CV of **Dr Brahm Avtar Agrawal** (29.07.2020)

***General***

[i] **Arbitrator** and **Advocate**

[ii] **Faculty**: **Institute of Legislative Drafting and Research,** Government of India

[iii] **Union Law Secretary** (01.05.2012 to 30.12.2013)

[**Secretary to the Government of India** for **5½ years]**

[iii] **Judicial Member, Central Administrative Tribunal** (31.12.2013 to 31.05.2017)

[iv] Date of Birth: 01.06.1952

***Experience and Competencies***

Was a Member of the “Indian Legal Service” for more than 30 years. Possess 46 years of profound professional experience in diverse constitutional and legal fields as an advocate (private as well as government), also, as legal adviser, legislative draftsman, researcher of the Government of India, supervisor of government litigation, Judge as well as Arbitrator, for 36 years and 7 months in different capacities, more than half whereof as a Senior/Top Executive, which includes legal advice, legislative drafting (principal as well as subordinate legislation), negotiation of international treaties, preparation of legislation for implementing international treaties, preparation of Law Commission reports, and writing of judgments/orders/awards. Prepared papers on various subjects. Specialization includes human rights, parliamentary matters, constitutional, administrative, criminal, civil, labor, service, election, economic, and arbitration laws, law of preventive detentions as well as international law, especially, relating to extradition and mutual legal cooperation both in criminal, and civil and commercial matters. Was Course Director of different national and international training programs in ‘Legislative Drafting’ being conducted by the Institute of Legislative Drafting and Research (India). Was principal draftsman, *inter alia,* ofthe new Indian law enacted to deal with terrorist activities, as well as law relating to corporations. Wrote about 500 judgments/orders.

***Employment under the Government of India*** (33 Years 2 Months)

[i] *DEPARTMENT OF LEGAL AFFAIRS*: 21 Years 8 Months

Law Secretary (01.05.2012 to 30.12.2013)

Joint Secretary and Legal Adviser (29.06.1994 to 18.11.2003)

Additional Legal Adviser (22.08.1990 to 15.10.1992)

Deputy Legal Adviser (13.01.1988 to 21.08.1990)

Asst Legal Adviser (23.11.1983 to 13.01.1988)

[ia] *NATIONAL LEGAL SERVICES AUTHORITY*

Member (*ex officio*, 01.05.2012 to 30.12.2013)

[ib]Legal Adviser-cum-Standing Counsel, Government of NCT of Delhi

(Land and Building Department) on deputation (16.10.1992 to 28.06.1994); also

additionally worked as Secretary (Law and Judicial), Government of NCT of Delhi

[ii] *LAW COMMISSION OF INDIA*: 4 Years 2 Months

Member (*ex officio*, 01.09.2012 to 30.12.2013)

Member-Secretary (05.07.2008 to 30.04.2012)

Additional Secretary (03.03.2008 to 04.07.2008)

[iii] *LEGISLATIVE DEPARTMENT*: 4 Years 3 Months

Secretary (Additional Charge: 01.09.2012 to 07.12.2012)

Additional Secretary (19.11.2003 to 02.03.2008)

[iv]*MINISTRY OF FINANCE*: 3 Years 1 Month

Asst Legal Adviser, Enforcement Directorate (FERA) (27.10.1980 to 22.11.1983)

***As a High Court Judge-Equivalent*** (3 Years 5 Months)

Central Administrative Tribunal

Judicial Member (31.12.2013 to 31.05.2017)

**Arbitrator** since 01.06.2017

***Practice as an Advocate*** on both the civil and criminal sides of the Bar at Delhi from 24.07.1974 to 26.10.1980 (6 Years 3 Months) and again since 01.06.2017

***Previous Quasi-judicial Experience***

[i] Member, Authority for Advance Rulings (Central Excise, Customs and Service Tax)

for 2 years 6 months (on part-time basis when I was Additional secretary)

[ii] Member, ‘Mines Revision Tribunal’ for more than 9 years

(on part-time basis when I was Joint Secretary and Legal Adviser)

[iii]Member, ‘Revisional Authority’ (D/o Coal)

(on part-time basis when I was Joint Secretary and Legal Adviser)

[iv] Part-time Member, Foreign Exchange Regulation Appellate Board

(when I was Joint Secretary and Legal Adviser)

[v] Member, ‘Enforcement Appellate Committee’ (M/o Textiles)

(on part-time basis when I was Joint Secretary and Legal Adviser)

[vi] Sole Arbitrator

(on part-time basis after I was appointed as Additional Legal Adviser and above)

[vii] Inquiring Authority in disciplinary proceedings

(on part-time basis when I was Additional Secretary)

