

<b>Name:</b>	
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, May 2019**

**Course: Professional Ethics, Accountancy for Lawyers and Bar Bench Relation**  
**Programme: B.Tech LLB CS+CL/B.Tech LLB ET+IPR**  
**Course Code: LLBL 531**

**Semester: XII**  
**Max. Marks: 100**  
**Time: 03 hrs.**

**SECTION A**  
**(Attempt all)**

S. No.	Question	Marks	CO
Q 1	Which provision of the Advocates Act, 1961 deal with the classes of Advocates? Elaborate on the classes.	2	CO1
Q 3	In a matter of their practice, Senior Advocate shall not file a <i>vakalatnama</i> or act in any Court or Tribunal or before any person or authority mentioned in Section 30 of the Advocates Act, 1961. (True/False)	2	CO2
Q 4	All India Bar Committee was constituted under the Chairmanship of _____ in the year _____.	2	CO3
Q 4	In 1879, the _____ Act was passed to consolidate and amend the law relating to the legal practitioners.	2	CO3
Q 5	All India Bar Examination (AIBE) was made mandatory for all graduating law students since _____.	2	CO2

**SECTION B (20 marks)**  
**(Attempt all)**

Q 6	Elaborate on Certificate of Enrolment? Under what provision of the Advocates Act, 1961 is it issued?	5	CO1
Q 7	What is the Right of pre-audience?	5	CO1
Q 8	Which provision of the Advocates Act, 1961 provides for establishment of the State Bar Councils? What are it's functions?	5	CO2
Q 9	What is the Contempt of Court? What are it's kinds? Which statute governs the concept of Contempt of Court?	5	CO3

**SECTION-C**  
**(Attempt any two)**

Q 10	Discuss the liability of Lawyers under Consumer Protection Act, 1986?	10	CO4
Q 11	What are the pre-requisites which an authority must fulfil in order to be regarded as a Court as per the Contempt of Courts act, 1971?	10	CO3
Q 12	Write in detail about the development of Legal Profession in India.	10	CO1
Q 13	Elaborate on the concept of how Accountancy is relevant for a Practising Advocate.	10	CO2

**SECTION-D**

Q 14	Discuss the relevance of Contempt of Courts act, 1971.  <p style="text-align: center;"><b><u>OR</u></b></p> Discuss Bench-Bar Relationship.	<b>20</b>	<b>CO2</b>
Q 15	Whether a Faculty member of School of Law of University of Petroleum & Energy Studies could subsequently enroll himself as an advocate, appear in a Court of Law, and simultaneously carry on the duties of a full time faculty member of the School of Law, University of Petroleum & Energy Studies, and Dehradun? Decide with the help of case laws.	<b>15</b>	<b>CO4</b>
Q 16	Differentiate between Civil Contempt and Criminal Contempt with the help of relevant case laws.  <p style="text-align: center;"><b><u>OR</u></b></p> On April 21, 2009 at around 4:30 AM, a speeding vehicle crashed through a Police check-post on one of the roads in Mumbai, killed 9 people including 4 Police officers, and injured 1 person. According to the prosecution, one Mr. James Bond who, in an inebriated state, was driving a black Aston Martin Vanquish car at a very high speed that caused the accident.  A former member of the Rajya Sabha, K.D. Divan and a Public Prosecutor, J.M. Sinha had been caught in a sting operation conducted by ABP News, when they were trying to convince the chief witness A.B. Mahajan to withdraw his statement in the case.  A Series of Videotapes were aired showing collusion between the two while they were attempting to tutor the testimony. Taking <i>suo motu</i> cognizance, the Bombay High Court on May 3, 2012 instituted a contempt proceeding against the lawyers and in exercise of powers under Article 215 of the Constitution of India prohibited them from appearing before the High Court and Subordinate Courts for 6 months.  This was appealed by the two lawyers under section 19(1) of the Contempt of Courts Act, 1971.  The Issues before the Court are:-  1. Whether the conviction of the two appellants for committing criminal contempt of the court is justified and sustainable?  2. The declining professional standards among lawyers.  Decide with the help of Case Laws.	<b>15</b>	<b>CO3</b>

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**SECTION A**  
**(Attempt all)**

