Chapter II-B - Unborn Persons, Perpetuity and Accumulation

Draft future interests without violating the unborn-person, perpetuity and accumulation restrictions.

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Dedicated Finin2min Summary - Chapter in 2 Minutes

• Section 13: Transfer for benefit of unborn person - convert every statutory limb into evidence-backed transaction controls.
• Section 14: Rule against perpetuity - convert every statutory limb into evidence-backed transaction controls.
• Section 15: Transfer to class affected by sections 13 and 14 - convert every statutory limb into evidence-backed transaction controls.
• Section 16: Transfer on failure of prior interest - convert every statutory limb into evidence-backed transaction controls.
• Draft future interests without violating the unborn-person, perpetuity and accumulation restrictions.
• Apply the current official Act and transaction-date State stamp, registration, land, tenancy, RERA and procedural law.

Current statutory text / controlled source map

Section 13 - Transfer for benefit of unborn person.
Section 14 - Rule against perpetuity.
Section 15 - Transfer to class affected by sections 13 and 14.
Section 16 - Transfer on failure of prior interest.
Section 17 - Direction for accumulation.
Section 18 - Perpetuity for public benefit.

Section-by-section provision map

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 13	Transfer for benefit of unborn person *Operative subject to current official/State law*	Section 13 governs transfer for benefit of unborn person. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the future interests and perpetuity control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 14	Rule against perpetuity *Operative subject to current official/State law*	Section 14 governs rule against perpetuity. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the future interests and perpetuity control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 15	Transfer to class affected by sections 13 and 14 *Operative subject to current official/State law*	Section 15 governs transfer to class affected by sections 13 and 14. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the future interests and perpetuity control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 16	Transfer on failure of prior interest *Operative subject to current official/State law*	Section 16 governs transfer on failure of prior interest. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the future interests and perpetuity control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 17	Direction for accumulation *Operative subject to current official/State law*	Section 17 governs direction for accumulation. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the future interests and perpetuity control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 18	Perpetuity for public benefit *Operative subject to current official/State law*	Section 18 governs perpetuity for public benefit. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the future interests and perpetuity control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Finin2min implementation explanation

Classify the property interest, parties, authority, consideration, possession and intended legal result. Complete title, encumbrance, litigation and State-law diligence. Select the correct instrument, stamp, registration and perfection route. Block payment or possession until closing conditions and evidence are complete.

Practical examples and calculations

Scenario: A property transaction is approved commercially before legal classification is complete. The professional file must identify the statutory transaction, authority, title, form, consideration, possession, registration, third-party rights and remedies before execution.

Calculation/control	Method	Evidence
Consideration/value	Reconcile stated price, market value, taxes, retention, debt and non-cash consideration.	Agreement, valuation and ledger
Stamp and fees	Apply State instrument classification, market value, duty, surcharge and registration fee.	Current State schedule and adjudication
Exposure	Quantify encumbrances, arrears, interest, possession loss, cure cost and remedy value.	Searches, statements and legal model

Practical transaction application

1. Classify the transaction and every interest. 2. Complete title, authority, encumbrance, litigation, land-use and possession diligence. 3. Map the Act and State overlays to the instrument. 4. Reconcile consideration, taxes, possession and completion. 5. Preserve closing and enforcement evidence.

Authority, consent and execution controls

Confirm legal identity, capacity, title, board/partner/trustee/co-owner/lender consents, power-of-attorney scope, execution, attestation, witnessing and document custody.

Stamp duty and registration alerts

Apply current State instrument classification, market value, duty, surcharge, registration fee, adjudication and impounding rules. Registration does not cure defective title or prohibited transfer.

Evidence and document-retention checklist

Retain title chain, searches, authority, valuation, tax and KYC records, executed instrument, witness evidence, registration receipt, consideration, possession, originals handover and notices.

Performance, delivery and payment controls

Define conditions precedent, long-stop date, escrow/retention, possession condition, risk transfer, taxes, apportionments, originals handover and post-closing filings.

Breach, loss, mitigation and remedy framework

Separate invalidity, rescission, specific performance, injunction, possession, redemption, foreclosure/sale, damages, restitution and indemnity. Prove causation, market value and mitigation.

Limitation and forum controls

Select relief-specific limitation and forum: civil/Commercial Court, RERA, DRT/DRAT, NCLT, consumer, revenue or arbitration. Compute notice, cure, termination, appeal and enforcement clocks.