***Academic Qualifications*** (after graduation)

[i] **PhD (Law)** Thesis titled “Bail and University of Delhi 2004

Judicial Discretion: Need

for Legislative Regulation”

incorporating therein ‘**Model Bail Bill**’

[ii] **LLM** 61%; 2nd Position in Univ. University of Delhi 1977

Recd ‘Law Merit Scholarship’

[iii] **LLB** 1st Division; 61%University of Delhi 1974

[iv] PG Diploma in 1st Division; 69%; Indian Society of 2006

**International Law** 2nd PositionInternational Law

**and Diplomacy**

[v] PG Diploma in 1st Division; 61%; Best Bharatiya Vidya Bhavan 1982

**Journalism** student in Journalism (English)

Recd Medals and Cash Prize

[vi] Diploma in 1st Division; 74% Bharatiya Vidya Bhavan 2005

**French**

[vii] Certificate in 71%; 1st Position University of Delhi 1980

**Forensic Science**

[viii] Certificate in 71%; 1st Position University of Delhi 1980

**Urdu**

***Other Courses***

[i] Participated in the “Economic Crimes Workshop” organized by the Government of India in collaboration with the Commonwealth Secretariat, London, held in New Delhi in August-September, 1988.

[ii] Participated as a Member of the Indian Delegation in the “International Regional Seminar on International Trade Law and Arbitration” jointly organized by the Asian-African Legal Consultative Committee, the U.N. Commission on International Trade Law and the International Institute for the Unification of Private Law, and hosted by the Indian Council of Arbitration, at New Delhi in October, 1989.

[iii] Participated in the “Management Development Programme” conducted by the Indian Institute of Public Administration, New Delhi in November-December, 1989.

[iv] Did the course entitled “Application Development on Personal Computers” conducted by the CMC Ltd. at New Delhi in August, 1993.

[v] Participated in the “Professional Development Programme” conducted by the Directorate of Training (Union Territories Civil Services) at Delhi in April, 1994.

[vi] Participated in the “Management Development Programme” conducted by the Administrative Training Institute, Mysore in May, 1994.

[vii] Attended the course “Financial Management in Government” conducted by the Directorate of Training (Union Territories Civil Cervices) at Delhi in June, 1994.

[viii] Attended the “Training Programme on Arbitration” conducted by the International Centre for Alternative Dispute Resolution at New Delhi in July, 1996.

[ix] Participated as delegate in the Law Ministers’ Conference held at New Delhi in June-July, 1997.

[x] Did the course entitled “Computers and Internet – Advanced (Part-time)” conducted by the National informatics Centre at New Delhi in January, 2002.

[xi] Attended the WTO Technical Assistance Workshop on ‘WTO Negotiations on Trade in Services’ jointly organized by the Government of India (Department of Commerce) and the Federation of Indian Chambers of Commerce and Industry at New Delhi in October, 2002.

[xii] Did the online course on “Negotiation of Financial Transactions” conducted by the United Nations Institute for Training and Research from September 5 to October 14, 2005.

[xiii] Participated as delegate in the “International Conference on ‘Arbitration in the Era of Globalization’ The Second and Third Editions” organized by the Indian Council of Arbitration at Federation House, New Delhi on 9th December, 2017 and 8th February, 2020, respectively.

[xiv] Participated in the “Two-Day Workshop on E-Commerce: International and National Perspective” organized by the Indian Society of International Law at New Delhi on 10th and 11th November, 2018.

[xv] Participated in the “Conference on Trade, Globalization and Human Rights; Climate Change; Refugees, Migration and Displaced People; Cross-Border Terrorism and International Law” organized by the Indian Society of International Law at New Delhi on 4-5 May, 2019.

[xvi] Participated as delegate in the “Conference on ‘Arbitration in India: The New Scenario’” organized by the Indian Council of Arbitration at Federation House, New Delhi on 7th December, 2019.

***Visits Abroad***

[i] Visited the U.K. and Canada as a Member of the Indian Delegation for bilateral talks on ‘Extradition Arrangements’ in October, 1986.

[ii] Visited the U.S.A. as a Member of the Indian Delegation for negotiations with M/s Technology for Communications International (California) at Sunnyvale for amicable settlement of disputes concerning the contract for supply of ‘Automatic Integrated High Frequency Direction Finding System’ to the Indian Defence Forces in January, 1995. Also visited San Francisco.

[iii] Visited Russian Federation as a Member of the Indian Delegation for bilateral talks on ‘Extradition’ and ‘Mutual Legal Assistance in Criminal Matters’ in January-February, 1997.

[iv] Visited Malaysia and Singapore as a Member of Government Team to study various aspects of working of Commodity Exchanges in April, 1997.

