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**PRESIDENCY UNIVERSITY**  
**BENGALURU**  
**SCHOOL OF LAW**

**MID TERM EXAMINATIONS**

Sem & AY: Odd Sem 2019-20

Date: 21.10.2019

Course Code: LAW 202

Time: 9.30 AM to 11.30 AM

Course Name: PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM Max Marks: 60

Program & Sem: BB.A.,LL.B. & IX

Weightage: 30%

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*Instructions: Answer all the questions.*

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**Part A [Memory Recall Questions]**

**Answer all the Questions. Each Question carries one mark. (10Qx1M=10M)**

1. Ethics in relation to the profession of law is a -----, written or unwritten which prescribes the duties of legal practitioners and regulates their behavior, in respect of such duties. (C.O.NO.1)[Knowledge]
2. The central function of the legal profession is to promote the ----- (C.O.NO.1)[Knowledge]
3. The rules made by the Bar Council of India under Section ----- of the Advocates Act, 1961 prescribe the standards of professional conduct and etiquette of Advocates. (C.O.NO.1)[Knowledge]
4. The nature of duties discharged by an Advocate is in the nature of a ----- duty. (C.O.NO. 2)[Knowledge]
5. An Advocate shall use his best efforts to restrain and prevent his client from resorting to ----- practices. (C.O.NO.2)[Knowledge]
6. An Advocate shall not ----- before a Judge sitting alone or a Bench of Judges, if the Judge or any member of the Bench is related to the Advocate as an immediate relative. (C.O.NO.1)[Knowledge]
7. Once an Advocate is engaged as a pleader by a client, the authority of the Advocate to represent his client, continues to remain in force until it is determined with the ----- of the court in writing, signed by the client or the pleader. (C.O.NO.2)[Knowledge]
8. It shall be the duty of an Advocate to fearlessly uphold the interests of his ----- by all fair and honourable means without regard to any unpleasant consequences to himself or any other (C.O.NO.2)[Knowledge]

9. An Advocate appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to conviction of the -----,  
(C.O.NO.1)[Knowledge]
10. An Advocate in India has sufficient authority under the -----,  
both express and implied, to enter into a compromise on behalf of his Client.  
(C.O.NO.1)[Knowledge]

### **Part B [Thought Provoking Questions]**

**Answer all the Questions. Each Question carries four marks. (5Qx4M=20M)**

11. The majesty of law and the dignity of Courts cannot be maintained unless there is mutual respect between the Bench and the Bar and the counsel act in full realization of their duty to the Court. Discuss. (C.O.NO.1)[Analysis]
12. An Advocate shall not ordinarily withdraw from engagements once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the Client.  
Discuss  
(C.O.NO.1)[Analysis]
13. Enumerate a few circumstances under which an advocate can rightly reject a brief.  
(C.O.NO.1)[Knowledge]
14. Conflict between interest and duty is a dichotomy which often Advocates face in the profession. Substantiate with your reasons. What is the ethical standard expected in the conduct of an Advocate in such circumstances? (C.O.NO.1)[Analysis]
15. Discuss the professional restrictions applicable to an Advocate for other employments. (C.O.NO.1)[Analysis]

### **Part C [Problem Solving Questions]**

**Answer both the Questions. Each Question carries fifteen marks. (2Qx15M=30M)**

16. Discuss the status of an Advocate as an officer of the Court?  
(C.O.NO.1)[Analysis]
17. Practice of law is an ideal of unselfish public service and of great utility, the promotion of administration of justice and the establishment and maintenance of a welfare society being its main functions. Discuss. (C.O.NO.1)[Analysis]



## SCHOOL OF MANAGEMENT

**Semester & AY: IX Sem 2019-2020**

**Course Code: LAW 202**

**Course Name: Professional Ethics and Professional Accounting**

**Program & Sem: BBALLB IX Sem**

**Date: 21-10-2019**

**Time: 09.30- 11.30**

**Max Marks: 60**

**Weightage: 30**

### Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (%age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type [Marks allotted]	Total Marks
			[Marks allotted] Bloom's Levels	[Marks allotted] Bloom's Levels		
			K	C	A	
1-10	1 & 2	Module 1	10			10
1- 5	1 & 2	Module 1	4	16		20
1& 2	1 & 2	Module 1			30	30
	<b>Total Marks</b>		<b>14</b>	<b>16</b>	<b>30</b>	<b>60</b>

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines.

