



**8 th Semester End Term Examination: May- 2023.**

**Subject** : Equity and Trust **Roll No:** .....

**Course** : BBALLB

**Full Marks** : 70 **Time** : 3 Hours.

**Instructions to the Candidates:**

- Read the question paper very carefully.
- Start writing from 2nd page onwards; Don't Write On The 1st Page Backside.
- Question Paper is divided into Three Parts -A, B & C.
- Part-A is containing TWELVE multiple choice questions.
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- Part C containing FOUR questions out of which TWO questions are to be answered.
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**PART - A**

**Multiple Choice Questions**

[12x1=12]

- 1.i) Who stated that Equity is the correctness of the law where it is defective on account of it generality ?
- a) Blackstone  
b) Snell  
c) Aristotle  
d) Sir Henry Maine
- ii) Where the rules of common law and equity were in conflict on a particular point , the rules of
- a) Equity prevails  
b) Both (a) & (b)  
c) Common law prevails  
d) None of them
- iii) Equity does not destroy the law, nor create it , but assist it. Stated by :
- a) Maitland  
b) Lord Atkin  
c) Lord Talbot  
d) Snell
- iv) Aequitas Sequitur Legem means :
- a) Equity acts on conscience  
b) He who seeks Equity must do equity  
c) Equity follows the law  
d) Delay Defeats Equity



v). Which section of The Indian Trust Act 1882 deals with Trust of immovable property. Trust of movable property?

- a) Section 7 of The Indian Trust Act 1882
- b) Section 4 of The Indian Trust Act 1882
- c) Section 5 of The Indian Trust Act 1882
- d) Section 9 of The Indian Trust Act 1882

vi). Which section of the Indian Trust Act 1882 deals with the Who may create trusts?

- a) Section 7 of The Indian Trust Act 1882.
- b) Section 9 of The Indian Act 1882
- c) Section 4 of The Indian Trust Act 1882
- d) Section 5 of The Indian Act 1882

vii). The Indian Trust Act 1882, has

- a) 96 Sections
- b) 90 Sections
- c) 37 Sections
- d) 88 Sections

viii). Right of Beneficiary is given under :

- a) Section 1
- b) Section 3
- c) Section 62
- d) Section 7

ix). Who defined Equity as 'A Body of Rules'?

- a) Sir Henry Maine
- b) Snell
- c) Blackstone
- d) Aristotle

x). When did The Indian Trust Act 1882, come into force?

- a) 01 April 1882
- b) 01 March 1882
- c) 01 May 1882
- d) 23 April 1882

xi). Cestui que trust means

- a) Beneficiary
- b) Author
- c) Trustee
- d) None of the above

xii). En Ventre sa mere means:

- a) Author
- b) Settlor
- c) Beneficiary
- d) Child in its mother's womb

### PART - B

**Answer any FOUR out of SIX**

2. Discuss the essentials of a trust ?
3. Who may be a trustee ?
4. Who can be a beneficiary?
5. Who can be an author ?
6. Objective of Indian Trust Act, 1882 are ?
7. Define Private Trust ?

[4x7=28]

### PART - C

**Answer any TWO out of FOUR**

8. What are the lawful purpose for the creation of a trust ?
9. Explain the maxim : He who seeks Equity must do Equity.
10. Define Equity?
11. Discuss the liabilities of a Trustee under Section 23 of Indian Trust Act, 1882.

[2x15=30]





ARKAJAIN  
University  
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2215  
8<sup>th</sup> Semester End Term Examination: May- 2023.

Subject: Intellectual Property Rights II

Roll No:

Course: BBA LLB

Full Marks: 70

Time : 3 Hours.

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PART - A

Multiple Choice Questions

[12x1=12]

1. i) The patents in force on 20th May 2003 stood extended for the term of:

- a) 20 years
- b) 10 years
- c) 14 Years
- d) 15 years

ii) Which section of the Patents Act 1970, defines an "invention":

- a) Section 2
- b) Section 4
- c) Section 3
- d) Section 6

iii) When a patented product or method is used, sold, or offered for sale, without permission of the patentee then it constitutes which type of patent infringement?

