



Chhatrapati Shahu Ji Maharaj
University, Kanpur

Answer Script Details
Barcode 7768000

Roll No. 23086004394
Total Mark 55/80.00

Exam BACHELOR-O_AUGUST-2024
Subject LLB205 - PROFESSIONAL ETHICS PROFESSIONAL A

Question wise Mark Summary

Q.No Mark Q.No Mark Q.No Mark Q.No Mark

1A 3/4 9C 3/4

1B 2.5/4

1C 2.5/4

1D 3/4

1E 2.5/4

1F 2.5/4

1G 2.5/4

1H 2.5/4

2 10/12

3 NA/12

4 10/12

5 NA/12

6 8/12

7 NA/12

8 NA/12

9A NA/4

9B 3/4

Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

PART-I

Date of Exam : 10/08/24 Shift : I Room No. : P2
 Paper Code : LLB-205 Subject : Professional Ethics Year/yr : 2nd
 Name of Candidate : ASHRUTI SRIVASTAVA
 Roll No. : 23086004394

Signature of Candidate
Ashruti

Signature of Investigator
[Signature]

COE Facsimile
[Signature]

PART-II

MARKS OBTAINED										
Q.	1	2	3	4	5	6	7	8	9	10
(a)										
(b)										
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Total										
Total Marks in Figures								Max. Marks		
Total Marks in Words										

LLB205

Paper Code

Signature of Evaluator

PART-III

Course : LL.B.
 Session : 2023-24 Year/ Semester : II
 Subject Name : Professional Ethics & Professional Accounting System
 Medium : English Hindi
 Paper Code : LLB205
 Exam Date : 10082024
 Name of Candidate : ASHRUTI SRIVASTAVA
 Father's Name : SURENDRA SRIYASTAVA

कॉलेज का कोड
College Code

K N O S

A	A	<input checked="" type="radio"/>	0	0
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F	D	2	2	2
H	J	3	3	3
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L	L	5	<input checked="" type="radio"/>	5
R	M	6	6	6
S	<input checked="" type="radio"/>	7	7	7
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W				

एग्जाम सेंटर का कोड
Exam Centre Code

K N O S

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एग्जाम का प्रकार
Type of Exam

Regular Re-Student
 Private Back Paper Exam

ANSWER BOOKLET NO.

7768000

Paper Code : LLB205

PART-IV

Enrolment Number : C S J M A 2 0 0 0 0 0 3 8 7 8 9

Candidate's Roll Number

Paper Code

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Ashruti

Signature of Candidate

केन्द्राध्यक्ष
 ब्रह्मानन्द कालेज
 कानपुर

Signature of Investigator

C S Facsimile

COE Facsimile

नोट - 1. परीक्षार्थी को निर्दिष्टित किये जाते हैं कि आवेदन पत्रों को सुदृढ़ धारा पर अंकित सभी निर्देशों को सावधानी पूर्वक पढ़ें।
 2. अधिकांश में धरी जाने वाली प्रतिनिधित्व वाली सजा के मुद्दे ही जायें। 3. सैलमें को काले या नीले बॉलपेन से भरा जायें।

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-I

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-III

1. Use blue or black ball point pen for writing alphabets & numerals in boxes.
2. Carefully study the example before you start marking.
3. As shown in the example below, blacken the circles completely.



4. Make no Stray marks on this sheet.

5. DO NOT WRITE OR MARK ON THE BAR CODE.

IN ORDER TO AVOD UFM (UNFAIR MEANS) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tampering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/electronic/digital/ watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

अनुचित साधन से बचने हेतु :

1. उत्तर पुस्तिका को निर्दिष्टित स्थान को प्रवेशकर अनुक्रमिक एवं उत्तरपुस्तिका का क्रमांक कभी और न लिखें तथा कोई भी चिन्ह न बनायें क्योंकि यह अनुचित साधन प्रयोग की परिधि में आता है।
2. उत्तर पुस्तिका को बारकोड अथवा उत्तर पुस्तिका संख्या पर छेद छेद करने पर अनुचित साधन प्रयोग माना जाएगा।
3. परीक्षा कक्ष में किन वस्तुएं लायें न लायें, जैसे लिखे हुए कलमों के टुकड़े, मोबाइल, डिजिटल डायरी, डिजिटल वॉच, बॉडी, पर्सलक चय वगैरे वस्तुएं जो अनुचित साधन की अवलीक आती है। संशय संबंधित प्रश्नपत्र में छेद यथायोग्य संशुद्धिकर प्रेमद्वारा ले जाने की अनुमति होगी।
4. उत्तर पुस्तिकाओं में कल्पने न करें न ही उत्तर पुस्तिका में विद्यमान ऐसी अथवा अनुचित साधन प्रयोग की परिधि में आता है।

