

The 17th Bar Council of India Qualifying Examination for Indian Nationals Holding Foreign Law Degrees will be held from **13th December, 2021 to 18th December, 2021** in the premises of the Bar Council of India at 21, Rouse Avenue, Institutional Area, New Delhi - 110002 as per the schedule given below: -

➔ Date/Schedule for the 17th Qualifying Examination for Indian Nationals Holding Foreign Law Degrees.

Sl. No.	Date & Time of the Examination	Paper	Remarks
# 1.	Monday, 13.12.2021 11.00 AM to 02.00 PM	Constitution of India	#No Book/s/Bare Act/s shall be allowed during the examination.
#2.	Tuesday, 14.12.2021 11.00 AM to 02.00 PM	Contract Law & Negotiable Instruments Act	#No Book/s/Bare Act/s shall be allowed during the examination.
#3.	Wednesday, 15.12.2021 11.00 AM to 02.00 PM	Company Law	#No Book/s/Bare Act/s shall be allowed during the examination.
* 4.	Thursday, 16.12.2021 11.00 AM to 02.00 PM	Civil Procedure Code and Limitation Act.	* Only Bare Act/s without notes will be allowed during the examination No books are allowed.
* 5.	Friday, 17.12.2021 11.00 AM to 02.00 PM	Criminal Procedure Code	* Only Bare Act/s without notes will be allowed during the examination No books are allowed.
* 6.	Saturday, 18.12.2021 11.00 AM to 02.00 PM	The Indian Legal Profession and Code of Ethics.	* Only Bare Act/s without notes will be allowed during the examination No books are allowed.

➔ **After consideration of request of some candidates, Bare Acts with short notes instead of Bare Acts without short notes have been allowed for three papers. 4,5& 6.**

The details of papers where bare act are allowed with short notes and where bare act not allowed are again clarified and given below:

A. Only individual bare acts (not digests) (as available in the market, preferably with least short notes) shall be allowed for the following 3 papers.

➔ Civil Procedure Code and Limitation Act, (Paper-4 on 16.12.2021)

➔ Criminal Procedure Code (Paper-5 on 17.12.2021) and

➔ The Indian Legal Profession and Code of Ethics (Paper-6 on 18.12.2021).

The bare acts, which may be allowed, should not bear any notings by pen/pencil, chits as per the past practice and decision of Committee.

No books, including question answer guides, notes shall be allowed for the 3 papers mentioned above.

* B. No bare acts and books, including question answer guides, notes etc. shall be allowed for the following three papers

➔ Constitutional Law (Paper-1 on 13.12.2021),

➔ Contract Law and Negotiable Instruments Act (Paper-2 on 14.12.2021)

➔ Company Law papers (Paper-3 on 15.12.2021)

➔ **NOTE-- IMPORTANT Guidelines for the Examination.**

(i) For candidates who have appeared in the examination previously and have one or two or more subject papers to clear, this examination is a re-exam giving an opportunity to all those candidates who have not cleared all the papers in previous exam. They are required to appear only in that subject paper in which they are required to clear/pass on account of them being unable to appear for the said subject paper, previously, or having appeared for the same, have been unable to pass in such subject paper/exam previously.

(iii) All mobile phones, watches/gadgets having internet connectivity are to be surrendered before the exam along with all bare acts, book, guide books, notes

etc of the nature and which are not allowed to be kept during the exam with the candidates.

- (iv) Any candidate having been found in possession of the same, or found cheating, using unfair means, talking during exams to other candidates, will have to surrender his/her paper and be debarred from the exam and/or be given a fresh answer sheet to write his/her paper etc.
- (v) All Covid-19 protocols like mandatory wearing of face masks covering nose, use of hand sanitizers and social distancing shall have to be necessarily followed.

Candidates should ensure to carry the Original mark sheets/degree certificates/other documents of the candidate in original for the exam. The Invigilator has the right to examine them and the same shall have to be produced on demand. If the same is found to be discrepant etc. at any stage in the future too, the candidature and the results of the exam is liable to be cancelled and nullified.

The candidates also have to necessarily carry their photo id cards, with signatures, so that the signature/s therein can be matched with the signatures appended on the photos attached to the admit cards. Upon receipt of admit cards, the candidates, have to take out printouts of the same and sign across his/her photograph attached to the admit card.

Appearance for the exam is subject to payment of examination fee

➔ Syllabus for Qualifying Examination for Indian Nationals Holding Foreign Law Degrees

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.

**(SRIMANTO SEN)
SECRETARY
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