

EXAMINATION OF ARTICLED CLERKS

Paper VI

GENERAL ACTS

Friday, 18th November, 2022

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. What is difference between S 15(2) and S 15 (3) of Maharashtra rent control act? **3 Marks**
2. How is the issue of comparative hardship decided? **3 Marks**
3. What is 'standard rent'? When can a landlord increase the standard rent? **5 Marks**

OR

Discuss the various offences under the Act.

Maharashtra Co-operative Societies Act, 1960

4. Write short notes on any **three** of the following: **12 Marks**
 - i. Different types of members under the Act?
 - ii. Jurisdiction of the Cooperative Court.
 - iii. Restrictions on transfer or charge on share or interest.
 - iv. Prior claim of Society.

Maharashtra Public Trusts Act, 1950

5. Write short notes on any **three** of the following: **12 Marks**
 - i. What is a Trust and how is it created?
 - ii. How is public purpose ascertained?
 - iii. Is registration of a public trust mandatory? What is the effect of non-registration?
 - iv. Duties of a Trustee.

Indian Trusts Act, 1882

6. Write short notes on any **three** of the following: **12 Marks**
- i. Classification of Trust.
 - ii. Disabilities of Trustee.
 - iii. Discharge of Trust.
 - iv. Parties to a Trust and their duties.
 - v. Advantages of creating a Trust.

Arbitration and Conciliation Act, 1996

7. Answer whether True or False. Provide one bullet point explanation. **5 Marks**
- i. The power of court to refer parties for arbitration would and must necessarily include, imply and inhere in it the power and jurisdiction to review the award.
 - ii. Arbitral proceedings commence on the date when the arbitrator issues notice to the parties.
 - iii. An arbitral award must state the reasons upon which it is based only when the parties have agreed for the same.
 - iv. An arbitral award made under Part I of the Arbitration and Conciliation Act, 1996 shall be considered as a general award.
 - v. An arbitral award must be founded on principle of trust.
8. Write a brief note on any **two** of the following: **8 Marks**
- i. Consequences of a part of an award being set aside.
 - ii. When can a foreign arbitral award be set aside by the court?
 - iii. Can an award operate as res judicata?

Limitation Act, 1963

9. Write short notes on any **two** of the following: **6 Marks**
- i. General rules of computation of limitation period?
 - ii. Easement rights and its elements.
 - iii. Doctrine of sufficient cause.

10. Differentiate between the doctrines of limitation and acquiescence. **4 Marks**

Maharashtra Apartment Ownership Act, 1970

11. Can one of the apartment owners construct a shed in the common area for the purpose that it should be used as additional parking by any of the apartment owners of that apartment? Why? **3 Marks**
12. An Apartment consists of 35 flats, of which 20 are 3 BHK and 15 are 2 BHK. All owners were charged the same maintenance fee. Some 2 BHK owners feel that they should be paying lesser maintenance charges and approach you for advice. What would you advise them? **3 Marks**
13. Write short notes on any **one** of the following: **4 Marks**
- i. Transfer and Transmission of Flats.
 - ii. Status of owner of an apartment.

Prevention of Money Laundering Act, 2002

12. The Prevention of Money Laundering Act (PMLA) is a predicate-offence-oriented law. Discuss **5 Marks**
13. Write short notes on any two of the following: **6 Marks**
- i. Proceeds of crime.
 - ii. Actions which can be taken against persons involved in Money Laundering.
 - iii. Powers of officers conducting search and seizure.

Rules Of Etiquette And Professional Conduct

14. In the course of acting for a defendant (former client) you had acquired confidential information. The said Defendant replaced you with another lawyer. The said proceedings are now concluded. The information you acquired in that case is material to a matter involving a new client. It might be reasonably concluded that such information, if disclosed, would be detrimental to the interests of the former client. What should you do? **3 Marks**

15. You have been asked to represent an Accused. The victim of the offence is your acquaintance. Should you represent the accused? Why? **3 Marks**

16. What are your duties to the Court? **3 Marks**
