

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

Online End Semester Examination, December 2020

Course: Professional Ethics, Accountancy for lawyers & Bar Bench Relation

Semester: IX

Program: B. Com., LL.B (Hons.) (Taxation Law)

Time: 03 hrs.

Course Code: LLBL531

Max. Marks: 100

SECTION A

1. Each Question carry 5 Marks. (6 X 5 = 30 Marks)

2. Instruction: Write a short note. All questions are compulsory.

S. No.	Questions	CO
Q. 1	Define the term Contempt of Court	1
Q. 2	State the characteristics of the Bar Council as per the Advocates Act, 1961.	1
Q. 3	Define Bar Council of India as per the Advocates Act, 1961.	2
Q. 4	Define the term Legal Practitioner as per the Advocates Act, 1961.	2
Q. 5	Explain the punishments, which can be awarded for contempt.	1
Q. 6	Explain the difference between civil and criminal contempt.	2

SECTION B

1. Each question will carry 10 marks. (5 X 10 = 50 Marks)

2. Instruction: Explain the following briefly. All questions are compulsory.

Q. 7	Elaborate on Certificate of Enrolment? Under what provision of the Advocates Act, 1961 is it issued.	4
Q. 8	Can a Judge be held guilty under the Contempt of Courts Act, 1971? Support your answer with the help of case laws.	3
Q. 9	The act of going on strike amounts to a violation of an advocate's duty as an officer of the court and his duty to maintain standards of professional conduct and ethics. It is also results in a violation of his agreement with the client. At the same time, it is also contempt of court and a violation of the right of speedy trial for litigation. Explain the statement with the help of Ex-Capt. Harish Uppal v. UOI [(2003) 2 SCC 45]	4
Q. 10	There is a dire need of defining misconduct and stringent regulations for legal profession are required. Explain with the help of Mahipal Singh Rana v. State of U.P. [AIR 2016 SC 3302]	3
Q. 11	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.	3

Section C

1. Each Question carries 20 Marks.

2. Instruction: Write long answer.

<p>Q. 12</p>	<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.</p> <p>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.</p> <p>This was appealed by the two lawyers under section 19(1) of the Contempt of Courts Act, 1971. The Issues before the Court are:-</p> <ol style="list-style-type: none"> 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. <p>Decide with the help of Case Laws.</p>	<p style="text-align: center;">4</p>
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