- a) Direct Infringement
- b) Indirect Infringement
- c) Contributory Infringement
- d) Induced Infringement

iv) In which of the following cities, the Indian patent office is not situated?

- a) Kolkata
- b) Delhi
- c) Pune
- d) Chennai



- v) As given under Section 108 (1) of the Patents Act 1970, which of the following remedy is available to the patentee:
- Temporary Injunction
  - Damages
  - Permanent Injunction
  - All of the above
- vii) Which is a type of innovative IPR?
- Industrial design.
  - Trademarks
  - Who can register and use IPR?
  - Individuals
  - Companies
  - Association of persons
  - All of the above.
- viii) What is the main purpose of IP?
- Encourage new creation.
  - More investment.
  - More marketing.
  - All of the above.
- ix) Which of the following is not a type of infringement under patent laws?
- Indirect
  - Contributory
  - Direct
  - Induced
- x) Which of the following is true regarding a new plant variety:
- A plant variety will be distinct if it differs from all other known varieties by height, colour, or maturity
  - It will be stable if the plant characteristics are genetically fixed from generation to generation.
  - All of the above
  - It will be uniform if the plant characteristics are consistent from plant to plant.
- xi) In 2021, which of the following country has the highest patent filings in the world?
- USA
  - South Korea
  - China
  - Japan
- xii) Who is a farmer under PPV & FR Act, 2001?
- Who cultivates crops by cultivating the land himself?
  - Who cultivates crops by directly supervising the cultivation?
  - Who adds value to wild species or local varieties through selection and identifying their useful properties
  - All of the above.

**PART - B**

**Answer any FOUR out of SIX**

2. What are the types of Patent infringement?

[4x7=28]

3. Which laws govern Patents in India? Explain in detail the three significant amendments which took place in 1999, 2002, and 2005.
4. What are the defences available against the infringement of a patent?
5. Explain compulsory licensing.

6. Discuss geographical indication and its benefits.
7. Explain the concept and implication of IPR in cyberspace.

**PART - C**

**Answer any TWO out of FOUR**

[2x15=30]

8. What are patents? Explain the significance of patent protection.
9. What is pharmaceutical protection? Express your opinion on the dilemma of patents in pharmaceuticals.
10. What are designs? Which legal remedies are provided by the Design Act in case of infringement?
11. Explain the concept of plant varieties and the rights of farmers as given under the PPVFR?





1215

**8th Semester End Term Examination May - 2023.**

**Subject : Labour & Industrial Laws-II**

**Course : BBA LLB**

**Full Marks : 70**

**Roll No: .....**

**Time : 3 Hours.**

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- Part C containing **FOUR** questions out of which **TWO** questions are to be answered.
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**PART - A**

**Multiple Choice Questions**

[12x1=12]

- i) What is the time frame in which the employer shall submit 5 (five) copies of draft standing orders proposed by him for the adoption in his industrial establishment?  
a) one month from the date on which standing orders act become applicable  
b) 12 months from the date on which standing orders act become applicable  
c) 18 months from the date on which standing orders act become applicable  
d) 6 months from the date on which standing orders act become applicable.
- ii) The Appeal on the certified standing order may be preferred within ..... days?  
a) 60 days  
b) 30 days  
c) 15 days  
d) 90 days
- iii) Which of the following is not included under the definition of wages given under the Payment of Wages Act 1936?  
a) Basic wage  
b) Dearness Allowance  
c) Incentive  
d) Gratuity



- iv) The total amount of deduction from wages of employees should not exceed .....  
percentage (%)  
a) 50 %  
c) 25 %  
b) 70 %  
d) 40 %

- (v) Any workman is suspended by the employer pending investigation or inquiry into the complains or charges of misconduct against him, the employer shall pay to such workman.  
a) compensation  
c) Subsistence Allowance  
b) medical allowance  
d) All the above

- (vi). The minimum wages as fixed under Minimum Wages Act 1948 must be revised at least once in ..... Years.  
a) 2 years  
c) 5 years  
b) 3 years  
d) not mentioned under the act

- (vii). Till what age of the child will a mother get two nursing breaks in the course of her daily work ?  
a) 12 months  
c) 18 months  
b) 6 months  
d) 15 months

