


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2025</b>			
<b>Course: Professional Ethics and Professional Accounting</b> <b>Program: BA/ BBA/B.COM 5 years LLB</b> <b>Course Code: CLCC 5006</b>		<b>Semester: X</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions: Substantiate your answers with judicial pronouncements</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	State any two lamps of advocacy as propounded by Sir Edward Abbott Parry.	2	CO1
Q 2	State the role of the bar associations in maintaining the integrity of the judicial administration.	2	CO1
Q 3	State any two functions of the Bar Council of India.	2	CO1
Q 4	State the role of an advocate in an informal settlement of a dispute.	2	CO1
Q 5	Mention the importance of Lawyers and Legal Profession in Society.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	'If the Bench loses integrity, the Bar loses its foundation. If the Bar is contemptuous, the Bench loses its effectiveness.' Highlight the importance of Bar and Bench relationship.	5	CO2
Q 7	Discuss the accounting systems used by the solo practitioners or small law firms to manage their professional finances effectively.	5	CO2
Q 8	Is an Over Sea Citizen of India permitted to practice as an advocate in the Indian Courts. Substantiate your answer with valid reasoning.	5	CO2
Q 9	Explain the guidelines issued in Indira Jaising v. Supreme Court of India (2023) in relation to the appointment of the Senior Advocates in the High Courts and the Supreme Court of India.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			

Q 10	In the context of the Consumer Protection Act, 2019, assess the legal maintainability of a complaint filed by a client against an advocate alleging deficiency in service. Refer to the recent Supreme Court decision of 2024, which excluded legal services from the ambit of the Act.	10	CO3
Q 11	<p>Examine the ethical responsibilities of an Amicus Curiae in the legal profession. How do these duties align with the principles of professional conduct and accountability?</p> <p><b>OR</b></p> <p>Examine the defenses available against Contempt of Court. Support your answer with the help of relevant case laws.</p>	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>A group of lawyers in a metropolitan city decided to go on strike, demanding higher remuneration and changes to the judicial process. The strike, lasting several weeks, led to the suspension of various court hearings, causing delays and denying litigants their fundamental right to justice. One case involved a litigant who had been waiting for months to have his case heard, but due to the strike, his matter was delayed indefinitely. The litigant, a retired army officer, filed a petition challenging the legality of the lawyers' strike, arguing that it had interfered with his right to timely justice. The case eventually reached the highest court, where the court condemned the strike, stating that lawyers, as officers of the court, do not have a right to strike as it disrupts the functioning of the justice system. The court further observed that lawyers must adhere to professional ethics and act in a manner that supports the efficient delivery of justice.</p> <p style="text-align: center;">Based on the above facts, answer the following questions-</p> <p><b>a.</b> Analyze the reasons for consideration of strikes by lawyers as professional misconduct under the Advocates Act, 1961, and the Bar Council of India Rules. Does the action by the group of lawyers in the facts of the case given above breach professional ethics and affect the rights of litigants? [12 Marks]</p> <p><b>b.</b> Suggest suitable measures to the Bar Council and judiciary to prevent lawyers' strike. Also recommend a balanced approach to</p>	25	CO4

ensure lawyers' rights to express grievances with their professional accountability to the society at large. [13 Marks]

**OR**

Advocate Ram Murti had been practicing in the Supreme Court for over 20 years, with a specialization in Arbitration and Aviation Law. He was fully aware that advertising by advocates was prohibited under Rule 36 of the Bar Council of India Rules, which aims to preserve the dignity and ethical standards of the legal profession. However, after the landmark case of *V.B. Joshi v. Union of India (2004)*, the legal landscape saw a shift. Though the Supreme Court did not strike down Rule 36, it recognized the changing dynamics of the digital era. Consequently, the Bar Council of India introduced an amendment in 2008, allowing advocates to publish limited professional information on their personal websites, such as:

- Name
- Contact details
- Enrolment number
- Areas of practice
- Academic qualifications

Despite this relaxation, the core prohibition on **solicitation, boastful claims, and comparative statements** remained intact.

Relying on this amendment, Advocate Ram Murti published his professional details on an online app called *Proximity*. This app functioned as a modern digital directory—similar to the traditional Yellow Pages—collecting and displaying information about professionals, including their fields of expertise and jurisdiction of practice.

However, the Bar Council took exception to his listing on a third-party platform rather than a personal website. It held that publishing professional information on *Proximity* amounted to **unauthorized advertisement**, as the platform could be used for indirect solicitation. Accordingly, the Bar Council directed Advocate Ram Murti to remove his profile from the app. It also issued a general notice cautioning all advocates that publishing professional information on commercial

	<p>platforms or directories—digital or otherwise—would be considered a violation of Rule 36 and could attract disciplinary action.</p> <p>In the light of the above facts discuss:</p> <ol style="list-style-type: none"> <li>1. Analyze the status of advertising of the legal profession. [10 Marks]</li> <li>2. Whether advancement of technology is transgressing the stringent rule of the Bar Council? Analyze the challenges of advertising by an advocate. [12 Marks]</li> </ol>		
Q 13	<p>A senior columnist, Ms. Veronica, publishes a sharply worded op-ed in a widely read national journal titled <i>“Has the Judiciary Forgotten the Constitution?”</i> following a constitutional bench verdict that upheld sweeping executive powers in the area of preventive detention. The article includes the following observations:</p> <p><i>“Recent verdicts read more like bureaucratic circulars than constitutional judgments. The judiciary appears to have surrendered its conscience at the altar of expediency. Such erosion of judicial backbone poses a greater threat to democracy than any statute ever could.”</i></p> <p>The piece draws intense public debate. Some scholars endorse the concerns, citing erosion of fundamental rights, while others criticize the tone as disrespectful.</p> <p>A suo motu criminal contempt notice is issued by the constitutional bench under Section 2(c)(i) of the Contempt of Courts Act, 1971, stating that “reckless allegations amount to scandalizing the court and pose a real threat to institutional authority.”</p> <p>Ms. Veronica files an affidavit defending her remarks as an academic, journalistic critique grounded in public interest, invoking truth, good faith, and Article 19(1)(a) of the Indian Constitution.</p> <p>Critically examine:</p> <ol style="list-style-type: none"> <li>1. How the purpose, language, and platform of criticism influence the court’s determination of contempt. Also, the applicability and limitations of the defence of truth and public interest under Section 13(b). (15 Marks)</li> </ol>	25	CO4

	<p>2. Whether the power of suo motu cognizance by courts in contempt matters requires greater statutory or constitutional checks, especially in cases involving public discourse and constitutional scrutiny. (10 Marks)</p>		
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*Support your answers with the help of relevant case laws.*