



Bar Council of India
18th Qualifying Examination for Indian
Nationals holding Foreign Law Degrees

PAPER I

CONSTITUTIONAL LAW

PART A

Answer any *five* of the following.

(5 x 5=25)

1. Write a short note on the power of the Governor to promulgate ordinance.
2. Discuss in brief how through the instrument of Public Interest Litigation, the judiciary has widened the concept of *locus standi*.
3. Can fundamental rights ever be waived by a citizen? Discuss in light of the doctrine of waiver of fundamental rights.
4. Explain in brief the right against exploitation contained in Articles 23 and 24 of the Constitution of India.
5. Write a short note on the writ of *habeas corpus*.
6. The Preamble to the Constitution of India represents the philosophy, ideals and the spirit of the Constitution. Discuss.

PART B

Answer any *three* of the following:

(3 x 15=45)

7. Discuss in detail the scheme of distribution of legislative functions between the Union and the State as contained in Article 246 of the Constitution of India.
8. Directive Principles of State Policy contained in Part IV of the Constitution of India are not enforceable by the courts. However, they are fundamental in the governance of the country. Examine how the judiciary has given effect to some of these principles through a creative interpretation of Part III of the Constitution.
9. Elaborate upon the right to freedom of religion provided in the Constitution of India. Discuss the right and the restrictions that the constitution provides over the same, in the light of recent judicial decisions.

10. Discuss in detail the provisions contained in the constitution of India pertaining to the proclamation of national emergency and its consequences.

PART C

Answer any **one** of the following:

(1 x 30= 30)

11. a. Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to appointment of judges of higher judiciary in India. Discuss in the light of the principle of independence of judiciary.

b. Discuss the law laid down in *L. Chandra Kumar v. Union of India* on the aspect of the jurisdiction and power of High Courts under articles 226 and 227 of the constitution of India.

OR

12. Write notes on the following:

a. Development of the Right to Privacy in India through judicial decisions

b. Interpretation of the phrase 'Other authorities' under Article 12 of the Constitution of India



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CONTRACT LAW AND NEGOTIABLE INSTRUMENT ACT

PART A

Answer any *five* of the following.

(5 x 5=25)

1. Discuss the definition of consideration as provided in the Indian Contract Act, 1872. Also give suitable examples.
2. Distinguish between 'Sale' and 'Agreement to Sell' in the light of the provisions of the Sale of Goods Act, 1930.
3. Write a short note on the definition of partnership as contained in the Indian Partnership Act, 1932. Also, explain, what is meant by partnership at will.
4. How is 'negotiable instrument' defined in the Negotiable Instruments Act, 1881? Also, discuss the essentials of a valid promissory note.
5. Elaborate upon the concept of bailment. Give suitable examples to explain the essential elements of a valid bailment.
6. A, being in debt to B, the money-lender of his village, contracts a fresh loan on terms which appear to be unconscionable. Discuss if the contract could be said to be induced by undue influence. Also, discuss in the light of Section 16(3) of the Indian Contract Act, 1872 that on whom would the burden of proof lie in the present case?

PART B

Answer any *three* of the following:

(3 x 15=45)

7. X was the owner of a cat named 'Kitty', which went missing. In order to look for his missing cat, X published a notice in the newspaper, through which he announced a reward of Rs. 10,000 to any person who could find 'Kitty'. Y, an enthusiastic animal welfare worker, found 'Kitty' in a park. 'Kitty' wore a name tag on which the contact details of X had been printed. Y contacted X and informed him that 'Kitty' had been found by him and asked X to meet him at a nearby restaurant. As Y waited at the restaurant for X to come and take back 'Kitty', Y saw the notice that had been put up near the nameboard of the restaurant with the picture of 'Kitty' and the details about the reward. Y now claims that

he is entitled to the amount of reward from X. However, X maintains that since Y was not aware of the reward when he found 'Kitty', he could not raise the claim to the reward. How will you decide? Discuss in the light of relevant case law.