- (viii). In relations to establishment who is defined as a contractor under Interstate Migrant workmen Act

- 1) Person whether contractor, Agent, employee or otherwise under take to produce given result  
2) Subcontractor, khaddar, sardar  
3) None of the above  
a) a & c  
c) a & b  
b) b & c  
d) a, b & c

- (ix). Bonus must be paid to employees within a period of ..... months from the close of the accounting year  
a) 8  
c) 12  
b) 9  
d) none of the above

- (x). Every woman entitled to maternity benefit under Maternity Benefit Act, 1961 shall also be entitled to receive from her employer  
a) Medical bonus  
c) Leave with wages for tubectomy operations  
b) leave for miscarriage  
d) all of the above

- (xi). Interstate migrant workers applies to every establishment in which ..... Workman are employed or were employed on any day of preceding 12 months as migrant labour  
a) 10  
c) 25...  
b) 20  
d) 15

- (xii). Under Plantation Labour Act, creche is to be set-up where ..... Workers including workers employed by any contractor are employed or were employed on any day of preceding 12 months  
a) 20 or more.  
c) 10 or more.  
b) 50 or more  
d) 30 or more

### PART - B

#### Answer any FOUR out of SIX

[4x7=28]

2. Explain the constitutional validity of Minimum Wages Act.
3. How a contractor get license under Contract Labour Regulation and Abolition Act
4. What is the importance of standing Orders in Industry and what is Model Standing Orders?
5. What is the purpose of Occupational Safety, Health and Working Conditions Code 2020?
6. Discuss Unfair Labour Practices
7. What are the duties of contractor under Inter-State Migrant Workmen Act

### PART - C

#### Answer any TWO out of FOUR

[2x15=30]

8. Who is an occupier under Factories Act? What are the specific Responsibility of the Occupier in case of Hazardous Work?
9. Define Contract Labour and what are the liabilities of Principal employer under Contract labour Regulation and abolition act 1970
10. How does Maternity Benefit Act, of 1961 prohibit and regulate the employment of women?
11. What are the objects of Payment of Bonus Act 1965? What are the qualification and disqualifications for receiving bonus under the Payment of Bonus Act 1965?





**8 th Semester End Term Examination: May- 2023.**

**Subject : LEGAL & CONSTITUTIONAL HISTORY Roll No: .....**

**Course : BBA LLB**

**Full Marks : 70**

**Time : 3 Hours.**

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**PART - A**

**Multiple Choice Questions**

[12x1=12]

1. i) what was the object of the East India company
- To promote trade and commerce and to acquire territories
  - To promote trade and commerce and to promote monarchy
  - To promote trade, commerce, and Christianity
  - To acquire territories and promote the British currency
- ii) Which was the first presidency town in India?
- Surat
  - Bombay
  - Madras
  - Calcutta
- iii) Who founded Madras
- Hindu Raja
  - Chancebury wednesday
  - East India Company
  - Francis Day
- iv) Madraspatnam was located near:
- the River
  - the creek
  - the mansion
  - the fort



- v). which of the following statements about the regulating act of 1773 is NOT correct?
- It provided for the establishment of a supreme court at Calcutta
  - It laid the foundation of central administration in India
  - It designated the governor of Bengal as the 'governor-general of Bengal'
  - It allowed the servants of the company to engage in any private trade.
- vi) Who was the first Governor-General of Bengal?
- Robert clive
  - Impey
  - Francis Day
  - warren hastings

vii). who among the following drafted the Indian Penal Code which later became the basis of Indian Criminal code?

- William wedderburn
- Thomas Babington Macaulay
- Maurice Linford Gayer
- Sir Henery McMohan

viii). First judicial plan was prepared by the committee chaired by

- Cornwallis
- Sir warren hastings
- Impey
- Robert clive

ix). Judicial plan of 1772 divided judicial administration. Which of the following matches incorrectly?

- Court of original jurisdiction - mouffasil fauzdari adalat
- Court of original jurisdiction - small cause Adalat
- Court of original jurisdiction - mouffasil (diwani Adalat)
- Court of original jurisdiction - Sadar diwani Adalat

x) In which section Advocates are enrolled in Advocates Act 1961.

