ acquires a right against ‘A’ to have the house transferred to himself.

### **6. DUTY**

1. A duty is an obligatory act. It is something to do or abstain from doing in favour of another person. A man has a duty towards any matter that he is legally obligated to. The term legal duty has been defined in the following ways –
2. Keaton – A duty is an act of forbearance which is enforced by the state in respect of a right vested in another and breach of which is a wrong.
3. Salmond – A duty is roughly speaking an act which one ought to do, an act the opposite of which would be a wrong.

##### **A duty is of two kinds** –

##### **1.  Moral**

##### **2.  Legal**

* **Moral** – An act that is the opposite of which is a moral or natural wrong. A duty may be moral but not legal or legal but not moral, or both at once. For example, the act of not wasting paper is our moral duty but not legal.
* **Legal** – A legal duty is an act, the opposite of which is a legal wrong. It is an act recognized as a duty by law and treated as such for the administration of justice. The law enforced the performance of a legal duty, and punishes the disregard of its performance.

#### CLASSIFICATION OF DUTIES

Duties are classified under the following categories –

##### **Primary and Secondary Duties** –

A primary duty is one which exists “per se” and is independent of any other duty. A secondary duty, on the other hand, is one which has no independent existence of other duties. A secondary duty is also called sanctioning or a remedial duty.

##### **Positive and Negative Duties**

Duties may also be distinguished into positive and negative duties. Duties that are to be performed by us at the behest of the law is known as a positive duty whilst an act that is prohibited from being performed under the law is a negative duty.

#### Absolute and Relative Duties

* In the words of Austin, rights and duties are interdependent. He has classified duties into absolute and relative. Relative duties are those for which there is a corresponding right and absolute duties are those that do not have any corresponding rights. He mentions four kinds of absolute duties:-
* Self-regarding duties such as a duty not to commit suicide or not to consume drugs or liquor, etc.
* Duties towards indeterminate persons or public at large, e.g. a duty not to commit a nuisance.
* Duties to those who are not human beings such as duty towards God or animals, birds, etc.
* A duty towards the sovereign or the state.

##### **RIGHTS AND DUTIES**

* It is an agreed fact that rights and duties are co-existent. Although there is exists a difference in opinion whether there must be a right that correlates to the duty.
* Salmond says that there can be no right without a corresponding duty and vice versa. According to this, every duty must be a duty towards a person or some person, in whom a correlative right is vested and conversely every right must be a right against some persons upon whom, a correlative duty is imposed. Every right and duty has a bond of legal obligation. Austin has stated that rights are interdependent, not correlative, and contrary to Salmon’s opinions. He has classified them into relative and absolute duties as explained above.

**7.Conclusion:**

To conclude, I can say, that legal rights are those which are conferred by the state on certain individuals and imposes corresponding duties on others. It is enforced by the physical force of the state. It is been classified into different kinds according to their scope by various authors.