

# NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, Jul.-Nov.-2023

Semester: IX

Subject: Professional Ethics

TIME: Three Hours

Marks: 100

## Instructions:

1. Attempt any Five Questions.
2. Marks for all questions are indicated in the brackets at the end.
3. This is a close book exam; no student is allowed to carry any study material.
4. No clarification will be sort during examination.
5. Brevity will be appreciated

Q.1. It will not be an exaggeration to say that the present legal system prevailing in India owes its origin to those Britishers who came to India for trade but eventually established themselves as sovereign rulers of this vast sub-continent. The legal profession as it exists today in India is the natural outcome of that legal system. Justify the statement as well as discuss the advent and development of legal profession in India. (Marks 20)

Q.2. Discuss the following with suitable case laws:

- i. Right to practice of an advocate and right to appear.
- ii. Disposal of Disciplinary Proceedings of Bar Council of India
- iii. Appeal to Bar Council of India and Supreme Court (Marks 5+5+10=20)

Q.3. i. Discuss the Contempt jurisdiction of High Court and Supreme Court under the contempt of court act, 1971.

- ii. Discuss the role of different committees for the smooth functioning of the Bar Council/s. (Marks 10+10=20)

Q.4. Decide the following issues and support your answers with suitable case law/s

- i. Harish was enrolled as an advocate with the Bar Council of the State of Rajasthan in May 1982 and has been in practising since then, mainly in the courts at Jodhpur District in Rajasthan. One Kamlesh engaged Harish as his counsel in a land acquisition case in which Kamlesh was a claimant for compensation. Compensation of Rs. 8 Lakh for the acquisition of the land of the Kamlesh was deposited by the State in the court. Harish



- applied for releasing the amount and as per orders of the court he withdrew the said amount on 2.9.2009 and deposited in his bank account. Harish did not return amount of rupees 8 Lakh to Kamlesh nor did he inform the Kamlesh about the receipt of the amount. Long thereafter, when Kamlesh came to know of it and after failing to get the amount returned by Harish, Kamlesh filed the complaint with the Bar Council of the State of Rajasthan for initiating suitable disciplinary action against Harish. Harish in his defence stated that "Kamlesh was denying to pay my fees so I have all rights to retain the monies." Discuss and decide the liability of Harish if any?
- ii. Due to the increase in the road accidents and mismanagement of traffic as well as disturbance of public mobility the Division Bench of the High Court of Rajasthan by order dated 1/10/2022 banned the holding of meetings on public roads and road margins in the State with the object of ensuring accident-free and uninterrupted traffic along such public roads till further orders. These Orders were confirmed subsequently. Meanwhile, on 26/11/2022, one 'A' hold the dharna and delivered a speech in a public meeting at Jalori Gate, one of the busiest place of Jodhpur, Rajasthan, in connection with a hartal organised to protest against the hike in petroleum and LPG prices, this dharna and his speech was widely reported by the media. 'A' during his speech at the place of dharna while addressing the public at large said that-
- "Why should those Judges sit in glass houses and pass verdicts anymore? If they have any self-respect they should resign and step down from their office. The judiciary can attain greatness only when judgments acceptable to the country and obeyed by the people are passed. Today even the judiciary is ashamed. If the Executive exceeds its limits the judiciary is there to save. Judges are to interpret the laws and interpret the intention of the Legislature which had made the laws and pass orders accordingly. Unfortunately, what some idiots (fools) occupying our seat of justice say is nothing else. Actually, speaking they themselves make laws and they themselves issue orders. This is not conducive to a democratic country". Discuss and decide in detail the liability of 'A'.
- (Marks 10+10=20)

Q.5. Case Analysis of the following:

- i. C. Ravichandran Iyer vs Justice A.M. Bhattacharjee (1995) 5 SCC 457



ii. In Re Vinay Chandra Mishra AIR 1995 SC 2345.

(Marks 10+10=20)

Q.6. It has always been the matter of discussion whether the contempt jurisdiction of the High court and Supreme Court is based on statutory provision or it is inherent jurisdiction available to these courts. Discuss and define contempt according to the Contempt of Court Act, 1971 with suitable case laws.

(Marks 20)

