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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

जे. आर. शर्मा
कार्यकारी सचिव

J. R. SHARMA
MA, B.Ed., LL.B., LL.M., MBA
Officiating Secretary

21, राउज ऐवन्यू इन्सटीटूशनल एरिया
नई दिल्ली - 110 002
21, Rouse Avenue Institutional Area
New Delhi - 110 002

Date: 10.10.2011

BCI:D: 6980 /2011 (Notification)

The Qualifying Examination for the Indian Nationals holding Foreign Law Degrees recognized by the Bar Council of India shall be held on 14th January to 20th January, 2012 in the premises of the Bar Council of India at 21, Rouse Avenue, Institutional Area, New Delhi – 110002 as per the schedule given below: -

SCHEDULE FOR EXAMINATION

- 1. 14th January, 2012 (Saturday)** **Paper-I 100 Marks**
Timing 10.A.M.to 1.00 P.M.
Constitution of India
- 2. 16th January, 2012 (Monday)** **Paper-II 100 Marks**
Timing 10.A.M.to 1.00 P.M.
Contract Law & Negotiable Instruments Act
- 3. 17th January, 2012 (Tuesday)** **Paper-III 100 Marks**
Timing 10.A.M.to 1.00 P.M.
Company Law
- 4. 18th January, 2012 (Wednesday)** **Paper-IV 100 Marks**
Timing 10.A.M.to 1.00 P.M.
Civil Procedure Code and Limitation Act.
- 5. 19th January, 2012 (Thursday)** **Paper-V 100 Marks**
Timing 10.A.M.to 1.00 P.M.
Criminal Procedure Code
- 6. 20th January, 2012 (Friday)** **Paper-VI 100 Marks**
Timing 10.A.M.to 1.00 P.M.
The Indian Legal Profession and Code of Ethics.

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INSTRUCTIONS

The examination will consist of six papers covering different aspects of substantive and procedural laws essential for every legal practitioner licensed to practice law in India. The standard of examination will be that of the law courses in Universities recognized by the Bar Council of India.

The Minimum percentage of marks required to pass in each of the aforesaid papers shall be 40%. Any candidate who fails in one examination is deemed to have failed in the examination.

The medium of examination shall be English. The syllabi of the aforesaid six papers is attached herewith (Annexure – I).

Each question paper shall consist of 3 parts Part – A, Part – B and Part – C. Part – A would consist of 6 short note questions out of which candidate would need to attempt 5 questions. Each question shall carry 5 marks. Part – B shall consist of 4 problem/analytical questions out of which candidate would need to attempt 3 questions. Each question would carry 15 marks. Part – C shall consist of 2 essay questions out of which the candidate shall attempt one. The question would consist of two parts, one theoretical and other application based. Candidates shall be permitted to use Bare Acts for Paper – 4, 5 and 6. The candidates who have failed in earlier examinations may undertake supplementary examination in this Examination. The candidates who have earlier failed in Family Law and Environmental Law may appear for Contract Law and Company Law respectively and other subjects remaining the same.

The intending candidates may apply in the prescribed form (Annexure – II) duly supported by the requisite testimonials along with three copies of passport size colour photographs. The examination fee shall be ₹ 15,000/- (Rupees Fifteen Thousand only) for the entire examination and the examination fee for supplementary examination shall be ₹ 3,000/- (Rupees Three Thousand only) per paper. The Examination fee shall be deposited by means of bank Draft in favour of the Bar Council of India payable at New Delhi. Incomplete applications shall be liable to be rejected summarily.