[v] Visited Philippines along with the Union Minister for Law and Justice and attended Roundtable Meeting of Chief Justices and Ministers of Justice of Asia and Pacific organized by the Asian Development Bank as well as XV LAWASIA Conference in August, 1997. Also participated in bilateral talks with the Government of Philippines on ‘Extradition’ and ‘Mutual Legal Assistance in Civil and Criminal Matters’.

[vi] Visited Malaysia for bilateral talks with the Government of Malaysia on ‘Extradition’ and ‘Mutual Legal Assistance in Civil and Criminal Matters in September, 1997.

[vii] Visited Cambodia as Leader of a two-member Indian team of legal experts to assist the Royal Government of Cambodia in drafting a new law providing for trial and punishment of genocide and crimes against humanity and prepared a Draft Bill titled as “Genocide and Other Violations of Human Rights (Determination of Responsibility and Penalty) Bill, 1999” in November, 1999.

[viii] Visited Turkey as a Member of the Indian Delegation for bilateral talks on an ‘Extradition Agreement’ in October, 2000.

[ix] Visited Malaysia as a Member of the Indian Delegation for bilateral talks on an ‘Extradition Treaty’ in May, 2001.

[x] Visited Kuwait as a Member of the Indian Delegation for bilateral talks on ‘Extradition’, ‘Agreement on Mutual Legal Assistance in Criminal Matters’ and as a Leader thereof for ‘Agreement on Juridical and Judicial Cooperation in Civil and Commercial Matters’ in June, 2002.

[xi] Visited Belarus as a Member of the Indian Delegation for bilateral talks on an ‘Extradition Treaty’ and a ‘Treaty for Mutual Legal Assistance in Criminal Matters’ in October, 2003.

[xii] Visited Hong Kong to represent India in the Conferences of the ‘Commonwealth Association of Legislative Counsel’ and the ‘Commonwealth Association of Law Reform Agencies’ in April, 2009.

[xiii] Visited Trinidad and Tobago to represent India at the Meeting of the Commonwealth North Atlantic Law Ministers in June, 2012.

[xiv] Visited New York as Leader of the Indian Delegation to participate in the 45th Session of the United Nations Commission on International Trade Law in June, 2012.

[xv] Visited South Africa to represent India in the Conference of the ‘Commonwealth Association of Legislative Counsel’ in April, 2013.

[xvi] Visited Vienna as Leader of the Indian Delegation to participate in the 46th Session of the United Nations Commission on International Trade Law in July, 2013.

[xvii] Visited London as Head of the Indian Delegation to participate in the Meeting of Senior Officials of Commonwealth Law Ministries in September, 2013.

[xviii] Visited also Thailand (Bangkok), Sri Lanka (Colombo), UAE (Dubai), Germany (Frankfurt) and Japan (Tokyo).

***Speeches***

[i] Addressed the Delhi and ANI Civil Service Officers on the “Land Acquisition Law” at the Directorate of Training (UTCS), Delhi, on 14th June, 1994.

[ii] Addressed the Resident Diplomats on the “Constitution of India” at the Foreign Service Institute, New Delhi, on 8th December, 1997.

[iii] Delivered a lecture on “Legislative Drafting – Materials and Mechanism of a Bill” at the Faculty of Law, University of Delhi on 26th February, 2004.

[iv] Delivered a lecture on “Validating Legislation” at the Bureau of Parliamentary Studies and Training, New Delhi, in 2006.

[v] Addressed the Officers of the rank of Commandant and 2IC of the Border Security Force and the SSB on “Discipline and Justice” at the BSF Law Institute, New Delhi, on 6th September, 2010.

[vi] Spoke on “Law Reform and Behavioural Studies” at the International Conference organized by the Commonwealth Association of Law Reform Agencies at the Hyderabad International Convention Centre on 4-5 February, 2011.

[vii] Addressed the Delhi Higher Judicial Service Officers on “Punishment” at the Delhi Judicial Academy on 28th May, 2011.

[viii] Addressed the International Conference on “Correlation of Intellectual Property Rights with Competition Law” at the University of Delhi on 24th February, 2012.

[ix] Addressed the Meeting of the Commonwealth North Atlantic Law Ministers in Commemoration of the 50th Year of Independence of the Republic of Trinidad and Tobago on “Criminal Justice System in India” at Hilton Trinidad and Conference Centre, Port of Spain, on 26th June, 2012.

[x] Spoke as Guest of Honour on “Institutional Arbitration” at the Inaugural Function of the International Conference on ‘Dispute Resolution in Engineering Contracts’ organized by the Indian Institution of Technical Arbitrators at Vigyan Bhawan, New Delhi, on 25th October, 2012.

