

CLEAR THE BAR'S

GUIDE

TO THE

ALL INDIA BAR EXAMINATION

(AIBE)

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1. Background

Law students who have graduated in or after 2010 from a three or five year law course in India and who have enrolled as an Advocate in a State Bar Council in India must pass the All India Bar Examination (AIBE) to practice law in India. The BCI will issue a 'Certificate of Practice' if you successfully clear the AIBE, from which date you will be entitled to practice law in India.

The Bar Council of India (BCI) conducts the AIBE at least twice every year. The AIBE is a qualifying exam and a minimum of 40 percent marks is required to pass the exam. The AIBE is conducted in several languages including English and Hindi.

This Guide has been prepared for the use of AIBE aspirants and can be shared freely with your friends and colleagues. Visit www.clearthebar.in for latest updates on AIBE dates, registration deadlines and changes in syllabus.

2. Five tips to clear the bar exam

#1

The AIBE is all about time management. Not just in the examination but also during the preparation. Aspirants must pre-assess the number of hours that they will need to invest in completing the AIBE syllabus and ensure

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enough time is left to undertake practice tests to gauge their performance level. Spending a lot of time trying to solve just one question is a classic example of poor time management skills and must be avoided.

#2

Familiarize yourself with past year papers and the AIBE syllabus. There is no shortcut to success and this is even truer in case of the AIBE. Being confident about your legal knowledge and acumen is one thing, but being ignorant about the skills needed to clear the AIBE is quite another. Aspirants must at least familiarize themselves with the areas of law on which they will be tested in the examination and the kinds of questions that have been asked in recent years. *Clear the Bar* provides aspirants with key information on what subjects to focus the most on and what materials to use to study these subjects.

#3

Know your bare acts! Most AIBE aspirants focus more on commentaries and textbooks, but less on bare acts. Aspirants will be surprised to know the number of questions that refer directly to sections of the various legislations that are part of the syllabus. Some questions are even framed using the illustrations stated in the sections of these statutes. Consider this question, for instance:

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“5. In which of the following cases a set off can be claimed?

(a) ‘A’ owes the partnership firm of ‘B’ & ‘C’ Rs. 1,000/-. B dies leaving C surviving. A sues C for a debt of Rs. 1,500/- due in his separate character. C wants to set off the debt of Rs. 1,000.

(b) A sues B for Rs.20,000/-. B wants to set off the claim for damages for breach of contract for specific performance.

(c) Both a & b

(d) None of the above”

This question (taken from AIBE X) was framed using the illustration contained in Order 8, Rule 6 of the Civil Procedure Code. A lot of students would have wasted much of their valuable time trying to answer this question by reading and then analyzing the set-off provisions contained in Order 8, Rule 6 (if they were lucky enough to find this provision) instead of going straight to the illustrations!

#4

Identify the study materials. Remember, the BCI does not provide preparatory materials anymore and relying exclusively on the materials put up on the BCI’s website will not guarantee success in the examination. It is therefore important that you peruse the AIBE syllabus and identify what all study materials you will rely upon to complete the syllabus on time. Randomly pulling out one textbook for each subject is the worst way to

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prepare for the AIBE and you should try to identify books that are comprehensive and have been brought up to date. Ask yourself this question: would you refer to H. M. Seervai or P. M. Bakshi on Constitutional Law if you were given 60 seconds to answer a question on the writ jurisdiction of the Supreme Court under Article 32?

#5

Attempt all questions as there is no negative marking. Solving questions that you are most confident about first and then attempting the rest of the questions (using the elimination method) always works. Let us suppose you do not know the correct answer to the following question:

“19. Which of the following belongs to the category of direct tax?

- (a) Goods and Service Tax*
- (b) Excise duty and customs duty*
- (c) Income tax and gift tax*
- (d) All of the above”*

This question can be answered correctly using logic and common sense as tools. Obviously, the GST, excise and customs duty, and income tax cannot all be direct taxes and hence option (d) can be eliminated right away. The closest answer out of the remaining three options is (c) because the first two kinds of taxes share the same commonalities.

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3. The importance of past year papers

Past year papers are a great way to know what the AIBE is going to be like. Past year papers will provide an idea about the kinds of questions that have been asked in the past, and will help you immensely in streamlining your preparation. We recommend that you begin your AIBE preparation by first going through the past year papers.