परीक्षार्थियों को दिशा निर्देश

1. प्रवेश पत्र एवं उत्तर पुस्तिका पर दिये गये निर्देशों को ध्यान से पढ़ें।
2. उत्तर पुस्तिका के दृश्यी तथ्य सुधन लें।
3. उत्तर पुस्तिका को पृष्ठों पर दोनो तरफ लिखें।
4. प्रश्न पत्र पर अपने अनुक्रमिक को अतिरिक्त सुधन लें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र ID सावधानी पूर्वक लिखें।
6. अपनी स्थिति स्पष्ट लिखें।
7. उत्तरपुस्तिका के पृष्ठों की संख्या देखें। उत्तरपुस्तिका में पृष्ठ (1-24) को कम है या कटे हुए हैं, तो परीक्षा शुरू होने के पूर्व दृश्यी उत्तरपुस्तिका ले लें।
8. प्रश्नपत्र को देख, यदि प्रश्नपत्र के विषय कोड, विषय का नाम उक्त प्रश्न में कोई त्रुटि है तो उसको परीक्षा शुरू होने के 30 मिनट के अन्दर कक्ष निरीक्षक को तत्काल सूचित करें, उसके बाद विचारविचारपत्र द्रम कोई त्रुटि नहीं की जायेगी।
9. प्रश्नों के उत्तर लिखने के लिये पेन्सिल का प्रयोग न करें।
10. की कभी या अतिरिक्त साधन नही दिया जायेगा।

INSTRUCTION TO THE CANDIDATE

1. Read the instructions carefully given on the Question Paper, Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages (1-24) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, Subject Name, and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over papers should fill in status as Carry Over. Those appearing as Ex- Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in boxes.
2. Use blue or black ball point pen for filling the circles.

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3	3	3	3	3	3	●	3	3	3	3
4	4	4	4	4	●	4	4	4	4	4
5	5	5	5	●	5	5	5	5	5	5
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Note- If your Roll No. is of 10 digits. Please leave first three columns .





Paper Code

LLB205



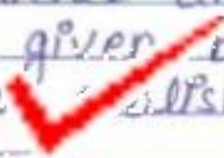
1

Section- A

Answer no- 1 (a)

Contempt of Court is a violation of legal proceedings and by individual in order to disobey the judge and disrespect the honour and dignity of the court. It is the willful disobedience of the court with the intention. Contempt of court can be done by individual if he commit an act having the elements of -

Objects of Law of Contempt -

- (a) willful disobedience the law and order, decree or judgement given by the court.
- (b) pronouncing or  establishing anything to the court which -
 - scandalise or tends to scandalise the dignity of court.
 - obstruct or tends to obstruct, interfere or tends to interfere the administration of justice.
 - prejudice or interfere or tends to interfere in judicial proceedings.

Case - Shambhu Ram Yadav v/s Hanuman Das.

In this case SC held that to bribe judge by advocate is a professional misconduct and also a contempt of court.



Paper Code

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2

Answer no- 1 (b)

Contempt of Court :- Contempt of Court can be two types — (i) Civil Contempt (ii) Criminal Contempt

Defences against Civil Contempt :-

- Respondant has lack of knowledge about the order or decree given by court.
- The order given by court was not under the jurisdiction of court.
- The order was vague and ambiguous.
- The order contain the two meaning.
- Respondant had interpreted the order in different way.
- Respondant had not done his act with intention.

Defences against Criminal Contempt :-

- The publication of by the individual is innocent publication.
- The publication defame the judge personally not the court.
- There must be fair and reasonable publication by the individual.



Answer no-1(c)

Contempt of Court is a violation of legal proceedings, law and rules in order to disobey the honour and dignity of the court. Contempt by judges can be done by following ways -

- (i) Integrity :- To uphold the constitution and maintain the integrity is a duty of judges. If he violates the integrity of the court, he may do contempt.
- (ii) To give the decision wrongfully :- If the judge gives the order, decision, judgement which contains the unauthorised element and it disobeys the respect of court.
- (iii) Pronouncing wrongful statement :- If a judge pronouncing the wrongful statement which scandalise the dignity of court.
- (iv) Obstruct in Legal Proceeding :- If judges publish or pronouncing something in written or by words which interfere in judicial proceedings.



