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63/9 (SEM-6) LLB605

2025

LAW

Paper : LLB 605

(*Equity and Trust*)

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

1. (a) The Court of Chancery has been described as Court of (Conscience/ Court of Equity.)
- (b) Dr. Halsbury divides the history of Equity in England in how many periods ? (two periods/three periods)
- (c) "Trust is the very center and Kernel of Equity." (Maitland/Hanbury)

- (d) Charitable trusts are normally (Temporary/Permanent).
- (e) _____ was the first country which used equity side by side with the original laws. (Rome/England)
- (f) 'Acquitas' means (equalisation/acquisition).
- (g) In which case it is said – Right and remedies co-exist ? (Ashby Vs. White/ Stickland Vs. Aldrige)
- (h) Section 11 to 20 of the Indian Trust Act, 1882 deals with the duties of the trustees under chapter _____. (III/IV)
- (i) Equity aids the vigilant and not the (indecent/indolent)
- (j) Equity is founded on the principles of (natural justice/social justice).

2. Write notes on :

2×5=10

(a) Resulting Trust

(b) Precautionary Trust

- (c) Court of Conscience
- (d) Religious Trust
- (e) The doctrine of Cy-pres

3. Explain the maxim "He who seeks equity must do equity." 12

OR

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

4. Distinguish between trust and contract. 12

OR

Distinguish between trust and bailment.

5. What are the different kinds of trust ? Explain how a charitable trust benefits the society at large. 4+8=12

OR

What are trust and centrique trust ? What are the constituent elements of a trust ?

6+6=12

6. Explain the nature and scope of equity by mentioning Blackstone's definition – "Equity is the soul and spirit of law." 12

OR

Explain 'equity' under the English and Indian legal system.

7. "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

2026

LAW

Paper : LLB 605

(Equity and Trust)

Full Marks: 80

Pass Marks: 36

Time: 3 Hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer: 1x10=10

- (i) The word equity is derived from _____.
(a) Roman (b) Greek
(c) Latin (d) German
- (ii) The Chancery Court aims in _____.
(a) Equity and Justice
(b) Fairness
(c) Rigid application of law
(d) Only (a) and (b)
- (iii) What is a maxim of equity?
(a) A binding rule of equity
(b) A moral principle
(c) General principle through which law of equity has formed
(d) Ethical statement

(iv) Breach of trust is a _____ imposed on trustee by any law for the time being in force.

- | | |
|------------------------|----------------------|
| (a) Breach of contract | (b) Breach of duty |
| (c) Negligence | (d) Violation of law |

(v) Trust in relation to moveable property is _____ unless declared as ownership of the property is transferred to the trustee.

- | | |
|---------------|--------------|
| (a) Valid | (b) Void |
| (c) Irregular | (d) Voidable |

(vi) A trustee is entitled to possess all the instruments and documents related to the trust property.

The above sentence is connected with _____.

- | | |
|-----------------------|----------------------------|
| (a) Rights of trustee | (b) Duties of trustee |
| (c) Power of trustee | (d) Liabilities of trustee |

(vii) Equity is founded on the principles of _____.

- | | |
|------------------------|---------------------|
| (a) Fundamental rights | (b) Natural justice |
| (c) Social justice | (d) Legal Rights |

(viii) Equity courts look on it as done and as producing the same results as if the obligation had been actually performed.

The above given sentence describes the maxim '_____'.

- | |
|--|
| (a) Equity will not suffer wrong to be without remedy |
| (b) Defay defeats equity |
| (c) He who seeks equity must do equity |
| (d) Equity looks on that as done which ought to have been done |

- (ix) To obtain an equitable relief the plaintiff must himself be prepared to do equity.

The above given sentence describes the maxim '_____'.

- (a) Equality is equity
 - (b) Equity looks to the intent rather than the form
 - (c) He who seeks equity must do equity
 - (d) Delay defeats equities
- (x) The trustee may be discharged from his office _____.
- (a) By the extinction of the trust
 - (b) By the completion of his duties under the trust
 - (c) By consent of himself
 - (d) All of the above

2. Write short notes on the following: 2x5=10

- (a) Difference between common law and equity
- (b) Equality is equity
- (c) Registration of trust
- (d) Doctrine of cypress
- (e) Duties of trustee

3. Define equity. In what manner principles of equity is adopted by Indian legal system? Explain. 2+10=12

Or

Define equity. Describe about the historical evolution, nature and scope of equity as a branch of law by comparing with English and Indian legal system. 2+10=12

4. Explain the maxims : 6x2=12
(a) He who seeks equity must do equity.
(b) Equity will not suffer a wrong to be without a remedy.

Or

- Explain the maxims : 6x2=12
(a) Equity follows the law.
(b) Delay defeats equities.

5. Elaborate the maxim with its limitations: 6x2=12
(a) Equity acts in personam.
(b) Equity looks on that as done which ought to have been done.

Or

- Elaborate the maxim with its limitations: 6x2=12
(a) Equity looks to the intent rather than the form.
(b) Where there is equal equity, the law shall prevail.

6. Elaborate different types of trusts under Indian Trust Act. 12

Or

- Discuss the rights and liabilities of the beneficiary as laid down under the Indian Trust Act. 12

7. What are the statutory provisions regarding exercise of rights and powers of trustees under the Indian Trust Act? 12

Or

- What are the essential requirements for creation of a valid trust according to the provisions of the Indian Trusts Act? 12