

Total number of printed pages—4

37-6th  
(34 papers)

19 (VI) EQTR 6.5 (Op)

2018

**EQUITY AND TRUST**

Paper : 6.5 (OP<sub>6</sub>)

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