S. No.		Marks	CO
Q 1	When an Advocate abuses another Advocate without any reason or justification and uses vulgar words, what is he guilty of (a) Lowering the dignity of the legal profession (b) Committing Professional Misconduct (c) Violating the duty towards Colleagues (d) All of the above	2	CO1
Q 2	“Advocate” means an advocate entered in any roll under the provisions of (a) Constitution of India (b) Advocate Act, 1961 (c) Advocate Act, 1948 (d) None of the above	2	CO2
Q 3	Section 44 confers the power of _____ on the disciplinary committee of a Bar Council.	2	CO3
Q 4	Standards of Professional Conduct and Etiquette provides that an Advocate shall (a) maintain towards the Court a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community. (b) appear in Court at all times only in prescribed dress, and his appearance shall always be presentable (c) Both (a) and (b) (d) Neither (a) nor (b)	2	CO3
Q 5	Whether an Advocate while practising as an Advocate, be a sleeping partner in his family business? (a) No, because it will amount to professional misconduct. (b) Yes, he can regardless of the nature of the business as long as it is the family business. (c) Yes, he can provided the nature of the business is not inconsistent with the dignity of the profession in the opinion of the State Bar Council. (d) None of the Above.	2	CO4

**SECTION B (20 marks)**  
**(Attempt all)**

Q 6	Discuss the development of Legal Profession during British Period In India.	5	CO3
Q 7	The Bar Council of India in Chapter I of Part VI has made certain provisions with regards to the Senior Advocates. Discuss.	5	CO2
Q 8	Whether a Priest is eligible to be enrolled as an Advocate? Discuss with the help of case laws.	5	CO3
Q 9	What is the Contempt of Court?	5	CO1
<b>SECTION-C</b> <b>(Attempt any two)</b>			
Q 10	Discuss the liability of Lawyers under Consumer Protection Act, 1986?	10	CO1
Q 11	You are a member of the State Bar Council a Dispute regarding Seniority of two Advocates has come up before you. How would you decide who is Senior of the Two if the Date of Seniority of the two or more is the same?	10	CO3
Q 12	Write in detail about the development of Legal Profession in India.	10	CO4
Q 13	Elaborate on the concept of how Accountancy is relevant for a Practising Advocate.	10	CO2
<b>SECTION-D</b>			
Q 14	In the case of <i>State of Bihar v. Shree Kuber Nand Kishore Singh</i> , it was held that, “what would offend the dignity of the Court and lower the Court’s prestige is a matter for the Court to determine and it cannot be confined within the Four walls of a Definition.” In the light of the above-mentioned Case law, discuss about the Meaning and Types of Contempt of Court.  <b>OR</b> What are the Defences available to a Contemner as per the Contempt of Courts Act, 1971?	20	CO1
Q 15	With the help of relevant case laws differentiate between Right to Practise and Right of Appearance.  <b>OR</b> Whether writing Scandalizing statements in Pleadings or Petitions against a Judge amount to Criminal Contempt? Decided with the help of Case laws.	15	CO3
Q 16	State the qualifications required a Person has to fulfill so as to be admitted as an Advocate on a State Roll.  <b>OR</b> On April 21, 2009 at around 4:30 AM, a speeding vehicle crashed through a Police check-post on one of the roads in Mumbai, killed 9 people including 4 Police officers, and injured 1 person. According to the prosecution, one Mr. James Bond who, in an inebriated state, was driving a black Aston Martin Vanquish car at a very high speed that caused the accident.  A former member of the Rajya Sabha, K.D. Divan and a Public Prosecutor, J.M. Sinha had been caught in a sting operation conducted by ABP News, when they were	15	CO3

trying to convince the chief witness A.B. Mahajan to withdraw his statement in the case.

A Series of Videotapes were aired showing collusion between the two while they were attempting to tutor the testimony. Taking *suo motu* cognizance, the Bombay High Court on May 3, 2012 instituted a contempt proceeding against the lawyers and in exercise of powers under Article 215 of the Constitution of India prohibited them from appearing before the High Court and Subordinate Courts for 6 months.

This was appealed by the two lawyers under section 19(1) of the Contempt of Courts Act, 1971.

The Issues before the Court are:-

1. Whether the conviction of the two appellants for committing criminal contempt of the court is justified and sustainable?
2. The declining professional standards among lawyers.

Decide with the help of relevant case Laws.