Paper Code

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4

Answer no- 1 (d)

Section 2(a) of Advocate Act, 1961 defines advocate. A person who enrolled in a Bar Council of India is an Advocate. In fact Advocate is a person who represent his clients in the legal proceedings before a court of law.

Sec-29 of Advocate Act 1961 says that an advocate is entitled to practice law in court of law.

Advocate Accountancy towards Court :-

- 1) An advocate must obey the court and try to maintain the dignity of the court.
- 2) An advocate should not wear bands and gowns outside the court.
- 3) They should not try to talk in private.

Advocate accountancy towards Society-

- 1) Advocate must try to promote legal education and awareness.
- 2) Advocate should try to maintain the rule of law and justice.
- 3) Advocate helps other in access to justice.



Paper Code

CCB205



5

Answer no - 1 (e)

Section 9 of Advocate Act 1961, says there shall be a Disciplinary Committee. It regulates, inquire, check the members of Bar Council or State Bar Council if any legal proceeding is going to that individual.

Composition of Disciplinary Committee -

There shall be a three members in the disciplinary committee. Two members are the ex-officio member of the Council and the remaining one is elected from the advocate on roll.

Powers of Disciplinary Committee - If any legal proceeding

is going on to the member of Bar Council or State Bar Council, they inquire & check then they may be -

- (i) dismiss the proceedings or,
- (ii) ~~reprimand~~^{reprimand} the person from court of law or,
- (iii) suspend the person for specific time period or,
- (iv) remove the name of a person from the list of Bar Council of India.



Paper Code

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6


Answer no-1 (f)

Section 2(a) of Advocate Act, 1961 defines Advocate. It says a individual who enroll in the Bar Council of India is an Advocate. In fact An advocate is a legal practitioners who practice in the court of law.

~~Article~~ Sec-29 of Advocate Act, 1961 says a person who is entitled to practice in court of law.

Sec-30 of AA 1961 says - It is a right of an advocate to practice.

Sec-33 of Advocate Act says an advocate is entitle to practice in any court, tribunal or authority.

Thus from  above sections of an Advocate Act, 1961 it is clearly mentione that an advocate is a legal practitioners who entitle to practice in any court, tribunal or authority. In a case, the Supreme Court field that no person can practice law except advocate in the court of law until they get permission by the court.



Answer no-1 (g)

The Bar Council of India has a right to constitute a committee related to legal aid, education, disciplinary committee and so on. The Bar Council of India made a committee which assist the person and aid the people who is weak financially to go to the court for legal proceedings and judicial process. The main functions of the Legal Aid Committee are as follows :-

- Legal Aid committee helps the people to claim the court for their right and privileges if the right infringes.
- Legal Aid committee helps the people to take part in legal proceedings and judicial process.
- Legal Aid committee try to ~~not~~ drop down the financial barrier of the people which restraint them to go to the court.
- This committee works for the welfare of the people to provide them justice and works on the principle of Rule of Law.



Answer no- 1 (h)

The Bar Council of India has a right and power to constitute or form a committee and appoint the staff member as well. They form committee for better or smooth working process.

The Bar Council of India constitute a Legal Education Committee to promote legal education and awareness in the country. The main functions of legal Education Committee are as follows-

- Legal Education Committee promotes the legal awareness and education to the people. It provides legal knowledge too.
- This committee inspect the university about the legal education and inspects the university recognised by Bar Council of India or not.
- This committee organized seminars, publish journals, legal compilation in order to promote the legal knowledge.
- They check upon the colleges and universities from time to time.



Section - B

Answer no - (2)

- By the mean 'professional Ethics' is a body of rules which talk about the act or actions of human conduct in a particular field of profession. Ethics is basically a moral science which is a branch of philosophy which contain "the duties or action of human conduct.
- 'Legal Ethics' is a science of moral attitude which regulates in the field of law and should have to follow by the person who engage in a profession of law. It is basically a duty which should be followed by a person towards society, towards laws, towards the courts, clients and so on.
- Professional ethics is a branch of philosophy which apply to the actions of human conduct. An advocate is a person who engage in a profession of law must follow the ethical principle of law.



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Honourable Justice Mr. K. V. Krishnaswamy Jyer, an eminent advocate of Madras Highcourt said in the distinguished gathering the advocate. He said, "In inside or outside of the court, ~~it~~ ~~is~~ ~~a~~ ~~duty~~ ~~of~~ ~~each~~ ~~and~~ ~~every~~ ~~member~~ ~~of~~ ~~bar~~ ~~to~~ ~~maintain~~ ~~the~~ ~~dignity~~ ~~of~~ ~~a~~ ~~court~~ ~~because~~ ~~each~~ ~~member~~ ~~is~~ ~~a~~ ~~trustee~~ ~~of~~ ~~bar~~ ~~as~~ ~~a~~ ~~whole~~."

