

13 NOV 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, Nov.-2024

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. *Support your answers with suitable case laws.*

Q.1. Universally the legal profession and the judiciary have been honoured as the 'pure fountain of Justice' and enjoy high esteem of respect. In order to maintain this respect lawyers have to follow certain ethical regulations in exercise of its rule making power, the bar council of India has made several rules prescribing the standards of professional conduct and etiquettes for the advocates. These rules specify the duties of an advocate towards courts, clients etc., which are broadly called as professional ethics. Justify the statement and discuss the duties of an advocate towards court and colleagues. (Marks 20)

Q.2. (i) One 'S' was enrolled as an advocate in Rajasthan Bar Council. At the time of his enrolment, his family was doing the taxi-business and he himself owned four taxis in his names. A complaint was filed against him by one 'X' alleging professional misconduct on the ground of he ('S') running taxi-business. 'S' denied this allegation and showed the documents proving that he has sold the taxis after his enrolment as an advocate, but the Bar Council of India did not accept this document and passed an order of suspending him for one year. 'S' challenged this order in Supreme Court. Decide.

(ii) "The practice of law is not a business open to all who wish to engage in it, it is personal right of a privilege...it is in the nature of a franchise from the state." Justify the statement of Justice Mukherjee, also discuss the provision/s under which this right of an advocate is protected. (Marks 10+10=20)



Q.3. The independence of the legal profession is characterised by its adoption and enforcement of self-imposed set of ethical rules and restrictions. The legislature has entrusted the responsibility for maintaining standards of professional conduct and discipline for lawyers to the State Bar Council or Bar Council of India. Discuss the procedure for disciplinary proceedings followed by the Bar Council of State/India for professional misconduct along with the punishment. (Marks 20)

Q.4. Critically analyse *any one* of the following cases: -

- i. R.D. Saxena vs Balram Prasad Sharma [(2000) 7 SCC 264]
- ii. Justice C.S. Karnan vs The Honourable Supreme Court of India W.P. (C) 6287/2017, Delhi High Court (Marks 20)

Q.5. It is well established that Rule of Law is a basic feature of the Indian Constitution and is in the sense of its supremacy. It entails inter alia the right to obtain judicial redress through the administration of justice, which is imperative for civilized society. To administer justice in an undefiled manner, judiciary as a guardian of Rule of Law is entrusted with the extraordinary power to punish misconduct aimed at undermining its authority whether outside or inside the court. In the backdrop of the above statement discuss:

- i. Purpose and Object of the law of contempt in India.
- ii. Salient features of the Contempt of Court Act, 1971
- iii. Civil Contempt

(Marks 5+10+5=20)

Q.6. The power to punish for contempt is a rare species of the judicial power which by the very nature calls for its exercise with great care and caution. It is a drastic power which if misdirected, could result in curbing the liberty of the individual charged for the contempt. Justify the statement and also discuss:

- i. Truth as a defence
- ii. Contempt of court and freedom of speech.

(Marks 10+10=20)