The last date for submission of application form shall be Monday, 9th January, 2012

Place: New Delhi
Date: 10.10.2011


(J. R. Sharma)
Officiating Secretary

New Syllabus for Qualifying Examination for Indian Nationals graduating from Overseas Recognized Universities

Paper – I → Constitution

Preamble - significance, importance, relations with DPSP, declaration and objectives of state, place in interpretation of constitution- Citizenship - Fundamental Rights - Directive Principles of State Policy - The Union, Executive, President - Legislative powers of the President - The State, Executive, Governor - Parliament - Legislative powers of the Governor - The Union Judiciary - High Courts and Subordinate Courts - Tax - Services under Union and States - Languages - Emergency provisions - Legislative Relations - Centre-State Relations - Administrative Relations - Trade and Commerce

Paper – II → Contract Law & Negotiable Instruments Act

Contract Law

1. General features of contract - classification - historical development of law of contracts - freedom of contract.
2. Formation of contract - offer and acceptance - consideration - necessity - classification - privity of contract - charitable subscription - consideration - discharge of contract - doctrine of accord and satisfaction.
3. Capacity of parties - minority - Indian and English law - mental capacity - drunkenness - other incapacities. Factors invalidating contracts - coercion - mistake - undue influence - fraud - misrepresentation - unlawful objects - immoral agreements - consequences of illegality.
4. Void, voidable and contingent nature of contract of agreement - in restraint of marriage and its limitation - assignment of liability and benefits - offer of performance - joint promises - time and place of performance - reciprocal promises - appropriation of payments - contracts which need not be performed - breach and impossibility - meaning of breach - anticipatory breach - strict performance - impossibility of performance and doctrine of frustration - its effect - discharge of contract by operation of law.
5. Damages - nature and meaning of - penalty and liquidated damages. Quasi contracts nature and basis - instances of quasi contracts - quantum merit.
6. Specific relief - general principles - contracts specifically enforceable - not specifically enforceable - parties in relation to specific performance - rescission - rectification - and cancellation - preventive relief by injunction. Contracts of indemnity and guarantee - different aspect of surety's liability - comparison of guarantee with indemnity - discharge of surety - rights of surety against creditor, principle debtor, and co-sureties.

7. Bailment - general features - agency - different methods for such creation - different kinds - delegation of authority - sub agents and substituted agents - rights and duties of agents and principles - fraud agents - agents liability to 3rd persons - rights against agent personally liable - breach of warranty of authority - undisclosed principal - termination of agency - revocation and renunciation - by operation of law.
8. Sale of Goods - sale and agreement to sell quasi contract of sale - formalities of sale - the price - conditions and warranties - fundamental breach - transfer of property - transfer of title - passing of risk - performance of sale of goods - C.I.F contracts - F.O.B contract - rights of buyer - suits for breach of contract - rights of unpaid seller - auction sale and hire purchase.
9. Partnerships - essentials - compared with co-ownership - company - Joint Hindu family business - partnership of creation of status - mode of determining partnership firm and firm name - different types of partnership - formation - partnership - property - partnership by holding out - illegal partnership - relation b/w partners and 3rd parties - incoming and outgoing partners - retirement - dissolution - settlement of accounts - sale of goodwill - registration of firms.

Negotiable Instrument Act

1. Negotiable instrument - negotiability and assignability - effect of endorsement - Conversion of blank endorsement into full endorsement.
2. Negotiation of dishonoured and overdue instrument - presentment for acceptance - presentment for payment - when presentment for payment unnecessary - parties to bill of exchange - holder and holder in due course - classification - negotiable instruments liabilities of parties - discharge from liability material alteration - protection of bankers - paying bank and collecting bank.
3. Dishonour, noting, and protest - cheques - special features - distinction with bill of exchange and promissory note - crossing of cheques - kinds of crossing - legal effect of crossing - special rules of evidence - presumptions - promissory notes - rights and liabilities of parties - comparison with bill of exchange and cheque.

Paper – III → Company Law

1. Company - Nature, definition, - corporate personality - theories of corporate personality - the doctrine of lifting the corporate veil, the criminal liability of company - company distinguished from other association - different kinds of companies - registration and incorporation of company - memorandum of association - articles of association - alteration - doctrine of constructive notice and indoor management.
2. Promoters - duties and liabilities - prospectus - definition and contents - statement in lieu of prospectus - misrepresentation - remedies of misrepresentation - membership - definition and mode of acquiring membership.