A quick look at some of the questions asked in recent years will reveal that the BCI follows an identifiable pattern. Take a look at these questions and try to make a mental picture of what the upcoming AIBE is going to be like:

1. *“Income which accrue or arise outside India but is directly received into India are taxable in case of*
 - (a)Residents only*
 - (b)Both ordinarily residents and non-residents*
 - (c)Non-residents*
 - (d)All the assesseees”*

2. *“A Hindu’s widow, if there are more than one, shall take*
 - (a)One share each*
 - (b)One share for all the widows*
 - (c)One share each to the maximum of two shares, if there are more than two widows*
 - (d)None of the above”*

3. *“In which of the following cases, the Supreme Court of India opined that “bail is the surety and jail is an exception”*
- (a) Joginder Kumar Vs State of U.P*
 - (b) Moti Ram Vs State of M.P*
 - (c) Maneka Gandhi Vs Union of India*
 - (d) State of W.B Vs D. K. Basu”*
4. *“PIL is criticized on the ground of*
- (a) Private motive*
 - (b) Political ends*
 - (c) Tremendous increase in the litigation*
 - (d) All of the above”*
5. *“Minto Morely reform is associated with which Act?*
- (a) Indian Council Act 1912*
 - (b) Indian Council Act 1856*
 - (c) Indian Council Act 1908*
 - (d) Indian Council Act 1909”*

4. Carry in materials

The AIBE is an open book exam and aspirants are allowed to carry study materials to the examination hall. Given that the AIBE syllabus is huge and covers almost all of the important subjects such as constitutional law, civil and criminal laws, corporate and commercial laws, to name few, it is humanely impossible to carry all the books and other materials to the

examination hall or to even think of using all of them to answer 100 questions in just three hours.

It is very important that aspirants know which study materials to carry so that they do not get lost while answering questions in the examination hall. The most effective list of carry-in materials is one that focuses on key subjects (based on how much marks individual subjects carry in the paper) and covers at least 75% of the syllabus. *Clear the Bar* has prepared a list of compulsory as well as optional list of carry-in materials that will come handy in this regard.

5. Memory or team work may prove costly

Remember that the AIBE is not about team working nor is it about rote learning. Placing excessive reliance on external help during the examination or blindly trusting your memory will prove very costly. Those who carry the right materials with them to the examination hall are more likely to pass (and score better marks) in the AIBE compared to those who do not. Aspirants can avoid a great deal of confusion and distraction during the exam if they take with them the study materials that they have used in their preparation and effectively use these materials to solve the questions.

6. Practice, practice and practice

You are wrong if you think that the AIBE is an open book exam and therefore needs little or no practice. You will be surprised to know the number of students who fail to clear the AIBE in their first attempt and given the importance of this exam in your career as a lawyer, you simply cannot afford to stay carefree. Like any other exam, it is important that aspirants take the AIBE very seriously and attempt mock tests after completing the syllabus and before appearing for the examination. Use study materials and solve test questions and do not forget to set your time. *Clear the Bar's* mock test papers will come handy!

7. How *Clear the Bar* will help you

We have designed a two-week study plan keeping in mind the needs and requirements of AIBE aspirants. By

Two Week Study Plan		
Days	Focus	Marks
	Before you begin your preparation, make sure you have: - Familiarized yourself with Clear the Bar database; - Procured the study materials including bare acts and textbooks - Gone through the past year Papers	-
Day 1-2	Clear the Bar Module on Constitutional Law	10
Day 3-4	Clear the Bar Module on Civil Procedure Code	10
Day 5-6	Clear the Bar Module on Criminal Laws	26
Day 7	Clear the Bar Module on Family Law	8
Day 8-9	Clear the Bar Module on Law of Contracts, NI Act and Specific Relief and Property Law	8
Day 10-11	Clear the Bar Module on Law of Torts, Motor Vehicles Act and Consumer Protection Act	5
Day 12	Clear the Bar Module on Labor Laws and Arbitration Act	8
Day 13	Attempt Mock Test 1 and 2	-
Day 14	Attempt Mock Test 3 and 4	-
Expected marks		75 marks

sticking to the plan, aspirants will be able to easily cover 75% of the AIBE syllabus in just two weeks.

Clear the Bar has also prepared a unique list of compulsory (as well as optional) study materials that aspirants can use to prepare for the exam and carry with them to the examination hall.

Aspirants will also immensely benefit from Bar & Breezers, which captures the essence of statutes in just one page and will go a long way in saving a lot of your valuable time that you would otherwise spend in trying to find, read and understand the specific sections of the statute.

To know more about *Clear the Bar* or our online course, visit www.clearthebar.in or email us at clearthebar@gmail.com or call us at +91 9619891536.