- Section 21
- Section 22
- Section 20
- Section 24

xi). what is administration of Justice?

- The Process by which legal system of a Government is executed
- The Process by which legal system of a Government is not executed
- Both
- None of the above

xii). what is Royal Commission also known as?

- Commission of inquiry
- Commission of investigation
- Both
- None of the above

## PART - B

[4x7=28]

Answer any FOUR out of SIX

- Discuss courts of original jurisdiction. (Judicial plan of 1774)
- Write a note on "ROYAL COMMISSION".
- What were the defects in the judicial plan of 1772?
- What were the reforms in 1774 and the reorganization act
- Write a note on Codification role in development of legal history.
- Describe the administration of justice in Bombay.

## PART - C

Answer any TWO out of FOUR

[2x15=30]

- Briefly state the early administration of madras and Calcutta up to 1726.
- Describe the provisions of regulating act, 1773.
- Describe the salient features of Government of India Act 1935.
- Explain the Patna case.





8th Semester End Term Examination: May-2023.

Subject : Interpretation of Statutes Roll No: .....  
Course : BBA LLB  
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PART - A

Multiple Choice Questions

[12x1=12]

1.i) Which of the following is mischief rule?

- a) There must be no mischief in court  
b) In interpreting statutes, judges should interpret the words literally  
c) In interpreting statutes, judges should look at the 'mischief' which the Act was passed to prevent  
d) In interpreting statutes, judges should interpret the words as they see fit
- ii) What is delegated legislation?  
a) A decision of the courts  
b) An Act of Parliament  
c) Law made by a delegation  
d) Law made by a person or body to whom Parliament has delegated power
- iii) Which of the following is/afre accepted External aids to construction  
a) Dictionaries  
b) Notes on clauses/bills  
c) Parliamentary committee reports  
d) All of the above
- iv) Generally \_\_\_\_\_ are given strict interpretations



- a) Welfare Laws
- c) Labour Laws

- b) Penal Laws
- d) None of the above

v) \_\_\_\_\_ sets out in general terms, the purpose of the Act and it often precedes the preamble?

- a) Long title
- c) Preamble

- b) Short Title
- d) None of the above

vi) When statute do not profess to make any alteration in the existing law, but merely declare or explain what it is, then such law is known as

- a) Codifying statute
- c) Declaratory statute

- b) Remedial statute
- d) Consolidating statute

vii) Literal construction when should not be adopted

- a) Law made by a person or body to whom Parliament has delegated power

- b) When the language of statute is not clear

- c) None of the above

- d) Both (a) & (b)

viii) Enabling provision

- a) Can be mandatory

- c) Can be partly mandatory and partly directory

- b) Can be directory

- d) None of the above

ix) Use of "shall" denotes that the provision

- a) is directory

- c) is mandatory

- b) it is a non obstante clause

- d) is a deeming provision

x) When two statutes deal with same subject, they are said to be in

- a) *Pari Materia*

- c) Legal Fiction

- b) *Prima Facie*

- d) All the above

xi) When there is no need for presumptions?

- a) The intention of the legislation is clear

- c) Can be used in any condition

- b) The intention of the legislation is not clear

- d) All of the above

xii) Under the \_\_\_\_\_ rule the words may be given a secondary meaning if applying the literal leads to absurdity.

- a) Mischief Rule

- c) Liberal Rule

- b) Golden Rule

- d) None of the above

## PART - B

### Answer any FOUR out of SIX

[4x7=28]

2. What do you mean by Interpretation and construction? State the differences with the help of case laws.

3. Define the object and purpose of interpretation.

4. Write a brief note on *Delegatus Non Potest Delegare*.

5. Classify the statutes with reference to operation and duration.

6. 'The degree of strictness to be applied in the construction of a penal statute depends on the severity of the statute'. Do you agree with this statement? Give reasons.

7. Explain Harmonious Construction with case laws.

## PART - C

### Answer any TWO out of FOUR

[2x15=30]

8. What are the presumptions of interpretation of statutes?

9. Mention internal aids to construction.

10. Write a short note on:

a. *Ejusdem Generis*

b. *Noscitur-a- Sociis*

11. What do you mean by ambiguity? Mention its type with the help of case laws.