

Total number of printed pages-4

19 (SEM-VI) ET 6.5 (O)

2025

EQUITY AND TRUST

Paper : 6.5 (OP₆)

(Old Course)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : $1 \times 10 = 10$
- (a) The term equity means equalization or levelling. (True/False)
- (b) Equity follows the principles/rules of _____
(Natural Justice/ Common Law Courts)
- (c) Prior to 1877 there were two systems of courts namely Chancery Courts and Common Law Courts. (True/False)

(d) Delay defeats equity demands _____ .
(vigilance/ command)

(e) _____ (Aristotle/ Blackstone/ Lord Notingham) is known as the father of modern system of equity in England.

(f) Equity is the soul and spirit of law.
(True/ False)

(g) There are _____ maxims of equity.
(12/ 13)

(h) The Author needs to be competent.
(True/ False)

(i) The Trustee can use his discretion in _____ (simple/ special) form of Trust.

(j) Co-trustee have joint and several liability.
(True/ False)

2. Write notes on : 2×5=10

(a) *Ubi jus ibi remedium*

(b) Delay defeats equity

(c) Equity follows the law

(d) Executed and Executory Trust

(e) Liability of Co-trustees

3. Give an account of the historical evolution of Equity Jurisdiction in India. 12

OR

Discuss how equity has been adopted in the Indian Legal System.

4. "Equity will not suffer a wrong to be without a remedy" — Explain. 12

OR

What do you mean by *ubi jus ibi remedium*? Explain how this maxim is adopted for violation of equitable right.

5. "Equity looks at the intent rather to the form" — Explain how this maxim is adopted under various laws. 12

OR

Write short notes on : 6+6=12

(i) Equity looks at that as done which ought to have been done

(ii) Where equities are equal the first in time shall prevail

6. What is Trust? What are the essentials of creating a trust? Discuss in the light of rules of certainties. 12

OR

Discuss the various classifications of Trust.

7. Who are co-trustees? What is the extent of liabilities of co-trustees? Discuss the non-liabilities of trustees. 12

OR

Write notes on :

6+6=12

- (i) Duties of Trustee
(ii) Rights of Trustee
-

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37-6th
(34 papers)

19 (VI) EQTR 6.5 (Op)

2018

EQUITY AND TRUST

Paper : 6.5 (OP₆)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer all questions.

1. Choose the correct answer : $1 \times 10 = 10$
- (a) _____ expressed that equity is a necessary element supplementary to the imperfect generalisation of legal rules. (Plato/Aristotle)
- (b) Where the law exists, it is the law that must prevail and not equitable principles. (Correct/Incorrect)
- (c) In England, equity can be traced from _____
(Norman Conquest/Green Revolution)
- (d) Before passing the Judicature Acts of 1873-75, there was a _____ system of administration of justice in England. (Double/Triple)

Contd.

- (e) Constructive trusts arise by _____.
(pure operation of law/expression
intention of the parties)
- (f) A minor or a child in its mother womb
may be a beneficiary subject to the
rules of law. (True/False)
- (g) Formalities for creation of a trust are
contained in section _____ of the
Indian Trusts Act, 1882. (4/5)
- (h) The liabilities of a trustee are laid down
under sections _____ of the Indian
Trusts Act, 1882. (11-22/23-30)
- (i) A sleeping trustee is recognised under
48 of the Indian Trusts Act, 1882.
(True/False)
- (j) A trust created by will may be revoked
at the pleasure of the testator.
(True/False)
2. Answer the following : 5×2=10
- (a) What do you understand by the
expression "Fiduciary relations" ?
- (b) What is the difference between 'equity'
and 'equality' ?
- (c) What is charitable trust ?
- (d) Can there be an implied trust ?
- (e) What is a Court of Equity ?

3. "Equity is a historical accident" -- Do you
agree ? Discuss the origin and development
of equity as a branch of law amplifying its
importance in dispensation of justice with
special reference to India. 12

Or

Discuss in detail the nature and scope of
equity. How would you differentiate between
common law and equity ? 8+4=12

4. Explain **any two** of the following maxims :
6+6=12

- (a) Equity will not suffer wrong to be
without remedy.
- (b) Equity follows the law.