3. Shares - meaning and definition - kinds of shares - allotment of shares - register.
4. Share capital - preference share capital - equity share capital control over issue of capital - stock - share warrant - share premium account and capital redemption - debentures - dividends - audit - auditors - appointment, powers and duties.
5. Borrowing - consequences of unauthorised borrowing registration of charges.
6. The board of directors - directors - appointment and removal, powers, duties and liabilities - powers and duties of managing director - secretaries meetings - different kinds of meetings - procedures and requirement of valid meetings - voting - resolution - minutes - protection of minorities - mismanagement - powers of company law board and central govt - investigation.
7. Winding up - different kinds of winding up - grounds - procedure - commencement and consequences of winding up - powers of court - liquidators - position - powers, duties, and liabilities - liability of members - payment of liabilities and preferential payment.
8. Social Responsibility of Companies – Protection of Consumers

Paper – IV → Civil Procedure Code and Limitation Act

1. Main features - concept of law - suit - definitions - decree - order - legal representative - mesne profit - parties to suit - non joinder – mis joinder - representative suit.
2. Jurisdiction - bars and suits - res sub judice - res judicata - bar to further suit - foreign judgement conclusive of.
3. Place of suing - objection - transfer and withdrawal - institution of suits - summons - pleadings - plaint and written statement - amendment of - counter claim - set off - framing of issues.
4. Procedure during hearing - appearance and consequence of non appearance - ex parte procedure - discovery and inspection - interrogatories - admission - production - impounding of documents.
5. Affidavit - judgement - decree - cost - compensatory cost - interest - commissions - appointment of receiver - power - duty - removal - restitution - caveat - inherent powers - abatement and withdrawal of suits.
6. Suits in particular cases - suit by/against government - suit by or against minor - suit by indigent persons - appeal - interpleader suit - arrest and attachment before judgement - temporary injunction.
7. General principles of execution - executing court - powers of - modes of - precepts, rateable distribution - garnishee order - arrest - detention - release - exemption - attachment - exemptions - sale - setting aside - proclamation.

8. Appeals from original decrees - preliminary decree - second appeal - appeals to SC - stay proceedings - form of appeals - powers of the appellate court - reference - review - revision.
9. Limitation - nature - object - limitation of suits - appeals - applications computation - exclusion - extension - acknowledgement - effect.

Paper – V → Criminal Procedure Code

1. Constitution and hierarchy of criminal courts - jurisdiction and powers of criminal courts - executive magistrates and their powers - juvenile courts, powers and functions - juvenile welfare board - powers and functions of probationary officers.
2. Functionaries under the code - police - prosecutor - defence counsel - prison authorities and their role.
3. Classification of offence - cognizable, non - cognizable, bailable, non - bailable, summons and warrants case - pre-trial procedure - initiation of criminal proceedings - duty of the public to give information and to assist the magistrate and police - steps to ensure accused presence at the trial - search and seizure - production of documents - impounding of documents - rights of the arrested persons.
4. Investigation - information in cognizable cases - information in non bailable cases - police officers powers to investigate cognizable cases - rule of police as to non cognizable cases - report to magistrate - examination of witnesses by police - recording of statements and its evidentiary value - police diary - report of police officer on completion of investigation - investigation in unnatural and suspicious deaths and death in police custody.
5. Security for keeping peace - maintenance of public order and tranquillity - dispersal of unlawful assembly - public nuisance - order of removal - disputes as to immovable property.
6. Maintenance of wife, children and parents - procedure - jurisdiction of magistrates - enforcement - alteration of allowance.
7. Ordinary places of inquiry and trial - cognizance of offences - limitation for taking cognizance.
8. Process to compel appearance - summons - proclamation and attachment - warrant - special summons in case of petty offence - commitment of case to court of session - consolidation of cases.
9. Elements of fair trial - rights of the accused person at the trial - treatment as to persons of unsound mind and mentally disabled - charge - basic rules - alteration of charge - conviction of an offence not charged with - joinder of charges - effect of omission to frame or absence of or error in charge - double jeopardy - protection against self incrimination - accused as witness.
10. Bail - anticipatory bail - powers of magistrate, appellate court and courts of revision.

