

EXAMINATION OF ARTICLED CLERKS

Paper VI

GENERAL ACTS

Friday, 28th April, 2023

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 Rent Control Act, 1999

1. Define 'tenant' under the Act? **4 Marks**
2. When can a tenant be evicted under the Act? **5 Marks**
3. Briefly discuss the penalties under the Act? **4 Marks**

Maharashtra Co-operative Societies Act, 1960

4. Write short notes on any **three** of the following: **12 Marks**
 - i. Applicability of Bye-laws.
 - ii. Rights of members who have not paid their dues.
 - iii. Insolvency of a member.
 - iv. Disputes.

Maharashtra Public Trusts Act, 1950

5. Write short notes on any **three** of the following: **12 Marks**
 - i. Beneficiaries.
 - ii. Ex-post facto sanction.
 - iii. Change Report.
 - iv. Chariable purpose.

Indian Trusts Act, 1882

6. Answer whether True or False. Give one bullet point reason for your answer. **8 Marks**
- i. For creating a trust of moveable property, it is not necessary that the purpose of the trust be specified.
 - ii. A trustee who has accepted the trust cannot later renounce it except with the written permission of the author of the trust.
 - iii. An agreement which delegates a trustee's powers and duties to another trustee is valid.
 - iv. Instances of passive breach of trust includes buying of trust property by a trustee on his own account.

Arbitration and Conciliation Act, 1996

7. What is ad hoc arbitration? **3 Marks**
8. Write short notes on any **two** of the following: **8 Marks**
- i. Role of a conciliator.
 - ii. Interim relief.
 - iii. Grounds under an arbitral award may be challenged.
9. Mr. Clueless files an appeal for setting aside an arbitral award on the ground that he was not given proper notice of the arbitration proceedings and was thus unable to present his case. Mr. Clueless was served with a copy of the Award just 35 days earlier. What advice would you give Mr. Clueless. **3 Marks**

Limitation Act, 1963

10. How is the period of limitation for an application for leave to appeal computed? What are the exclusions? **6 Marks**
11. Discuss the provisions relating to persons under legal disability under the Limitation Act, 1963. **4 Marks**
12. Mr. Swindle had taken a loan from Mr. Readymoney which is due on 31st May, 2023. Mr. Swindle died on 5th December, 2021 leaving behind a minor son of the age of 15 years. Decide the time from where the period of limitation shall be calculated under the Limitation Act, 1963. **3 Marks**

Maharashtra Apartment Ownership Act, 1970

13. What is the difference between a condominium and a cooperative housing society. Are there any advantages in developing a property under this Act? **6 Marks**
14. What are the rights of an apartment owner? **4 Marks**

Prevention of Money Laundering Act, 2002

12. What is money laundering? How does it impact the development of the Indian economy? **6 Marks**
13. Discuss the provisions of the Prevention of Money Laundering Act, 2002 regarding the obligations of banking companies, financial institutions and intermediaries. **4 Marks**

Rules Of Etiquette And Professional Conduct

14. Write short notes on any two of the following: **8 Marks**
- i. Advocates duties to the court.
 - ii. Advocates duty to his client.
 - iii. Professional misconduct.
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