Reviewer's Comments:

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## Annexure- II: Format of Answer Scheme



### SCHOOL OF LAW

#### SOLUTION

Semester: IX Sem

Course Code: LAW 202

Course Name: Professional Ethics and Professional Accounting

Date: 21-10-2019

Time: 09.30- 11.30

Max Marks: 60

Weightage: 30

#### Part A

(10 x 1 = 10 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1.	Code of conduct	1 mark	1 minute
2.	Administration of justice	1 mark	1 minute
3.	Section 49 (c)	1 mark	1 minute
4.	Public	1 mark	1 minute
5.	Unfair	1 mark	1 minute
6.	Practice	1 mark	1 minute
7.	Leave	1 mark	1 minute
8.	Client	1 mark	1 minute
9.	Innocent	1 mark	1 minute
10.	Vakalath	1 mark	1 minute

#### Part B

(5 x 4 = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1.	Advocate to maintain the decorum of the court; he should not indulge in accusations against the court; it is a public duty – Advocates & the court to	1 mark for each point subject 4 marks subject to a maximum of 4 marks	10 minutes



	work as complementary for each other; an advocate to be fair to the court – Respect for the court; befitting conduct in appearance; shall not influence the decision of a court; shall restrain unfair practices; not appear before a bench which consists of a family member		
2.	Advocates duty to appear on behalf of the client before the court	1 mark for each point subject 4 marks	10 minutes
3.	Physical disablement; non-availability; training in a special branch; client not able to pay him reasonably; when the Advocate is likely to be called as a witness	1 mark for each point subject 4 marks	10 minutes
4.	The duty of loyalty to the client; The duty of confidentiality; The duty to disclose to the client or put at the client's disposal all information within your knowledge that is relevant in order to act in the client's best interests; The duty not to put your own or anyone else's interests before those of the client.	1 mark for each point subject 4 marks	10 minutes
5.	Not to engage in any business; not to be full time salaried employee; not to participate in the management of family business; shall not engage in any trade or business.	1 mark for each point subject 4 marks	10 minutes

**Part C**

(2 x 15 = Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1.	Duty towards the Court and its importance in the administration of justice and how it helps the functioning of the court has to be elaborated	1 mark for each point	30 minutes
2.	Professional duty towards the public, society, and the state has to be dealt here.	1 mark for each point	30 minutes







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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**END TERM FINAL EXAMINATION**

**Semester:** Odd Semester: 2019 - 20

**Date:** 26 December 2019

**Course Code:** LAW 202

**Time:** 1:00 PM to 4:00 PM

**Course Name:** PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM **Max Marks:** 80

**Program & Sem:** BBA. LLB & IX

**Weightage:** 40%

**Instructions:**

(i) Read all the questions carefully and answer accordingly.

**Part A [Memory Recall Questions]**

**Answer all the Questions. Each Question carries 1 mark.**

**(10Qx1M=10M)**

1. Who is the ex officio member of the State Bar Council? (C.O.No.2)
2. Bar Council of India has imposed \_\_\_\_\_ years of moratorium on opening of new law colleges (C.O.No.2)
3. Enrolment of advocates is provided under which section of the Advocates Act, 1961? (C.O.No.2)
4. What is the term of a member of the State Bar Council? (C.O.No.2)
5. What is the maximum number of members constituting the legal aid committee? (C.O.No.2)
6. The maximum fee ceiling per hearing of an Advocate under Supreme Court Rules, 2013 is \_\_\_\_\_ (C.O.No.4)
7. The Court Fee Act, was enforced on \_\_\_\_\_ (C.O.No.4)
8. Which professional body is responsible for enforcing the discipline amongst Advocates \_\_\_\_\_ (C.O.No.2)
9. Service Tax is payable on the value of taxable service at \_\_\_\_\_ (C.O.No.4)
10. Service tax is not payable if the aggregate value of taxable service does not exceed \_\_\_\_\_ (C.O.No.4)

(Q1–10) [Knowledge]

### **Part B [Thought Provoking Questions]**

**Answer briefly all the Questions. Each question carries 6 marks. (5Qx6M=30M)**

11. Discuss the procedure to be adopted in cases of Contempt of court. (C.O.No.2) [Knowledge]
12. Discuss the procedure through which an action can be initiated by the concerned High Court against the Criminal Contempt Committed outside the Court. (C.O.No.3) [Comprehension]
13. The majesty of law and the dignity of Courts cannot be maintained unless there is mutual respect between the Bench and the Bar and the counsel act in full realization of their duty to the Court. Discuss. (C.O.No.1) [Analysis]
14. Conflict between interest and duty is a dichotomy which often Advocates face in the profession. Substantiate with your reasons. What is the ethical standard expected in the conduct of an Advocate in such circumstances? (C.O.No.1) [Analysis]
15. What are the Duties of an Advocate towards his Colleagues? (C.O.No.5) [Analysis]

### **Part C [Problem Solving Questions]**

**Answer both the Questions. Each Question carries 20 marks. (2Qx20M=40M)**

16. Critically examine the functions of Bar Council of India. (C.O.No.2) [Application]
17. In the light of decided cases, critically examine the defenses available against Civil Contempt, under the Contempt of Court proceedings. (C.O.No.4) [Application]



**SCHOOL OF LAW**

**END TERM FINAL EXAMINATION**

**Extract of question distribution [outcome wise & level wise]**

Q.NO.	C.O.NO (% age of CO)	Unit/Module Number/Unit  /Module Title	Memory recall type	Thought provoking type	Problem Solving type	Total Marks
			20	30		
			Bloom's Levels	Bloom's Levels		
			K	C	A	
1 - 10	1	1-4	20			20
11	5	4	6			6
12	5	4		6		6
13	1	1			6	6
14	2	2			6	6
15	5	4	6			6
16	1	1		15		15
17	4	4		15		15
	Total Marks		32	36	12	80

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines.