Nature of Professional Ethics —

- It is a duty of each and every member of Bar to maintain the decorum of the court and respect his profession.
- A person ~~can~~ ~~not~~ ~~choose~~ ~~profession~~ ~~of~~ ~~law~~ if he ~~really~~ ~~wants~~ ~~to~~ ~~be~~ ~~a~~ ~~member~~ ~~of~~ ~~legal~~ ~~profession~~ ~~Bar~~. If a person want to be an engineer or a business man he must have to pursue that profession because it is not justifiable to follow the both things at the same time.



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- It is duty to advocate to have knowledge in all field because an advocate works for the society and he reflects the character of a good person. Sir Walter Scott said that "An Advocate without History or of Literature is mere mechanic, a mere working mason." This statement concluded that the lawyer must have knowledge in all field which helps him to grow his profession.
- An advocate must try to obey the dignity of court and respect to the judges and try to maintain the co-ordial relation with brethren advocate. In Re Vinay Mishra case — The Supreme Court held that "It is a duty of an advocate to maintain the dignity and decorum of the court."
- Legal profession is a profession of respect, prestige and honour. In Hanraj Chuggani v/s State of Maharashtra "The Supreme Court held that the legal profession is a profession of great honour and respect." So, it is a duty of each and every member who engage in this profession should have to honour his profession.



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Characteristics of professional Ethics—

- The legal profession is a profession of wide knowledge, honesty and courage having an essence of eloquence and wit which helps to enshrine the moral attitude of a legal person.
- In *Bhardeshwar Tanti v/s S.N. Chaudhary* the Supreme Court held that even the advocates have right to proceed in the court and they should maintain the integrity of court. It is the ethical principle of the law profession.
- Sir Boyceum once said, "An advocate knows ^{nothing} about something and something about nothing. It means the ethical principle also says that it is duty of an advocate to know each and every fact of the legal proceedings.



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Answer no-(4)

Bar Council of India.

Sec-4(1) of the Advocates Act 1961 says that there shall be a Bar Council of ~~India~~ in the territory of India composed of —

- the attorney general of India, ex-officio.
- the solicitor general of India, ex-officio.
- one member elected from each state Bar Council among the advocates who enrolled in State Bar Council.

The BAR Council of India is a statutory body. It regulates the legal profession and legal education in India.

Term of the Member of the ~~Office~~ Bar Council

The member of the Bar Council of India may ended —

- (i) the term of ex-officio member may be ended after 2 years or when they cease to be a member of State Bar Council, whichever is earlier.



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- the term of the member may ended when they cease to be a member of State Bar Council.
- other member's term may ended when his successors hold his position.

Disqualification as a Member of Bar Council of India —

A person may be disqualified as a member of Bar Council of India in following conditions —

- (i) the person may disqualify if the Council make him absent in 3-consecutive meetings.
- (ii) the person may disqualified on a reasonable cause
- (iii) the person may disqualify by any rules of BCI. ✓

Powers of Bar Council of India

The main power of Bar Council of India are as follows —

- 1) Admission of an Advocate : The Bar Council of India admitted a person as an advocate &



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It also admitted the person in State Bar Council by saying to State Bar Council if that person already practising in Supreme Court.

2) Take a roll on Advocate ✓ The Bar Council of India take an account of a roll on advocate from the State Bar Council.

3) Transfer of Name - The Bar Council of India may transfer the name of an advocate from one ~~per~~ State Bar Council to another State Bar Council without charging any fee.

4) Constitute a Committee ✓ The Bar Council can constitute a committee for disciplinary purpose, education and legal aid relation, or to conducting elections.

5) General power related to misconduct :- The Bar Council of India may take an action or charge of a person related to the offence of ~~the~~ professional misconduct.



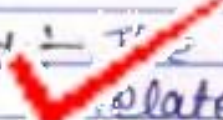
Paper Code

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6) Rule Making power :- The Bar Council of India has a power to make rules related to disciplinary procedures.

7) Appellate power :-  appellate power related to misconduct of an advocate is under the hands of Bar Council of India.

functions of Bar Council of India -

1) Standardise legal profession :- The Bar Council of India standardise the profession in legal field and try to discipline the person in field of law. 

2) Supervising state Bar Council :- The Bar Council of India supervise the working of state Bar Council time-to-time.

