



Bar Council of India 21st Qualifying Examination for Indian Nationals Holding Foreign Law Degrees

Paper – VI – Indian Legal Profession and Code of Ethics

PART - A

Answer any 5 of the following:

(5 x 5 = 25)

1. *"Though the legal professional existed in India during various age, but it is widely acknowledged that the legal profession, as it exists in India today, is a product of the legal system which came into being with the advent of British Rule in India". Discuss the growth and developments of the legal profession in India before the Advocate Act, 1961 came into existence?*
2. 'R' a MBBS qualified medical doctor running his own clinic at Delhi. Subsequently, he also qualified the LLB examination from a Law University and thereafter submitted the application for enrolment himself as an advocate. Enrolment Committee of the State Bar Council concerned rejected his application for enrolment. Whether the act of council justified? Explain with the help of relevant rules/provisions and decided case.
3. *"In India, the cumulative effect of the Advocates Act and the Rules framed by the Bar Council of India therein is that lawyers are prohibited to advertise their services. Lawyers may not solicit clients and cannot do anything that might influence the decision of a potential litigant from engaging one or the other lawyer. The legal profession is undoubtedly a noble profession but at the same time, it is catering to the needs of the public at large."* In the light of the above statement critically analyse the problems and possibilities of advertisement by advocates in India.
4. Whether the Supreme Court/High Courts can suspend/revoke the license of an Advocate while punishing for Contempt of Court? Discuss with the help of relevant rules/provisions and decided case.
5. What is the current position with respect to permission for foreign law firms/advocates to practice law in India? Discuss
6. *"In recent time, the Supreme Court has issued judgments on several major public issues. For instance, the closure of polluting industries in Delhi, the conversion of public transport buses from diesel to CNG, and the judgment permitting disinvestment of public sector undertakings. All of these have had far-reaching and*

often unanticipated impacts. They have materially affected, for better or for worse, the lives and livelihoods of millions of Indian citizens. Whatever the justice or injustice of these judgments whatever their finer legal points, for the court to become intolerant of criticism or expressions of dissent would mark the beginning of the end of democracy." In the light of the above statement and decided cases discuss the power of the Constitutional Courts in India to punish for contempt of court vis-a-vis freedom of speech and expression.

PART - B

Answer any 3 of the following:

(3 x 15 = 45)

7. A political leader while addressing a huge public gathering said: "*The affluent people rule every public institution, including the judiciary. If you have money, you can get a judgment in your favour. People have lost faith in law and justice.*" The entire event including the statement was reported in the local newspaper 'Viswas'. Thereupon, contempt proceedings were initiated against the political leader and the editor of the newspaper. While the leader took the defence of fair criticism of judiciary, the editor tendered unconditional apology. Determine the validity of the defence of fair criticism and of tendering of apology in the light of relevant legal provisions and decided cases.
8. Mr. Sadiq was practicing as an advocate for past fifteen years in the civil court of Udaipur district of Rajasthan. He is enrolled as a legal practitioner with the Rajasthan State Bar Council. He was appointed as retainer to the Mewar District Co-operative Bank Ltd. in 2013 and the Bank continued to retain him in that capacity during the succeeding years. In July 2023, the Bank terminated the retainerhip of Mr. Sadiq and requested him to return all the case files relating to the Bank. Instead of returning the files, Mr. Sadiq forwarded a consolidated bill to the Bank as the balance payable by the Bank towards the legal remuneration. He informed the Bank that the files would be returned only after setting his dues. Bank disclaimed any outstanding liability. A complaint was filed by the Managing Director of the Bank before the Rajasthan State Bar Council in March, 2024. It was alleged in the complaint that appellant is guilty of professional misconduct by not returning the files to his client. Mr. Sadiq admitted that the case files were not returned but claimed that he has a right to retain such files by exercising his right of lien and offered to return the files as soon as payment is made to him. In the light of above facts, relevant provisions and decided cases, discuss the concept of professional misconduct by an advocate and decide this complaint pending before the Rajasthan State Bar Council.
9. Mr. 'X' joined as a Probationary Officer in a leading Public Sector Bank on 01-02-2022. Before qualifying the exam of Probationary Officer, he had also completed LLB from a recognised University in India on 30-09-21 but didn't apply for enrolment. On 15-01-24, upon the finding of the ICC under the POSH Act of the said Bank about his conduct in a matter of sexual harassment at workplace, he was removed from service. Thereafter, Mr. 'X' applied for enrolment with the Karnataka State Bar Council. However, Karnataka State

Bar Council refused to enrol him as an advocate. Discuss the validity of the decision of Karnataka State Bar Council with the help of relevant rules/provisions and decided cases.

10. Do you think that the process and criteria for the designation of Senior Advocate framed by Supreme Court and of various High Courts are objectively justifiable? Critically analyse the current situation in this regard with the help of relevant rules/provisions and decided cases.

PART - C

Answer any 1 of the following:

(1 x 30 = 30)

11. *"Court and Counsel are the two wheels of chariot of justice. In the adversarial system, it will be more appropriate to say that while the judge holds the reins, the two opponent counsels are the wheels of chariot, while the direction of the movement is controlled by the judge holding the reign, the movement itself is felicitated by the wheels without which the chariot of justice may not move and may even collapse."* Discuss this statement in the light of the duties of an Advocate towards the Court, Client and Colleagues with the help of relevant rules/provisions and decided cases.
12. "Most lawyers are opposed to boycotts, and do not support stoppages of work in courts save in the extreme case of threat to the legal profession or the independence of the judiciary. However, they prefer to keep silent in the face of a vociferous minority who commandeer proceedings at bar association meetings, and thus acquiescence becomes the order of the day. Judges are forced to adjourn cases when lawyers do not appear; lawyers who wish to appear fear obstructive and even violent behaviour from those on boycott, and can't be expected to place themselves to risk. The situation has exacerbated over the years." In the light of the above statement, critically analyse the validity of strike called by various Bar Association and effectiveness of the judiciary to tackle such situation with the help of relevant rules/provisions and decided cases.