

ACM

2009

100644

Time : 3 Hours ]

[ Max. Marks : 100

**Note :**

- (i) Each question carries **three** marks.
- (ii) For objective type questions in Part-I candidate has to indicate his choice on the answerbook by pointing out the clause against each question (e.g. Q.1 :- Ans : (a) or (b) likewise)
- (iii) Answers given in the aforesaid manner only will be treated as valid.
- (iv) In Part - II figure mentioned in the bracket on the extreme right indicate the marks carried for that question or sub-question.
- (v) Candidate should not write roll number, any name (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised.

**PART - I****Objective Questions - 60 Marks****3 Marks each****FUNDAMENTAL LAWS**

1. The Bombay Public Trusts Act, 1950 is applicable to :
  - (a) Public Trusts in the Bombay State.
  - (b) Public and Private Trusts in the State of Gujarat.
  - (c) Public Trusts or Class of Public Trusts in different areas of the State of Maharashtra as specified in Section 1 (4) of the Act.
  - (d) Public Trusts in the State of Maharashtra and Gujarat.
2. The Right to Establish a Trust is conferred by :
  - (a) Indian Trust Act, 1882
  - (b) Official Trustee Act
  - (c) Article 19 (1) (c) of the Constitution of India
  - (d) Societies Registration Act, 1860
3. A Private Trust may be created for :
  - (a) A lawful purpose
  - (b) A Moral purpose
  - (c) A Scientific purpose
  - (d) A Educational purpose

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4. A Trust may be created by :
  - (a) Trustee
  - (b) Beneficiary
  - (c) Charity Commissioner
  - (d) Every person competent to contract
  
5. A Public Trust shall be Registered by :
  - (a) A Trustee
  - (b) Manager of the Trust
  - (c) Accountant
  - (d) The Court
  
6. The Indian Succession Act, 1925 is applicable to :
  - (a) Disposal of Trusts and Funds
  - (b) Intestate and Testamentary Succession
  - (c) Contractual and non-Testamentary disposition
  - (d) Succession to Public property
  
7. Change Report is filed under :
  - (a) The Companies Act, 1956
  - (b) The Registration Act
  - (c) The Acquisition and Requisition of Immovable property Act
  - (d) The B.P.T. Act, 1950
  
8. A Small Causes Court in Mumbai is governed by :
  - (a) Provincial Small Causes Courts Act, 1887.
  - (b) Code of Criminal Procedure, 1973.
  - (c) Presidency Small Causes Court Act, 1882.
  - (d) Civil Courts Act, 1889.
  
9. Part II of the Indian Succession Act, 1925 does not apply to :
  - (a) Christians
  - (b) Parsis
  - (c) Hindu, Mohammeden, Buddhist, Sikh or Jains ?
  - (d) Adivasis and Tribals

10. Section 36 of the Bombay Public Trust Act, 1950 is applicable to :
- (a) Alienation of Moveable property of Public Trust.
  - (b) Alienation of Immovable property of Public Trust.
  - (c) Creation of Mortgage of immovable property of Public Trust.
  - (d) Creation of Charge on both, movable and immovable properties of Public Trust.
11. "Charge" and "Exchange" are :
- (a) Modes of Transfer of property
  - (b) Negotiable Instruments
  - (c) Right of Government to collect revenue or taxes by attachment and sale of property ?
  - (d) Restrictions on holding a property ?
12. Sub-Divisional Officer, Deputy Collector, Collector and Commissioner are the authorities exercising powers under :
- (a) Income Tax Act
  - (b) Sales Tax Act
  - (c) Bombay Provincial Municipal Corporation Act
  - (d) Maharashtra Land Revenue Code
13. Right to property is :
- (a) Fundamental right
  - (b) Constitutional right
  - (c) Moral right
  - (d) Contractual right
14. Doctrine of Merger deals with :
- (a) Merger of self acquired property into the joint family property.
  - (b) Merger of different cadres to form uniform cadre.
  - (c) Merger of the lands during consolidation of holdings.
  - (d) Merger of appellate courts judgement into the original/Trial Court's judgement.
15. Pre-arrest bail is granted under :
- (a) I.P.C.
  - (b) Code of Civil Procedure
  - (c) International Convention of Human Rights
  - (d) Section 438 of the Code of Criminal Procedure

28. Translate the following passage in English :-

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श्री. अबक,  
जयहिंद कॉलनी,  
ब्लॉक नं. 2,  
इंदिरा नगर, लातूर.

प्रति

मुख्य सचिव,  
महाराष्ट्र शासन,  
मंत्रालय, मुंबई 400 032.

