

EXAMINATION OF ARTICLED CLERKS

PAPER VI

GENERAL ACTS

Friday, 26th April, 2024

Time : 3 Hours [1.00 PM to 4.00 PM]

Total Marks: 100

General Instructions :

- (1) Please answer all questions to the point
- (2) Cite provisions of law and relevant case law where applicable

Maharashtra Public Trusts Act, 1950

1. Describe the procedure for alienation of an immovable property owned by a public trust. **5 Marks**

2. Write short notes on any **three** of the following : **6 Marks**
 - (i) Distinguish between a public and a private trust
 - (ii) Is registration of a public trust compulsory ?
 - (iii) Would a trust to advance political objects be considered 'Charitable' ?
 - (iv) Are trusts allowed to generate profit ?
 - (v) Ex-post facto sanction

Indian Trusts Act, 1882

3. Briefly describe any **six** of the following : **12 Marks**
 - a) Powers to apply property of a minor for his maintenance
 - b) Advantages of creating a Trust
 - c) Trust of movable property

- d) Meaning of 'lawful purpose'
- e) Duties of a Trustee
- f) Discretionary Trust
- g) Revocation of a Trust

Maharashtra Co-operative Societies Act, 1960

4. Describe the procedure for transfer of interest on death of a member. **2 Marks**
5. Two Co-operative Housing Societies who have properties adjacent to each other, are in the process of combined redevelopment. After the redevelopment, there will be one single building accommodating the existing members of both the societies and the third-party purchasers. Explain the various possible options from the provisions of the Act. **5 Marks**
6. Briefly state : **6 Marks**
- a) Who may become member of a Society ?
 - b) Is the resolution of AGM to charge Rs.1,00,000/- for processing flat transfer application and add the same to corpus to meet future repair expenses, valid ?
 - c) Applicability of Bye-laws

Maharashtra Rent Control Act, 1999

7. Who is a tenant ? **4 Marks**
8. What are the consequences of not registering a tenancy agreement ? **2 Marks**
9. Enumerate the circumstances when a landlord may recover possession. **5 Marks**

OR

Enumerate the circumstances when a tenant has the right to regain possession of a tenement in a new building ? Also state if the size of the tenement in a new building shall be the same as the old ?

Maharashtra Apartment Ownership Act, 1970

10. Explain : **6 Marks**
- i) common areas and facilities
 - ii) status of an apartment owner
 - iii) encumbrances against apartments

11. What matters should the bye-laws provide for ? **5 Marks**

OR

What particulars should the Declaration contain ?

Prevention of Money Laundering Act, 2002

12. Describe the actions which can be taken against persons involved in money laundering. **2 Marks**

13. Describe the rights of persons being searched. **2 Marks**

14. Write in brief : **8 Marks**

- a) What are proceeds of crime ?
- b) Who can investigate scheduled offences ?
- c) Intermediary under the Act.
- d) Presumptions in interconnected transactions.

Arbitration and Conciliation Act, 1996

15. Your client wants to back out of Settlement Agreement arrived at in Conciliation proceedings. **2 Marks**

What advise will you give considering the recourse that the other party has ?

16. Briefly state any **four** of the following : **8 Marks**

- a) Competence of an arbitral tribunal to rule on its own jurisdiction

- b) Interim measures by the Court
- c) Can serious fraud allegations be dealt in an arbitration proceeding ?
- d) Can evidence be lead under Section 34 proceedings ?
- e) Consequences of a part of an award being set aside.

Limitation Act, 1963

17. Differentiate between the doctrines of limitation and prescription. **4 Marks**
- 18 Briefly discuss any **four** of the following : **8 Marks**
- a) Applicability of Section 14 when a second suit is filed after withdrawal of the first suit with liberty
 - b) ‘Limitation bars the remedy but does not destroy the right.’
 - c) Exclusion in favour of reversioner of servient tenement.
 - d) Disability of one of several persons.
 - e) Effect of fraud or mistake on the limitation period.

Rules of Etiquette and Professional Conduct

19. You are inadvertently marked cc in the email address by the other side’s Solicitor. The email contains information which can help your client to significantly enlarge the bargaining command in the negotiations with the other side for purchase of a property.
What are you expected to do ? **2 Marks**
20. a) In your client’s prestigious matter, when you come out after your arguments in Court, a media reporter seeks your views.
What information and details would you provide ? **3 Marks**
- b) In an ongoing suit at the trial stage, your client wants to rely on fabricated documents. What would you do ? **3 Marks**