8. What do you understand by breach of contract? Explain in detail the various remedies that are available for the breach of contract under the Indian Contract Act, 1872.
9. Write notes on the following:
 - a. Unpaid seller and his rights under the Sale of Goods Act, 1930
 - b. Difference between conditions and warranties under the Sale of Goods Act, 1930
10. Write notes on the following:
 - a. Position of Minor under the Indian Partnership Act, 1932
 - b. Effect of non-registration of a partnership firm

PART C

Answer any **one** of the following:

(1 x 30= 30)

11. a. How is cheque defined in the Negotiable Instruments Act, 1881? Discuss the law relating to dishonour of cheques in case of insufficiency of funds, as contained in Section 138 of the Act. Are the offences punishable under the Negotiable Instruments Act, 1881 compoundable?

b. Write a note on the presumptions as to negotiable instruments as contained in Section 118 of the Negotiable Instruments Act, 1881.
12. a. Elaborate upon the principle of caveat emptor. Are there any exceptions to the rule? Discuss in the light of the provisions of Sale of Goods Act, 1930. Also give suitable examples.

b. A entered into a contract with B for exhibition of a film in B's cinema hall on 25th December, 2022. On that very day, a fire broke out in the pantry of the cinema hall and the hall was destroyed. Consequently, B could not exhibit the film as promised. A sues B for breach of contract and claims damages. In the light of the law on frustration of contract, decide. Also, discuss the different grounds of frustration of contract that have been accepted by courts.



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COMPANY LAW

PART A

Answer any *five* of the following.

(5 x 5=25)

1. Write briefly on the definition of private company. Also discuss the distinction between private company and public company.
2. Write a short note on the distinction between shares and debentures.
3. Explain in brief the duties of a director as provided under the Companies Act, 2013.
4. Write a short note on Annual General Meeting.
5. Explain the concept of corporate social responsibility.
6. What are Articles of Association? Explain.

PART B

Answer any *three* of the following:

(3 x 15=45)

7. Write in detail about Memorandum of Association and its contents. Explain the significance of the objects clause of memorandum of association of a company.
8. Discuss in detail the rule laid down in *Royal British Bank v. Turquand*. Are there any exceptions to the rule? Explain.
9. Examine the rule laid down in *Foss v. Harbottle*. Does the Companies Act safeguard the interest of minority shareholders? Discuss.
10. The decision of the House of Lords in *Salomon* created a bedrock principle of corporate personality, establishing the concept of separate legal entity of a company. With the help of decided cases, critically discuss how the judiciary has pierced the corporate veil in several instances.

PART C

Answer any *one* of the following:

(1 x 30= 30)

11. Explain the distinction between:

- a. Company and Hindu Undivided Family business
- b. Company, Partnership Firm and Limited Liability Partnership

12. Explain the grounds of compulsory winding up with reference to the statutory provisions of Companies Act, 2013.

A company was formed with the main object of manufacturing coffee under a German Patent. The Memorandum of Association of the company stated that it was formed for working a German patent which had been or would be granted for manufacturing coffee from dates and also, for obtaining other patents, for improvements and extensions of the said inventions or any modifications thereof or incident thereto. However, the company failed to acquire a German patent but started manufacturing coffee from dates under a Swedish Patent which the company acquired. A petition for winding up of the company has been filed on grounds of failure of substratum of the company. How would you decide?



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CIVIL PROCEDURE CODE AND LIMITATION ACT

PART A

Answer any *five* of the following.

(5 x 5=25)

1. What is a 'decree'? Explain the difference between preliminary and final decree.
2. Write a short note on Stay of suit under Section 10 of the Code of Civil Procedure, 1908.
3. A, a resident of Delhi owns a piece of land at Chandigarh. B has illegally and unauthorizedly occupied a part of A's land. B is also residing in Delhi and carries on business at Delhi. A wants to file a suit against B for the recovery of the possession of his land. Advise him if he can file the said suit in Delhi.
4. Define the terms 'judgment', 'order' and 'mesne profit'.
5. A civil suit between R and S was decided against S. S preferred an appeal against the said order which was late by one day. S moved an application under Section 5 on the ground that he could not file the appeal on the last day as his son and grandson were implicated in a false and frivolous case and his attendance was required in the other court on the last day of the prescribed period. Decide if the delay should be condoned by the court or not.
6. Write a short note on summary procedure as provided in Order 37, C.P.C.

PART B

Answer any *three* of the following:

(3 x 15=45)

7. What are the different grounds under which amendment of pleadings in a civil court may be permitted? Discuss in the light of decided cases.
8. Explain the essential features of res judicata with the help of decided cases. Also, discuss what is meant by constructive res judicata.
9. Discuss the grounds on which the court may grant temporary injunction under Order 39, C.P.C. Also discuss, when an injunction may be vacated by the court.

10. Write a detailed note on Review under C.P.C. 'Review is not an appeal in disguise whereby an erroneous discussion is reheard and corrected'. Comment and highlight the distinction between Review and Appeal.