Faculty Signature:

Reviewer Comment:

## Format of Answer Scheme



### SCHOOL OF ENGINEERING

### SOLUTION

Semester: Odd Sem. 2019-20  
 Course Code: LAW 306  
 Course Name: Capital Markets and Securities Laws  
 Program & Sem: BBALLB IX Sem

Date: 20.12.2019  
 Time: 3 HRS  
 Max Marks: 80  
 Weightage: 40%

#### Part A

(10Q x 1M = 10Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	Advocate General	1 mark	1 minute
2	3	1 mark	1 minute
3	25	1 mark	1 minute
4	5	1 mark	1 minute
5	9	1 mark	1 minute
6	8,000	1 mark	1 minute
7	1 <sup>st</sup> March 1870	1 mark	1 minute
8	State Bar Council	1 mark	1 minute
9	14%	1 mark	1 minute
10	10,00,000	1 mark	1 minute

#### Part B

(5Q x 6M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
11	<ul style="list-style-type: none"> <li>- Sec. 14</li> <li>- Inform in writing of the contempt</li> <li>- Provide an opportunity to defend in respect of the charge</li> <li>- After hearing the party proceed either forthwith or after adjournment to determine the matter of charge</li> </ul>	1 mark for each point & 1 mark for overall answer	12 minutes

	- Order for the punishment or discharge of such person		
12	i. On the reference made to it by the sub-ordinate court. ii. On the motion made by the Advocate General. iii. On the motion made by such law officer in relation to a Union Territory as the Central Government may specify.	2 marks for elaborating each point	12 minutes
13	Advocate to maintain the decorum of the court; Advocate should not indulge in accusations against the court; It is a public duty – Advocates & the court to work as complementary for each other; An advocate to be fair to the court; Respect for the court; Befitting conduct in appearance; Shall not influence the decision of a court; Shall restrain unfair practices; Not appear before a bench which consists of a family member	1 mark for each point subject to a maximum of 6 marks	12 minutes
14	The duty of loyalty to the client; The duty of confidentiality; The duty to disclose to the client or put at the client's disposal all information within your knowledge that is relevant in order to act in the client's best interests; The duty not to put your own or anyone else's interests before those of the client.	1 ½ mark for each point	12 minutes
15	Advocate not to advertise for work; shall not enter appearance in any case in which there is already an Advocate on record; must keep faith with fellow members of the Bar; conduct towards the colleagues should be characterized by courtesy and good faith	1 ½ mark for each point	12 minutes

### Part C

(2Q x 20M = 40Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
16	<ul style="list-style-type: none"> <li>- Lay down standards of professional conduct and etiquette for advocates;</li> <li>- Lay down the procedure to be followed by its disciplinary committee and the disciplinary committee of each State Bar Council;</li> <li>- Safeguard the rights, privileges and interests of advocates;</li> <li>- Promote and support law reform;</li> <li>- Deal with and dispose of any matter arising under this Act, which may be referred to it by a State Bar Council;</li> <li>- Exercise general supervision and control over State Bar Councils;</li> <li>- Promote legal education and to lay down standards of such education in consultation with</li> </ul>	Each point be given 1 mark subject to a maximum of 15	30 minutes

	<p>the Universities in India imparting such education and the State Bar Councils;</p> <ul style="list-style-type: none"> <li>- Recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities [or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf];</li> <li>- Conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of legal interest;</li> <li>- Organise legal aid to the poor in the prescribed manner;</li> <li>- Recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;</li> <li>- Manage and invest the funds of the Bar Council;</li> <li>- Provide for the election of its members;</li> <li>- Perform all other functions conferred on it by or under this Act.</li> <li>- To do all other things necessary for discharging the aforesaid functions;</li> <li>- Constitute one or more funds in the prescribed manner for the purpose of— <ul style="list-style-type: none"> <li>(a) giving financial assistance to organise welfare schemes for indigent, disabled or other advocates;</li> <li>(b) giving legal aid or advice in accordance with the rules made in this behalf;</li> <li>(c) establishing law libraries.]</li> </ul> </li> <li>- The Bar Council of India may receive any grants, donations, gifts or benefactions for all or any of the purposes specified above</li> </ul>		
17	<p>Defences against Civil contempt</p> <ul style="list-style-type: none"> <li>- No knowledge of order</li> <li>- Disobedience or breach was not wilful</li> <li>- Order disobeyed is vague or ambiguous</li> <li>- Order involves more than on reasonable interpretation</li> <li>- Compliance of the order is impossible</li> <li>- The order has been without jurisdiction</li> </ul>	3 marks for elaborating each point	30 minutes