

Re Vikram Kumar Tiwary

[2021] SGHC 216

Case Number : Admission of Advocates and Solicitors No 86 of 2021
Decision Date : 20 September 2021
Tribunal/Court : General Division of the High Court
Coram : Choo Han Teck J
Counsel Name(s) : Sanjiv Kumar Rajan, Simaa Ravichandran and Samuel Tay (Allen & Gledhill LLP) for the applicant; Jeyendran Jeyapal, Jocelyn Teo and Lim Toh Han (Attorney-General's Chambers) for the Attorney-General; Gregeory Vijayendran SC for the Law Society of Singapore; Avery Chong for the Singapore Institute of Legal Education.
Parties : *Re Vikram Kumar Tiwary*

Legal profession – Admission

20 September 2021

Choo Han Teck J (delivering the judgment of the court *ex tempore*):

1 Mr Vikram Kumar Tiwary applied for admission to the Singapore Bar to practise as an advocate and solicitor. He graduated from the University of Sheffield with the degree of Bachelor of Laws in 2018, and thereafter, duly passed the requirements for admission to the Singapore Bar, namely, the Part A and Part B Bar examinations. He completed his practice training at K&L Gates Straits Law LLC on 1 July 2020. He filed this application for admission on 16 March 2021. His application was fixed for hearing on 9 June 2021. Nine days before that day, Mr Vikram Tiwary died. The cause of death was certified by the forensic pathologist Dr Chan Shijia as “cardiorespiratory failure”. The Letters of Administration of Mr Vikram Tiwary’s estate was granted to his mother, Mdm Ramoti Devi, on 12 July 2021.

2 Counsel moving Mr Vikram Tiwary’s call on 9 June 2021 was his uncle, Mr Ramesh Tiwary. He asked that the application be heard and that Mr Vikram Tiwary be admitted to the Bar posthumously. There being no precedent for such an application, I adjourned the proceedings for counsel to satisfy me that there are no legal impediments for granting this application.

3 The foremost question is whether this cause of action survives the death of the applicant. That answer is found clearly in s 10(1) of the Civil Laws Act (Cap 43, 1999 Rev Ed) (“CLA”), which provides that all causes of action (except those involving defamation and seduction as stated in s 10(2) of the CLA) vested in or subsisting against the person survive the death of that person, for the benefit of his estate.

4 The second question is whether the inability of the applicant to take the oath and make the declaration as an advocate and solicitor impedes this application. I am grateful to counsel for the Attorney General, Mr Jeyandran Jeyapal, counsel for the Law Society, Mr Gregory Vijayendran SC, counsel for the Institute of Legal Education, Mr Avery Chong, and counsel for the applicant, now Mr Sanjiv Rajan for their prompt research, and pointing out that rule 30(1) of the Legal Profession (Admissions) Rules 2011, provides that “(e)very person admitted as an advocate and solicitor shall make the declaration referred to in paragraph (2)”. Paragraph (2) refers to the declaration that Mr Vikram Tiwary and every newly admitted advocate and solicitor would have to make — a solemn declaration reminding lawyers of their duties not only to themselves and to their clients, but also to the court and the cause of justice. Making this declaration is required of an applicant after his

admission, and is therefore not a pre-requisite for admission — it is the lawyer’s first duty after admission.

5 With the two important questions answered favourably, it remains for me to exercise the discretion of the court to grant Mr Vikram Tiwary’s application. The court can invoke its inherent jurisdiction to exercise certain powers to prevent injustice or abuse of the process of the court. For instance, the court can reject a plea of guilt unless it is satisfied that the accused understands the nature and consequences of his plea and admits to the offence without qualifications. It is also invoked in cases such as this to ensure that justice is done. It is a jurisdiction born sometimes of necessity, and sometimes in pursuit of noble causes. There have been, for instance, cases, although not in Singapore, where a person had been admitted posthumously, to the Bar. Ms Iris Barry Yake was admitted to the Edmonton Bar 40 years after her death, as she was too ill to attend her bar admission ceremony. Her admission was in recognition of the inspiration she held out to her daughter who rose to the ranks of the Queen’s Counsel.

6 In the present application, judging by the efforts of Mr Vikram Tiwary himself, justice will be served if his application is allowed. Not only had he fulfilled all the requirements necessary for admission, but he had, in anticipation of his admission to the Bar, registered himself with the Law Society’s Criminal Legal Aid Scheme(“CLAS”) to be a CLAS fellow, as well as the Law Society’s Pro Bono Scheme.

7 Mr N Sreenivasan SC of K&L Gates Straits Law LLC joins a list of prominent lawyers who testified to Mr Vikram Tiwary’s good character, and who support his application for admission. The Attorney General, The Law Society of Singapore, and the Singapore Institute of Legal Education unanimously submitted that they have no objections to this application.

8 Had Mr Vikram Tiwary made his application in person on 9 June 2021, his application would no doubt have been granted. What ought to have been done, Equity treats as done. I therefore grant an order in terms of this application and admit Mr Vikram Tiwary to the Bar.