

Total No. of printed pages = 15

5 SEM LLB OP 4 A/B/C (N)

5.4

2016

(December)

LAW

Paper : 5.4

(Optional)

A : Legal Research Methodology

B : Trust Equity and Fiduciary Relations

C : Legal Language and RTI

Full Marks – 80

Time – Three hours

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

B : Trust Equity and Fiduciary Relations

Answer the following questions :

1. Explain in brief the meaning and development of Equity under English common law. 12

Or

Write short notes on :

6+6=12

(a) Classification of Equity Jurisdiction.

(b) Classification of Equitable rights.

2. Write short notes on any *two* :

6+6=12

(a) He who seeks Equity must do Equity.

(b) Delay defects Equity.

(c) He who comes into Equity must come with clean hands.

(d) Equality is Equity.

3. Explain in brief the meaning and various kinds of Trust. 12

Or

Explain in brief the rights and powers of Trustees. 12

4. Who is a Beneficiary ? Explain in brief the rights and liabilities of a beneficiary. 12

Or

Write short notes on :

6+6=12

(a) Extinction of Trust

(b) Appointment and discharge of Trustees.

5. Explain in brief the basic objects and principles of Charitable and Religious Trust Act. 12

Or

Explain in brief the basic objects and principles of the Religious Endowment Act. 12

6. Choose the correct answers : 10

(i) The Judicature Act was passed in the year

(a) 1873

(b) 1875

(c) Both (a) and (b)

(d) None of the above

(ii) Which of the following causes are assigned by the Judicature Act to the Chancery division ?

(a) Raising of portions or other charges on land

(b) Partition or sale of real estate

(c) Execution of Trust, Charitable or Private.

(d) All of the above

(iii) Which of the following is an exception to the maxim "He who comes to equity must come with clean hands."

(a) Public policy

(b) Repentance

(c) Both (a) and (b)

(d) None of the above

(iv) 'Equity aids the vigilant and not the idolent' is reflected in the above.

(a) Equality is equity.

(b) Equity follows the law.

(c) Equity looks on that as done which ought to have been done.

(d) None of the above.

(v) Who among the following is not competent to be appointed as trustee ?

(a) A person domiciled abroad

(b) Relatives of beneficiary

(c) Infant

(d) All of the above

(vi) Which of the following trust arises by the operation of law ?

- (a) Implied trust
- (b) Secret trust
- (c) Precatory trust
- (d) None of the above

(vii) A fiduciary relationship exists between :

- (a) Manager of joint family and family members
- (b) Parent and child
- (c) Company and director
- (d) All of the above

(viii) A trustee may be discharged by :

- (a) the extinction of trust
- (b) by the completion of his duties under the trust
- (c) both (a) and (b)
- (d) None of the above

(ix) The Charitable and Religious Trust Act was passed in the year

(a) 1919

(b) 1920

(c) 1921

(d) None of the above

(x) The Societies Registration Act was passed in the year

(a) 1859

(b) 1860

(c) 1960

(d) None of the above

7. Answer the following questions : $2 \times 5 = 10$

(a) Mention two differences between equity and common law.

(b) What is meant by "Marshalling" in equity ?

(c) What are the three certainties for creation of a Trust ?

(d) Mention the names of any two laws which have given statutory recognition to equity in India.

(e) Mention two salient features of Societies Registration Act.

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