[xi] Delivered Special Address on “Institutional Arbitration in India” at the Seminar on ‘Arbitration in India: Trends and Challenges’ organized by the Indian Council of Arbitration at Federation House, New Delhi, on 15th December, 2012.

[xii] Spoke as Chairperson of the Session on “*Ad hoc* vs. Institutional Arbitration Scenario in India with specific reference to International Disputes” at the Seminar on “Arbitration in India: Road Ahead” organized by the Indian Council of Arbitration at Federation House, New Delhi, on 19th December, 2013.

[xiii] Delivered Inaugural Address to Higher Judicial Service Officers, SP/DCP & above, Prosecution Officials, Defence Personnel, Prison/Welfare Correctional Administrators, in the 88th Course on “Crime and Justice”, conducted by the LNJN National Institute of Criminology and Forensic Science at Delhi on 9th April, 2018, and Valedictory Address in the 89th Course on 13th December, 2019.

[xiv] Acted as a Judge in the “ ‘18th’ and ‘19th’ Henry Dunant Memorial Moot Court Competitions (National Round)” jointly organized by the Indian Society of International Law and the International Committee of the Red Cross at New Delhi in September, 2018 and 2019.

***Studies and Articles***

[i] Enforcement of International Legal Obligations in a National Jurisdiction

[ii] Alternate Law of Bail

[iii] Principles regarding Bail in India

[iv] Fundamental Right to Freedom of the Press in India

[v] COFEPOSA Detentions – Judicial Guidelines

[vi] A Man’s Right to Privacy is Sacrosanct

[vii] Capital Punishment

[viii] Pressmen can interview Prisoners

[ix] Institutional Arbitration in India

[x] Criminal Justice System in India

[xi] Diplomacy in Ancient India

[xii] International Court of Justice

[xiii] Significance of Idol Worship

***Important Law Commission Reports***

Some important Law Commission Reports finalized are:

[i] Proposal for enactment of new Coroners Act applicable to the whole of India

(206th Report 2008)

[ii] Humanization and Decriminalization of Attempt to Suicide (210th Report 2008)

[iii] Fast Track Magisterial Courts for Dishonoured Cheque Cases (213th Report 2008)

[iv] Irretrievable Breakdown of Marriage – Another Ground for Divorce (217th Report 2009)

[v] Need to accede to the Hague Convention on the Civil Aspects of

International Child Abduction 1980 (218th Report 2009)

[vi] Need for Family Law Legislations for Non-resident Indians (219th Report 2009)

[vii] Need for Justice-dispensation through ADR etc. (222nd Report 2009)

[viii] Amendment of Section 2 of Divorce Act 1869 Enabling Non-domiciled Estranged

Christian Wives to seek Divorce (224th Report 2009)

[ix] Amendment of Sections 7, 7A and 7B of Industrial Disputes Act 1947 Making Advocates

Eligible to man Labour Courts and Industrial Tribunals (225th Report 2009)

[x] Need for Legislation to regulate Assisted Reproductive Technology Clinics as well as

Rights and Obligations of Parties to a Surrogacy (228th Report 2009)

[xi] Need for division of the Supreme Court into a Constitution Bench at Delhi and

Cassation Benches in four regions at Delhi, Chennai/Hyderabad, kolkata and Mumbai

(229th Report 2009)

[xii] Legal Reforms to Combat Road Accidents (234th Report 2009)

***National Law Day Award***

Received National Law Day Award – 2002 at the hands of Mr. K. Jana Krishnamurthi, Minister of Law and Justice, Government of India, on 26th November, 2002, for “unique contribution” in the field of “Legal Affairs”, on selection by a Jury headed by Mr. Justice P. N. Bhagwati, Chairman, United Nations Human Rights Committee, and formerly Chief Justice of India.

Received National Law Day Award – 2013 at the hands of Dr Farooq Abdullah, Minister for New and Renewable Energy, Government of India, on 30th November, 2013, in recognition of “deep involvement and clear articulation of principles that catalyzed reforms in the policy of State with regard to Legal Affairs”.

***Membership of Learned Bodies***

[i] Commonwealth Association of Legislative Counsel

[ii] Indian Society of International Law

[iii] Institute of Constitutional and Parliamentary Studies

[iv] Indian Institute of Public Administration

[v] Indian Law Institute

[vi] Bharatiya Vidya Bhavan

[vii] Civil Services Officers’ Institute

[viii] India International Centre

[ix] International Centre for Alternative Dispute Resolution

[x] Indian Council of Arbitration

[xi] Delhi International Arbitration Centre

[xii] Bar Council of Delhi

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