3) Disciplinary Procedure :- The Bar Council of India makes law related to the procedures of disciplinary committee.



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4) Handled the ~~rule~~ under this Act :- The Bar Council of India handled all the rules related to decision regarding misconduct and so on.

5) Maintenance of funds and conducting Auditing -

The Bar Council of India maintain the account and funds and also audit the document by qualified auditor and submitted the report to Central Government and for publishing in the Gazette.

6) Legal Education and Awareness - The Bar Council of India promote the legal education by conducting seminars in the university and try to inspect the university from time-to-time.



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18

Section-(C)

Answer-(69)

Section 2 (a) of Advocate Act 1961 provides the definition of Advocate.

An advocate is a person who enroll in the Bar Council of India.

An advocate is a legal practitioner who practice in the court of law.

Advocate is a person who represent his client before the court of law

The profession which follow by the advocate are known as Legal Profession.

An advocate is a only person who is entitled to practice the law. Sec-29 of Advocate Act says, "An advocate is entitled to practice in a court of law." It means to perform the legal profession, this right has to be in the hands of the Advocate. As mentioned in the Sec-33 of Advocates Act, 1961. says an advocate is entitle to practice law in any court, tribunal or authority.



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Role of law and legal profession in Social Transform —

For social transformation, the role of law, bar and bench all the three things would be necessary. Bar and Bench are the two arms of the same machinery of judiciary. Law is the lamp of the judiciary. By which the light of justice enshrined to the people.

- The law must be interpreted clearly by the members who engages in the legal profession. The law must be followed by everyone. To follow the law it is necessary the law not be in vague or ambiguous form.
- For social transformation, it is necessary to the people to know about the rules, regulations, laws, orders, judgement and by laws to be known. So it is a duty to promote legal awareness and provide legal knowledge to all the people in a society.





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- In legal profession, the person who engaged must to obey his profession and maintain the dignity of the court. The advocate not to say ill-will to the judges and always has to respect the judge.
- The advocate (bar) and judges (bench) must maintain the cordial relation b/w them. They both respect the each other in the court of law. The judges also try not to say ill words to the advocate that not to come in the court or just go to the court.
- Legal profession is a profession of honour and dignity. So they much try to maintain the integrity in the court and try to give the justice to the people.
- Speedy trial is a most important thing in the legal profession as well as to transform the society. As it says 'Justice delays is justice denied' so the advocate and justice try to solve the case as soon as possible.



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Answer No- 8

Contempt of Court.

Contempt of Court is a legal violation of legal proceedings by individual in order to disobey the judges and disrespect the honour and dignity of the court. It is the willful disobedience of the court with the mere intention.

- Contempt of Court is basically means to restrict a person by getting the benefit of any law, order, decree, judgement and by law of court.

→ Essentials of Contempt of Court —

- willful disobedience or willful act
- Intentional to perform that act in order to do contempt.
- breach of duty intentionally.

Kinds of Contempt of Court —

There are two kinds of contempt —

- 1) Civil Contempt
- 2) Criminal Contempt.



1) Civil Contempt :- ~~In~~ Civil Contempt is mentioned in sec-(b)(2) of Contempt of Court Act. In Civil Contempt, a person willful disobedience the law, order, decree, judgement, by-law or any undertaking given by the court.

Essentials of Civil Contempt -

- willful disobedience of orders of court.
- breach of law.
- to the contempt intentionally.

Criminal

2) Criminal Contempt :- In Criminal Contempt, if any person pronouncing or publishing any words (whether in written or oral way, or picture form) which -

- scandalise or tends to scandalise the dignity of court.
- prejudice or interfere or tends to interfere the judicial proceeding.
- obstruct or tends to obstruct the administration of justice.

Essentials of Criminal Contempt -

- publishing the words.
- words tender down the dignity of court.



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Power to Punish $\hat{=}$ Only Supreme Court & High Court has a power to ~~to~~ ~~as per~~ initiate proceedings related to the Contempt of Court.

Case-1) Shambhu Ram Yadav v. Hanuman Das.
= In this case SC held that to bribe judge in order to give decision in his favour is professional misconduct by the advocate and also a contempt of court.

2) Ram Singh v/s State of Punjab
In this case Supreme Court held that the contempt of court is much wider scope than the written words. The elements contain in the contempt are -

- It done negligence with moral turpitude.
- misbehaviour in the court.
- disrespect the judges of the court.
- criticize the decision of the judge in the court room.

In the cases of Contempt, the Supreme Court and High Court can initiate the proceedings.

Do Not Write anything in this Portion



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