**विषय-** शासकीय सेवेतील नियुक्त्यांमध्ये सुसूत्रता आणण्याबाबत.....

महोदय,

अलीकडे वित्त विभागाने प्रत्येक विभागांच्या पदांचा आढावा झाला असेल तर रिक्त पदांच्या 80% पदे भरण्यास व असा आढावा झाला नसेल तर रिक्त पदांच्या 50% पदे उच्चस्तरिय सचिव समितीची मान्यता नसेल तरीही भरण्यास हरकत नसल्याचे दिनांक 1 जुलै 2004 च्या शासन निर्णयान्वये स्पष्ट केले आहे. तसेच सामान्य प्रशासन विभागाच्या दिनांक 24 ऑगस्ट 2004 च्या परिपत्रकामध्ये असे नमूद करण्यात आले आहे की, उच्च न्यायलयाच्या औरंगाबाद खंडपीठाने शासकीय सेवेतील गट क व गट ड मधील पदांवरील नियुक्त्यांवर घातलेली बंदी उठविण्यात आली असून आता अशी पदे उच्च न्यायलयाच्या स्थगिती आदेशापूर्वी म्हणजे दिनांक 10 मार्च 2003 पूर्वी ज्या विहित पद्धतीने भरण्यात येत होती त्या पद्धतीनेच भरता येतील.

दरम्यान उच्च न्यायलयाने स्थगिती काळात काही बाबतीत पदे भरण्याबाबत शिथिलता दिली होती. त्यावेळी अनुकंपा, अंशकालीन, प्रकल्पग्रस्त अशा क्रमाने पदे भरावीत असे निदेश दिले होते. सामान्य प्रशासन विभागाने दिनांक 30 जानेवारी 2004 रोजी निर्गमित केलेल्या परिपत्रकात हे क्रम दर्शविण्यात आले होते.

वास्तविक पहाता सा.प्र.वि. च्या उपरोल्लिखित दिनांक 24 ऑगस्ट 2004 च्या परिपत्रकाप्रमाणे आता दिनांक 10 मार्च 2003 पूर्वीच्या पद्धतीनुसार पदे भरावयाची आहेत. परंतु नियुक्ती प्राधिकारी दिनांक 30 जानेवारी 2004 च्या परिपत्रकातील क्रमवारीनुसारच पदे भरण्याची कार्यवाही करीत आहेत. या ठिकाणी शासनाने नियुक्त्यांबाबत ठरविलेली क्रमवारी व उच्च न्यायलयाच्या निदेशातील क्रमवारी मध्ये तफावत आहे हे नमूद करण्यात येत आहे. तसेच आता स्थगिती नसल्याने उच्च न्यायालयाने ठरविलेल्या क्रमवारीचा विचार न करता शासनाने आधीच निश्चित केलेल्या क्रमवारीप्रमाणे नियुक्त्या होणे आवश्यक आहे.

आपण या अनुषंगाने नियुक्ती प्राधिकार्यांना सूचना देण्याबाबत सामान्य प्रशासन विभागास निदेश द्यावेत अशी नम्र विनंती आहे.

आपला विश्वासू,

अबक.

16. Discovery and Inspection and administering interrogatories is a procedure under :
- (a) Common law
  - (b) Penal law
  - (c) Code of Civil Procedure while trying civil suits and proceedings
  - (d) Service law
17. The term "Award and Decree" is used to denote :
- (a) The order of Commissioner of Income Tax.
  - (b) The order of Collector passed while recovering the revenue.
  - (c) Order of Civil Court, Arbitrator, Industrial Court, Cooperative Court etc.,
  - (d) Final order of Supreme Court.
18. The word "Primary and Secondary evidence" is part of :
- (a) Law of procedure
  - (b) Principles of fair play and justice
  - (c) Law of Evidence
  - (d) Banking and Security law
19. Framing of issues is necessary for deciding a :
- (a) Civil suit
  - (b) Appeal
  - (c) Revision Application
  - (d) Review application
20. Law of Evidence is inapplicable to :
- (a) Civil Cases
  - (b) Trial of Criminal cases
  - (c) Summary trials
  - (d) Arbitration reference

## PART - II

Conventional Type - 40 Marks

**PROCEDURAL LAWS**  
**PRECIS WRITING (Marathi and English)**  
**OFFICE TRANSLATION (Marathi and English)**

21. What are the basic principles for interpreting a Deed ? 5
22. What is the Doctrine of Cypres ? 5
23. Discuss the Alternate Dispute Redressal Mechanism introduced in the Civil Procedure Code. 5
24. What is the distinction between Burden of Proof and Onus of Proof. Discuss. 5
25. Explain the concept of Secularism as envisaged by the Constitution of India. 5  
(To be answered in Marathi).
26. Is undue emphasis on Religion the sole reason for growing intolerance, fanaticism and terrorism in the world. Kindly comment. (To be answered in English). 5
27. Translate the following passage in Marathi : 5
- “ • Doctors are using computers more and more in their daily routines. These includes diagnosis of diseases, treatments, administration of medicines and drugs etc. Computer in hospitals and private nursing homes are used to maintain information about the patients, their medical records and keep tab on their progress. Computers are used in efficient management of hospital administration.
- Computers have been used to create exhaustive medical databases. These databases contain information about diseases, their diagnosis and treatments. Doctors can get information from distant data banks and expert systems. An expert system is a programme based on the expert knowledge of specialists. It is a diagnostic tool for doctors. The doctors supply detailed information such as symptoms, medical history, test results etc. of the patient. Computer processes this information and suggests a diagnosis. The databases in the expert systems must be constantly checked and updated.”