PART C

Answer any *one* of the following:

(1 x 30= 30)

11. Write notes on the following. Also discuss the relevant case law.
- Rejection of Plaint under Order 7 Rule 11, C.P.C
 - Grounds for Second appeal to High Court under Section 100, C.P.C.
12. a. Discuss the provisions of the Code of Civil Procedure, 1908 pertaining to suits by or against the government and its officials.
- b. A files a suit against B. On the date of hearing, A remains absent and the suit is dismissed for default. What are the remedies available to A against such dismissal? Discuss in detail.



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INDIAN LEGAL PROFESSION AND CODE OF ETHICS

PART A

Answer any five of the following:

(5 x 5=25)

1. What are the 'Seven Lamps of Advocacy' which have been discussed by Edward Abbott Parry?
2. Write a short note on 'Advocate's Duty to Render Legal Aid'.
3. Whether an advocate has a lien over litigation papers entrusted to him by his client in lieu of the fees pending? Discuss.
4. Explain the distinction between civil and criminal contempt.
5. What are the essential conditions that render a person eligible for being enrolled as an Advocate on the state roll? Discuss in light of Section 24 of Advocates Act, 1961.
6. Write a short note on: Innocent publication and distribution of matter as a defence under Contempt of Courts Act, 1971.

PART B

Answer any *three* of the following:

(3 x 15=45)

7. Discuss in detail the duties of advocate towards clients as prescribed under 'Standards of Professional Conduct and Etiquette' laid down by Bar Council of India under Advocates Act, 1961.
8. How is criminal contempt defined in the Contempt of Courts Act, 1971? Discuss the essential ingredients of criminal contempt. Is *mens rea* relevant in proceedings for criminal contempt?
9. Discuss the disciplinary powers of Bar Council of India as contained in Advocates Act, 1961. What are the powers with which the Disciplinary Committee of a Bar Council is vested?

10. Explain the rules pertaining to restrictions on advocates to take up other employment as laid down under Standards of Professional Conduct and Etiquette under Section 49 (1) (c) of the Advocates Act, 1961. Can an advocate take up full-time teaching of law at an educational institution? Discuss.

PART C

Answer any *one* of the following:

(1 x 30= 30)

11. Write notes on the following:
- a. State Bar Council: Composition and Functions
 - b. Right to Practice under Advocates Act, 1961
12. Write in detail about the procedure that is prescribed by the Contempt of Court Act, 1971 for initiating and conducting proceedings for contempt of court. Discuss the relevant provisions. Also, explain the punishment that has been prescribed under Section 12 of the Act for an act of contempt of court.



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CRIMINAL PROCEDURE CODE, 1973

PART A

Answer any *five* of the following.

(5 x 5=25)

1. What are Juvenile Justice Boards? Discuss in the light of Section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
2. How is inquiry defined in the Code of Criminal Procedure, 1973? Explain the distinction between inquiry, investigation and trial.
3. Write a short note on Right to Legal Aid as provided in the Code of Criminal Procedure, 1973.
4. Explain the procedure prescribed under the Code of Criminal Procedure for summary trial. What offences may be summarily tried and by whom?
5. Write a short note on compounding of offences as provided for, in the Code of Criminal Procedure, 1973.
6. Discuss the rule against double jeopardy as contained in section 300 of the Code of Criminal Procedure, 1973.

PART B

Answer any *three* of the following:

(3 x 15=45)

7. What is a First Information Report? What recourse does an informant have in case where there is a refusal by the police officer to register the FIR in cognizable case? Discuss in the light of relevant case law.
8. What are the essential components of Anticipatory Bail under Section 438 of the Code of Criminal Procedure? Can anticipatory bail be claimed as a matter of right? Discuss.
9. Explain the procedure contained in Section 167 of the Code of Criminal Procedure, 1973 which has to be followed when investigation cannot be completed in twenty-four hours.
10. Discuss the rights available to an accused person under the Code of Criminal Procedure, 1973. Elaborate upon the provisions related to fair trial in the Code of Criminal Procedure, 1973.

PART C

Answer any *one* of the following:

(1 x 30= 30)

11. a. Define charge and enumerate the contents of charge. Also discuss, if the charge once framed may be altered by the court. According to section 315 of the Code of Criminal Procedure, 1973, what is the effect of an error or omission in a charge?

b. Write a note on grounds for cancellation of bail.

12. Write notes on the following:

a. Distinction between cognizable and non-cognizable offence

b. Search warrant under sec 93, Cr.P.C, 1973

c. Distinction between summons and warrants case