11. Trial - preliminary pleas to bar trial of summons cases by magistrates - summary trial - trial before court of session - special rules of evidence - disposal of criminal cases without full trial - statements under section 313 Cr.P.C and its use.
12. Judgment - compensation - admonition - probation - non custodial treatment under juvenile justice act - custodial treatment of juveniles - machinery under juvenile justice act - sentencing - execution - remission and commutation of sentence - compounding of offences - disposal of property by the court.
13. Appeals - powers of the appellate court - revision and reference transfer of cases.

Paper – VI → Indian Legal Profession and Code of Ethics

1. Role and functions of a lawyer - enrolment and qualifications - disqualification - bar council of india - functions and powers - committees - right to practice - professional ethics - standards of conduct laid down by the bar council - duties of a lawyer – seven lamps of Advocacy
2. Professional misconduct - power and jurisdiction of Bar Council of India - disciplinary proceedings - judicial decisions.
3. Art of advocacy - role and function of a lawyer - qualities of a lawyer - art of presenting and winning a case - examination of witness - manner and skill of cross examination.
4. Contempt of court - meaning and purpose - criminal contempt - civil contempt - mens rea principle in contempt cases - innocent publication - fair criticism - power of the High Court - punishment - procedure in contempt by judges - appeal - limitations.
5. Legal Education Rules and Bar Council of India Rules.

THE BAR COUNCIL OF INDIA**Application for appearing in the Bar Council
Qualifying examination for Indian Nationals
Holding foreign law Degrees.**


**Affix Attested
Photograph
Here**

1. Name in Full : _____
(Surname first)
2. Father's/Husband's Name : _____
3. Present Address : _____
(Including Police Station)
4. Permanent Address : _____
5. E-mail id : _____
6. Contact Nos./Mobile No. : _____
7. Age as on 01.01.2012 : _____
(Furnish proof of age)
8. Whether the Applicant is
a citizen of India ? (if so, How?)
(furnish Proof) : _____
9. Give details of Examinations passed beginning from H.S.L.C. or equivalent to the
law degree (Furnish Proof)

| Examination | Year of Exam | Name of the University/Board | % of Marks Secure | Remarks |
|-----------------------------------|---------------------|-------------------------------------|--------------------------|----------------|
| HSLC/HSSLC Equivalent | | | | |
| P.U./Intermediate/ Equivalent | | | | |
| B.A./B.Sc./ Equivalent | | | | |
| LL.B/IIIyr/ Vyr./BL/Equivalent | | | | |

10. Whether the Law Degree of Foreign University obtained by the Applicant is recognized by the Bar Council of India : _____
11. Whether the Law Degree is obtained after passing three Year bachelor degree in Any other subject : _____
12. Whether the Foreign Law Degree course last attended by the Applicant was a whole time or part time course ? (Give details supported by document). : _____
13. What was the duration of the foreign law degree course : _____
14. Give details of the subjects offered in the Foreign Law Degree Course (Attach Mark Sheets) : _____
15. Degree Certificate (Attach) : _____
16. Whether the candidate has appeared for the examination previously, if yes the details thereof. (attach copy of marks obtained) : _____

17. Number of Papers the candidate intends to appear for the Supplementary examination: -
- i. _____
- ii. _____
- iii. _____

Bank Draft No. _____ Dated _____

Drawn On _____ Bank _____ Branch

For ₹ _____ enclosed herewith.

I, _____, the applicant do hereby solemnly declare and verify that the particulars herein furnished are true to the best of my knowledge and information.

Date :

Signature of the applicant

Place :