

TRAINING PROGRAM FOR SEBI OFFICERS (SE-17)
[10th - 12th OCTOBER, 2022]

PROGRAMME SCHEDULE

SESSION & TIMING	THEMES	RESOURCE PERSONS
DAY 1 10th October, 2022 (Monday)		
SESSION 1 10:00 AM - 11:30 AM	Applicability of Principles of Natural Justice in Enquiries and Adjudication <u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> ● Procedural fairness in holding inquiry and service of notice ● Inquisitorial Vs. Adversarial & other issues specific to Administrative Law and Procedure; ● Speaking Orders ● Essentials of legal drafting - Show Cause Notices, Orders etc. 	Justice S.C. Dharmadhikari Dr. Justice Vineet Kothari
11:30 AM - 12:00 PM	Tea Break	
SESSION 2 12:00 PM - 01:30 PM	Collection and Appreciation of Evidence <u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> ● Admissibility and Appreciation of Evidence ● Evaluation of Probative value of evidence presented before the Adjudicating Officer ● Procedure for Examination of Witness ● Duty to disclose material relevant to the proceeding vis-à-vis <i>T. Takano v. SEBI</i> ● Standard of Proof vis-à-vis <i>Balram Garg v. SEBI</i> 	Justice S.C. Dharmadhikari Dr. Justice Vineet Kothari
01:30 PM - 02:30 PM	Lunch Break	
SESSION 3 02:30 PM – 4:00 PM	Electronic Evidence: New Horizons, Collection, Preservation and Appreciation <u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> ● Cyber Crime: Emerging challenges, modus, motivation, threats and targets ● Relevancy, authenticity and admissibility of electronic records ● Digital forensics; search and seizure of electronic records ● Contours of Section 65-B in light of <i>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal</i> 	Mr. Harold D'Costa
Tea Break		

DAY 2
11th October, 2022 (Tuesday)

SESSION 4 10:00 AM -11:30 AM	Jurisprudential Charter of Tribunals: SAT, NCLT/NCLAT <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Composition of Tribunals ● Jurisdiction of Tribunals ● Judicial Review and Tribunals 	Mr. Somasekhar Sundaresan Mr. Jayant Mehta
11:30 AM – 12:00 PM	Tea Break	
SESSION 5 12:00 PM - 01:30 PM	Regulatory Action in Case of Companies Facing Liquidation and Insolvency <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Effective and time bound insolvency resolution plan of companies undergoing a CIRP <ul style="list-style-type: none"> ✓ Manner of dealing with companies undergoing a CIRP ✓ Implementation of a Resolution Plan ✓ Interplay between SEBI and IBC Regulations ✓ Juxtaposition of the legal architecture of Section 14, IBC with SEBI Rules and Regulations ✓ Determination of liability of corporate debtor by SEBI during moratorium period ● Disclosure requirements for listed corporate entities undergoing a CIRP ● Conflict between Section 238, IBC and 28A, SEBI Act ● Amendments to SEBI Regulations – Takeover, Delisting, LODR, ICDR 	Justice Debangsu Basak Mr. Jayant Mehta
01:30 PM - 02:30 PM	Lunch Break	
SESSION 6 2:30 PM – 04:00 PM	Imposition of Penalties: Exercise of Discretion by Adjudicating Officers <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Framework for imposition and recovery of penalties imposed by SEBI <ul style="list-style-type: none"> ✓ Factors to be considered in adjudicating upon penalty and quantum ✓ ‘Absolute Obligation’ versus ‘importing a Possibility of Obligation’ ✓ Doctrine of Proportionality ● Regulating exercise of discretion: Judicial Guidelines ● Streamlining the penalty regime reining in the discretion of Adjudicating Officer 	Justice Debangsu Basak Mr. Somasekhar Sundaresan
Tea Break		

DAY 3
12th October, 2022 (Wednesday)

SESSION 7 10:00 AM -11:15 AM	E-Filing, Digitization and Maintenance of Records <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Process reengineering through effective use of ICT ● Identifying cut-off date for digitization of old records ● Measures to prevent further inflow of physical records ● Roles and responsibilities of the various stakeholders involved in the transition process ● Transforming the existing manual, paper-driven processes into electronic workflows ● Service of summons/ Notices/ Orders in the digital era – New Methods followed by Courts; ● Digitization and Maintenance of records and certifications of electronic documents 	Justice Sunil Ambwani Justice R.C. Chavan Mr. Atul Kaushik
11:15 AM - 11:30 AM	Tea Break	
SESSION 8 11:30 AM - 12:30 PM	Court & Case Management <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Prioritization of cases ● National Judicial Data Grid (NJDG) ● E-court services ● Identifying Best Practices for effective disposal of cases ● Courtroom Management – Challenges & Possible Solutions ● Role of Adjudicating Officer in streamlining processes 	Justice Sunil Ambwani Justice R.C. Chavan
	In-house Tea Break	
SESSION 9 12:30 PM – 1:30 PM	Challenges in Adjudication: Open House Discussion <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Harmonization of interest of all stakeholders ● Bottlenecks in effective implementation of securities laws ● Way Forward 	Justice Sunil Ambwani Justice R.C. Chavan
Audit of the Course by Participants		
Lunch & Departure		

Academic Coordinators – Rajesh Suman & Krishna Sisodia, Faculty, NJA

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Administrative Assistance

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