Arbitration and mediation interface

Assess arbitrability, rights in rem, statutory forums, third-party interests, interim protection, lis pendens, possession and limitation. Preserve source and evidence during settlement.

Company, partnership, GST and tax overlays

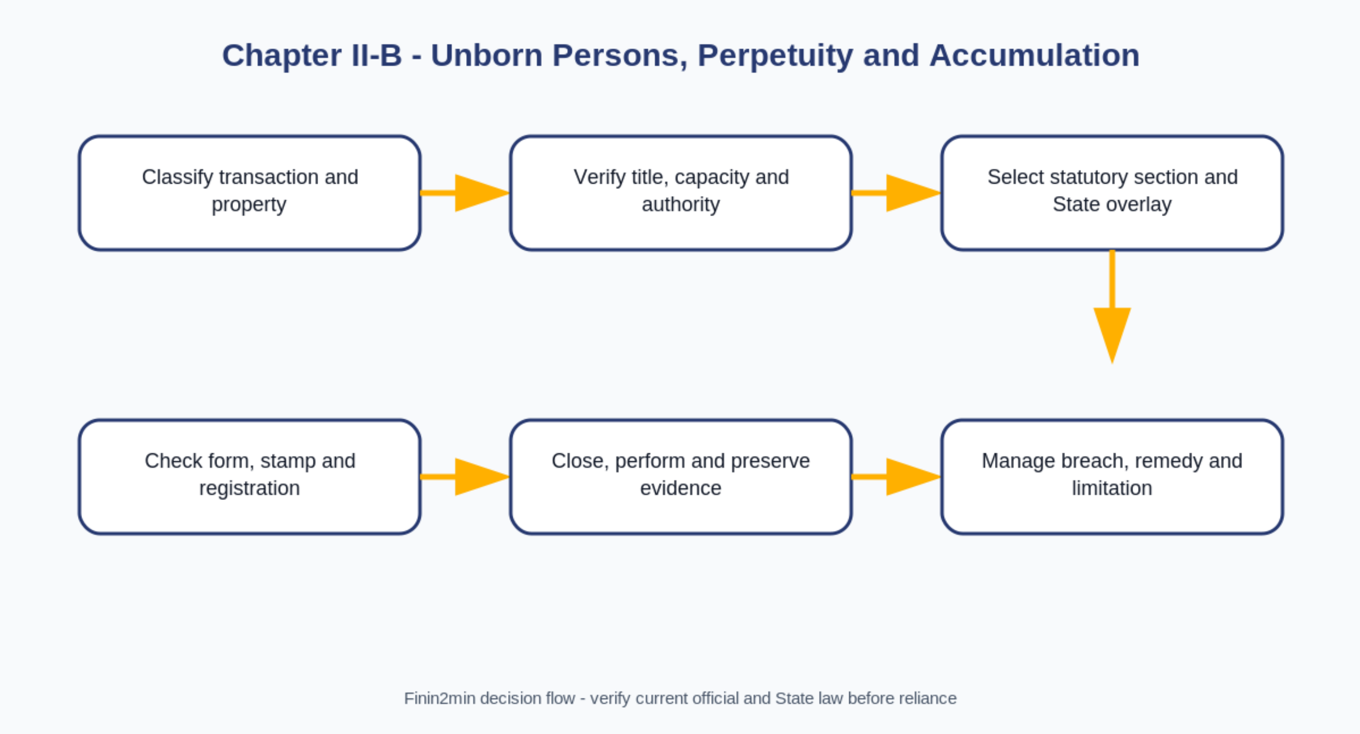
Apply entity authority, charges, RERA, GST, TDS, capital gains, valuation, FEMA, benami, PMLA/KYC, insolvency moratorium and secured-creditor priority.

Finin2min Q&A;

First classify the transaction and title. The common failure is execution or payment before State stamp/registration and third-party rights are verified. A contract does not always transfer title. Maintain a reproducible source, title, authority, closing and remedy file.

Chapter-specific decision flowchart

Classify transaction -> verify title/capacity -> select section and State overlay -> check form/stamp/registration -> close and preserve evidence -> manage breach, remedy and limitation.



Official source: https://www.indiacode.nic.in/bitstream/123456789/2338/1/A1882-04.pdf

Legal-use note: verify current official and State law and obtain matter-specific advice before execution, registration, enforcement or litigation.