

EXAMINATION OF ARTICLED CLERKS

Paper VI

GENERAL ACTS

Friday, 8th October, 2021

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

Total Marks: 100

General Instructions:

- (1) *Please answer all questions to the point.*
- (2) *Answers should be reasoned and if possible supported by case law.*
- (3) *Cite provisions of law and relevant case law where applicable*

Maharashtra Rent Control Act, 1999

1. Can a Court consider subsequent events in favour of landlord to grant him an eviction decree on ground of bonafide need? Why? **3 Marks**
2. Is a tenant entitled to raise an objection to the increase in standard rent, for the first time, in his Written Statement? **3 Marks**
3. Enumerate the circumstances under which a landlord can increase the standard rent. **5 Marks**

OR

Enumerate the circumstance when a landlord may recover possession.

Maharashtra Co-operative Societies Act, 1960

4. Write short notes on any **three** of the following: **12 Marks**
 - i. The remedy available if a Society refuses the membership of an eligible person.
 - ii. Prior claim of Society.
 - iii. Bar of jurisdiction of civil courts.
 - iv. Powers of the Co-operative Court.

Maharashtra Public Trusts Act, 1950

5. Answer in not more than two bullet points: **8 Marks**
 - i. If a trust has immediate members of the same family on

- the board of trustees, does it lose its public character and become a private trust?
- ii. Are all Societies, registered under the Societies Registration Act, 1860, trusts?
 - iii. Can a Settlor be a Trustee?
 - iv. Are Trusts allowed to generate profit?
 - v. Can two trusts be amalgamated into one?
6. Write a short note on the removal of a Trustee from Office. **5 Marks**
- OR
- Write a short note on the powers of the Charity Commissioner.

Indian Trusts Act, 1882

7. Write short notes on any three of the following: **12 Marks**
- i. Creation of Trusts.
 - ii. Discharge of a Trustee.
 - iii. Extinction of Trusts.
 - iv. Revocation of a Trust.

Arbitration and Conciliation Act, 1996

8. Can parties to an arbitration agreement, exclude all other courts from exercising jurisdiction when more than one court have jurisdiction to adjudicate the disputes arising out of an arbitration agreement? **4 Marks**
9. Will a clause, which provides a discretion to the disputing parties to invoke arbitration, qualify as an arbitration clause. **4 Marks**
10. Is a two-tier arbitration agreement, by which the first tier is to be settled by arbitration in India and if either party disagrees with the result, that party will have the right to appeal to a second arbitration to be held by the International Chambers of Commerce ("ICC") in London, permissible under the Act. **4 Marks**

Limitation Act, 1963

11. Write a brief note on 'Limitation bars the remedy but does not destroy the right'. Are there any exceptions to this Rule? **6 Marks**
12. Write short notes on any two of the following: **6 Marks**
- i. Doctrine of Sufficient Cause.
 - ii. Continuing causes of action.
 - iii. Acquisition of the right of easement.

Maharashtra Apartment Ownership Act, 1970

13. What does the term "common areas and facilities" mean? Does an Apartment Owner have any share in the common areas and facilities? **5 Marks**
14. What matters should the bye-laws provide for? **5 Marks**
- OR
- What particulars should the Declaration contain?

Prevention of Money Laundering Act, 2002

15. Answer in not more than two bullet points: **4 Marks**
- i. What are proceeds of crime?
 - ii. Which agency administers the Prevention of Money Laundering Act?
 - iii. Who can investigate scheduled offences?
 - iv. Who is an Intermediary under the Act?
16. Write a brief note on the adjudication of Complaints where an Authority has seized records or property under section 18 of the Act? **4 Marks**

OR

Write a brief note on retention of records.

Rules Of Etiquette And Professional Conduct

17. What are an Advocate's duties to the Court? **5 Marks**
OR
What are an Advocate's duties to his/her client?
18. Is an Advocate under a general professional obligation to accept every client who approaches him/her? **5 Marks**
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