

**IN THE INDEPENDENT
LEGAL SERVICES COMMISSION**

No. 003 of 2015

BETWEEN: **CHIEF REGISTRAR**

Applicant

AND: **RAMAN PRATAP SINGH**

Respondent

Coram: Dr. T.V. Hickie, Commissioner

Applicant: Mr. A. Chand

Respondent: Mr A. K. Singh together with the Respondent In Person

Date of Hearing: 27th November 2017

Date of Judgment: 27th November 2017

EX-TEMPORE JUDGMENT

[1] This matter has returned before me today as per Order 3 of my Orders of 18th April 2017.

[2] Order 1 of my said orders stated as follows:

1. In the Application filed before the Commission in Case No. 003 of 2015 Chief Registrar v Raman Pratap Singh, it is hereby ordered that the practising certificate of Raman Pratap Singh be suspended for a period of 15 months commencing as from today, 18th April 2017.

[3] Order 2 then stated:

“2. Order 1 is suspended forthwith conditional upon the Respondent, Raman Pratap Singh, signing and filing today with the Commission to then be filed forthwith with the High Court Civil Registry, a consent order undertaking to complete (and setting out in specific details) the first 11 steps (ie. a to j) set out in his Supplementary Submission filed with the Commission on 11th April, 2017.”

[4] Order 2 arose from the Respondent's plea mitigation. In that regard it is important that I cite from my judgment of 18th April 2017:

[49] In relation to the period of suspension, it should reflect the level of culpability of the practitioner for his professional misconduct as well as the level of harm that he has caused including, in my view, by what the 5th edition of the 'Guidance Note on Sanctions' has termed 'a lack of sufficient insight by the respondent'.

[50] Balanced against this, I have noted that the Respondent legal practitioner is finally prepared to take responsibility for this disgraceful episode and to make amends - even though this was only first mentioned at the end of the hearing on 11th February 2017, followed by some mention in his written submissions of 28th March 2017, and then formalised in specific details in his 'Supplementary Submission' of 11th April 2017.

*[51] Obviously, the public must have faith that in making a meritorious complaint to the Chief Registrar not only will the complaint be investigated and, where appropriate, disciplinary proceedings instituted, such that if the complaint is found proven that the practitioner will be sanctioned accordingly and the public protected. That, however, in my view, is only one aspect of the disciplinary proceedings. **The public must also have faith that the Commission will use its powers to "rectify the wrong"**. That is, where appropriate, the Commission will ensure that not only that is the complainant compensated, but where possible that the legal work for which the practitioner has been sanctioned is completed.*

[52] Taking into account the above, I am prepared to consider suspending the period of suspension that I will be imposing upon the Respondent legal practitioner in this case. I am doing so to allow the Respondent to show his remorse in a practical way. That is, to rectify (as best that he can) what has occurred, such that the complainant might, after 18 years, finally obtain his block of land and the public may have some of their faith in the profession restored.

[53] Hence my Orders will be that the Respondent legal practitioner is to be suspended for a period of 15 months as from today, but that suspension is suspended until Monday, 28th [sic] November 2017, upon the Respondent legal practitioner signing a formal undertaking that he will at his own expense (and through instructing Mr Nand of his firm to undertake all of the required legal work associated with the matter), complete all of the steps that he has set out in his 'Supplementary Submission' dated 11th April 2017 (to be filed as a Consent Order with the Commission and then with High Court Civil Registry so as to become an Order of the High Court that can be enforced accordingly).

[I note that there was a typographical error, should have stated 27th November 2017]

[54] The matter will then be listed in the Commission at 10.00am on Monday, 28th [sic] November 2017, at which time should the Respondent satisfy the Commission that he has completed all of the steps set out in his 'Supplementary Submission' dated 11th April 2017, or that he has used his best endeavours to do so, the Commission will consider reducing the period of suspension but to no less than 8 months to take effect from that date."

[I note that there was a typographical error, should have stated 27th November 2017]

- [5] The Respondent has appeared before me today and on this occasion he has briefed Counsel to appear on his behalf.
- [6] Apart from tendering a letter dated 25th April 2017 (with receipt acknowledged on 28th April 2017), there has been no other evidence placed before me today that the Respondent has done anything further in the past eight (8) months to comply with his written Undertaking signed and filed with the Commission on 18th April 2017 which were also filed with the High Court Civil Registry on 18th April 2017.
- [7] Counsel for the Chief Registrar wrote to the Respondent on 3rd October 2017 (a copy of which was sent to the Commission) and has also been tendered today noting that the Respondent was in breach of the consent orders in that he was to provide a written report as per paragraph f, every three (3) months to both the Legal Practitioners Unit within the Office of the Chief

Registrar and a copy to this Commission. There is no dispute that no such reports have been provided.

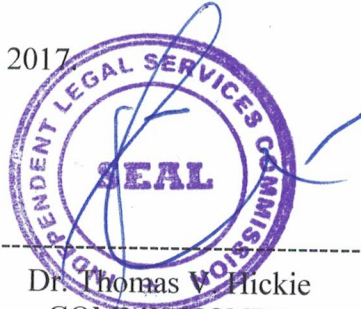
- [8] Counsel for the Chief Registrar has submitted today that in view of the above the Commission should now activate Order 1 of my orders of 18th April 2017, that is, to suspend the Respondent for a period of 15 months.
- [9] Counsel for the Respondent has submitted (as I have understood his submission) that the Respondent should be given the opportunity to commence proceedings in the High Court, Labasa to enforce the agreement to transfer the land from Mr Cadigan to Mr Lal.
- [10] Counsel for the Chief Registrar in reply has submitted that apart from the letter of 25th April 2017, the Respondent comes before me today not having undertaken any of the 11 steps he undertook to do before this Commission on 18th April 2017 and also in breach of the consent orders filed in the High Court. Counsel has noted that this breach is a separate issue and may become the basis of a separate application to be filed before this Commission for the Respondent to be dealt with for professional misconduct.
- [11] In my judgment of the 18th April 2017 I had described this matter as a “disgraceful episode”. I had hoped that having given the Respondent the opportunity to make amends he would grasp the opportunity. He has failed to do so. Therefore, I have no alternative but to activate Order 1 of my Orders of 18th April 2017.
- [12] In relation to the transfer of the land I have taken the points made by Counsel for both parties that there is nothing further I can do at this stage. It is now a matter for the Respondent as to whether he will engage a legal practitioner with a current practising certificate to implement the steps outlined in his undertaking to this Commission, as well as filed as Orders at the High Court.

ORDER

[13] The formal Order of the Commission is:

[1] In the Application filed before the Commission in Case No. 003 of 2015 Chief Registrar v Raman Pratap Singh, it is hereby ordered that the practising certificate of Raman Pratap Singh be suspended for a period of 15 months commencing as from today, 27th November 2017.

Dated this day of 27th November, 2017



Dr. Thomas V. Hickie
COMMISSIONER