Or

- (a) He who comes to equity must come
with clean hands.
- (b) He who seeks equity must do equity.

5. Explain **any two** of the following maxims
with their due application and exceptions if
any : 6+6=12

- (a) Where equities are equal, law must
prevail.
- (b) Equity imputes an intention to fulfil an
obligation.

Or

- (a) Equity looks to the intent rather than the form.
- (b) Equity looks on that as done which ought to have been done.

6. Explain the rules concerning creation of a trust. What are the *three* certainties of trust ? 12

Or

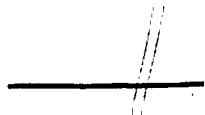
Write notes on : 6+6=12

- (a) Beneficiary's Rights
- (b) Constructive Trusts.

7. "Trustee cannot delegate" — Do you agree ? Explain the duties and liabilities of a trustee. 12

Or

Discuss the rights and powers of a trustee. What are the General and Statutory powers of a trustee ? 12



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19 (VI) EQTR 6-5 (OP)

2019

EQUITY AND TRUST

Paper : 6-5 (OP₆)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Answer the following with appropriate answers given in the brackets :

1×10=10

- (a) Dr. Halsbury divides the history of Equity in England in how many periods : (two periods/ three periods) ?
- (b) The Common Law recognized the dictum "where there is no writ there is no remedy". (True/ False)
- (c) Which is the cause which necessitated the introduction of Equity in England : (Rigidity and strict observance/ flexibility and rule of law) ?

Contd.

- (d) "Trust is the very centre and kernel of Equity". (Maitland/Hanbury)
- (e) Equity follows the law means equity is not a body of jurisprudence acting contrary to law, but a (contract/supplement) to law.
- (f) Equity is founded on the principles of: (natural justice/social justice).
- (g) The courts of common law recognized and enforced only (legal rights/equitable rights).
- (h) Charitable trusts are normally (temporary/permanent).
- (i) A secret trust is a personal obligation binding the individual donee. If he dies, in the lifetime of the donor, the trust (can/cannot) operate.
- (j) Equity aids the vigilant and not the (indecent/indolent).

2. Write notes on : 2×5=10

- (a) Common law and equity
- (b) *Cestui que* trust

- (c) Trust and bailment
- (d) Resulting trust
- (e) The doctrine of Cy-pres.

3. Blackstone defines Equity as the "soul and spirit of all law; positive law is construed and natural law is made by it. In this way Equity is synonymous with justice and that it is the true and sound interpretation of the rule." In this context, explain the nature and scope of Equity. 12

OR

Define Equity. Describe the historical development of Equity. 12

4. Explain the maxim "Equity will not suffer a wrong to be without a remedy" with suitable case laws. What are the limitations to this maxim? 8+4=12

OR

Explain the maxim "He who seeks Equity must do Equity". 12

5. Explain the maxim with its limitations - "Equity acts in personam". 12

OR

Write notes on :

6+6=12

- (a) Where the Equities are equal the first in time shall prevail.
- (b) Where there is equal Equity, the law shall prevail.

6. Define Trust. Explain Trust under Mohammedan and Hindu Law.

6+6=12

OR

Distinguish between :

6+6=12

- (a) Trust and Contract
- (b) Trust and Bailment.

7. What are the different kinds of Trust? Classify elaborately according to their nature of duties and objects.

6+6=12

OR

What are the rights, duties and liabilities of Trustees? Mention the statutory powers of Trustee.

10+2=12

Total number of printed pages-4

19 (Sem-6) EQTR

2021

EQUITY AND TRUST

Paper : 6·5

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : $1 \times 10 = 10$
 - (a) The word 'Equity' has Roman/ Greek origin.
 - (b) 'He who seeks equity must do equity', stated by Joseph Story/ Isaac Watts.
 - (c) The Rights of Trustee is dealt with in sections 26-30/31-35 of Indian Trust Act.
 - (d) The Court of Chancery has been described as Court of Conscience/ Court of Equity.
 - (e) A Trustee is empowered/ not empowered to delegate his office either to a co-Trustee or stranger.

Contd.

