

EXAMINATION OF ARTICLED CLERKS

Paper VI

GENERAL ACTS

Friday, 27th April, 2018

Time: 3 Hours (1:00 PM to 4:00 PM)

(Total Marks: 100)

- Notes.(1) Figures to the right indicate full marks
(2) Answers should be precise and concise.
(3) Cite relevant case laws where applicable.

I. The Indian Trusts Act, 1882

Marks

1. How is a trust created and when is it extinguished? (4)
2. What is the importance of 'lawful purpose' in creation of a trust? (3)
3. Can a trustee renounce the trust after its acceptance by him? If yes, how? (2)
4. Discharge of Trustee (4)
5. Trust of movable property (2)

II. The Arbitration and Conciliation Act, 1996

1. Write short notes on any **THREE** (9)
 - a. Termination of mandate of an Arbitrator.
 - b. Form and contents of an arbitral award.
 - c. Arbitration Agreement.
 - d. Enforcement of foreign Award.
2. Answer in brief
 - a. Grounds for challenge to an arbitral award rendered by the Arbitral Tribunal. (2)
 - b. Is a Writ Petition maintainable against the Arbitral Tribunal? (1)
 - c. Is there an automatic stay of an execution of an award upon filing an application under Section 34 of the Arbitration & Conciliation Act, 1996? (1)
 - d. Does the Court have power to condone the delay in filing an arbitration petition under Section 34 of the Arbitration & Conciliation Act, 1996 and if so, up to what period? (2)

III. The Bombay Public Trusts Act, 1950

1. Enumerate **the** differences between a public trust and private trust. (2)
2. Explain the Doctrine of Cypres. (4)
3. Explain the duties and responsibilities of trustee and Deputy or Assistant Charity Commissioner in respect of a Change Report. (3)
4. Explain the provisions in respect of Registration procedure for Public trust created by will. (2)
5. Write a short note on Suit by or against or relating to public trust (4)

IV. The Limitation Act, 1963

1. Write short notes on any **TWO** (6)
 - a. Acknowledgement in writing and its effect
 - b. Acquisition of easement by prescription
 - c. Exclusion of time of proceeding in court without jurisdiction
 - d. Suits on contracts entered into outside the territories to which the Act extends
2. Explain the Effect of death on or before the accrual of the right to sue (2)
3. Effect of fraud and mistake. (4)
4. Legal disability. (3)

V. The Maharashtra Co-operative Societies Act, 1960

1. Explain the provision as to registration of a Society with unlimited liability and conditions for the same. (2)
2. Transfer of interest on death of a member. (2)
3. Write short notes on any **FOUR** (12)
 - a. Open membership
 - b. Who may become member of a society
 - c. Legal provision as to Period of limitation u/s. 92 in the case of dispute referred to the Cooperative Court
 - d. Expulsion of membership
 - e. De-registration of societies

VI. The Maharashtra Rent Control Act, 1999

1. What do you mean by essential supply and what is the remedy available to a tenant when the landlord has cut off or withheld any essential supply enjoyed by the tenant in respect of the premises let to him through another person? (5)
2. Does a Tenancy agreement need to be registered? Who is responsible for its registration? What are the consequences of non-registration. (2)

3. Write a short note on Service tenancy and recovery of possession with respect to the same. (3)
4. Which Premises are exempted under the Maharashtra Rent Control Act, 1999 (2)
5. Who is a tenant? (3)

VII. Rules of Etiquette and Professional Conduct

1. Write a short note on the right of lien of a solicitor. (5)
2. Can a solicitor have a website? Does it infringe the standards of professional conduct and etiquette? (4)