- (f) In common law jurisdiction 'Equity' is/ is not synonymous with 'natural justice'.
- (g) Doctrine of Equity is followed in the Specific Relief Act, 1963/ the Indian Contract Act, 1872.
- (h) Injunction is considered as equitable remedy/ statutory remedy.
- (i) Equity follows the law/ remedy.
- (j) The Chancery Court/ Supreme Court is a court of Equity.

2. Write on the following : 2×5=10

- (a) Origin of Equity.
- (b) Jurisdiction of Chancery Court.
- (c) Kinds of Trust.
- (d) Rights of beneficiary.
- (e) Differences between Trust and Contract.

3. "Equity is a branch of law"—Explain the origin and growth of Equity in India.

6+6=12

Or

Distinguish between : 6+6=12

- (a) Private Trust and Public Trust
- (b) Implied Trust and Constructive Trust.

4. Write down the concepts : 6+6=12

- (a) Delay defeats equity
- (b) When equities are equal, the law will prevail.

Or

- (a) Equity regards as done what ought to be done
- (b) Equity imputes as intend to fulfil an obligation.

5. Write down the concepts : 6+6=12

- (a) Equity looks to substance rather than form
- (b) Equality is equity.

Or

- (a) Equity does not require an idle gesture
- (b) Equity acts in personam.

6. Discuss the nature of equity and emergence of law of Trust from equity. 12

Or

Discuss the law relating to appointment and removal of a Trustee. 6+6=12

7. What is Breach of Trust ? Discuss the various liabilities of a Trustee for Breach of Trust. 2+10=12

Or

“Equity will not suffer a wrong to be without a remedy”—Explain in details. 12

Total number of printed pages—4

19 (VI) EQTR 6.5 (OP₆)

2024

EQUITY AND TRUST

Paper : 6-5

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer: $1 \times 10 = 10$
- (i) Equity came into existence in England in _____. (13th century/14th century)
 - (ii) According to _____, "Equity is the rectification of law because of the generality of law." (Maitland/Aristotle)
 - (iii) The chancellor is _____. (the judge in common law/the Prime Minister to decide the case given by the king)
 - (iv) _____ was the first country which used equity side by side with the original laws. (Rome/England)

Contd.

(v) A person who has committed a wrong by action, cannot demand equitable relief. It is based on _____.
(equity follows the law/he who seeks equity must do equity)

(vi) The maxim he who comes to equity must come with clean hands is based on the ____ record of the plaintiff.
(past/future)

(vii) Section ____ of the Transfer of Property Act 1882 provides priority of rights created by transfer. (38/48)

(viii) In ____ trust, the intention of the parties to create the trust is very clear.
(implied/presumed)

(ix) Section 11 to 20 of the Indian Trust Act, 1882 deals with the duties of the trustees under chapter _____. (III/IV)

(x) Section 49 provides that where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by a principal civil court of original jurisdiction. (True/False)

2. Write in short : 2×5=10

(a) Mention *two* differences between the common law court and the court of equity.

(b) What is meant by 'He who seeks equity must do equity'?

(c) Mention *two* limitations of the maxim 'Equity acts in personam'.

(d) What is a precatory trust?

(e) State *any three* rights of the trustee.

3. Explain the history of equity under the Roman Empire and the English Law. 12

Or

Trace the history of equity under the Indian legal system.

4. "Equity will not suffer a wrong to be without a remedy." — Elaborately explain the maxim with its applicability and its limitations. 12

Or

Write short notes on : 6+6=12

(a) Delay defeats equity

(b) He who comes to equity must come with clean hands

5. Explain the maxim 'Where there is equal equity the law shall prevail' in Indian Law. 12

Or

Write short notes on : 6+6=12

- (a) Equity looks to the intent rather than to the form
- (b) Equity imputes an intention to fulfill an obligation

6. Write an elaborate note on the various kinds of trust. 12

Or

Write notes on : 4×3=12

- (a) Creation of trust
- (b) Difference between trust and wakf
- (c) Who can be a beneficiary

7. Write a note on the Duties and Liabilities of Trustees. 12

Or

Write an elaborate note on the rights and liabilities of the Beneficiary.

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 - (ii) Rights of Trustee
-