

Training Programme for SEBI Officers (SE-22)

1st – 3rd February, 2023

Programme Schedule

SESSION & TIMING	THEMES	RESOURCE PERSONS
DAY 1 1st February, 2023 (Wednesday)		
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. 	
11:30 AM - 12:00 PM	Tea Break	
SESSION 2 12:00 PM - 01:30 PM	Admissibility 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> 	
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> 	

DAY 2
2nd February, 2023
(Thursday)

SESSION 4 10:00 AM -11:30 AM	Law of precedents and Stare Decis <u>Proposed Scope of Discussion:</u> <ul style="list-style-type: none"> ● Persuasive versus Binding effect of judgments ● Comity of Courts ● Doctrine of stare decisis and obiter dicta 	
11:30 AM – 12:00 PM	Tea Break	
SESSION 5 12:00 PM - 01:30 PM	Art, Craft and Science of Drafting Judgments <u>Proposed Scope of Discussion:</u> <ul style="list-style-type: none"> ● Drafting orders which are upheld by Courts and Appellate authorities ● Demeanor of the Presiding Officer ● Sensitivity in Judgments ● Significance of Reasoning in Orders ● Balancing Bar and Bench Relation 	
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 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 	

DAY 3 3rd February, 2023 (Friday)		
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 ● 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 	
11:15 AM - 11:30 AM	Tea Break	
SESSION 8 11:30 AM - 12:15 PM	Court & Case Management <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> ● Prioritization of cases ● Identifying Best Practices for effective disposal of cases ● Courtroom Management – Challenges & Possible Solutions ● Role of Adjudicating Officer in streamlining processes 	
	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 	
Audit of the Course by Participants		
Lunch & Departure		

Academic Coordinators – Dr. Amit Mehrotra & Rajesh Suman, Faculty, NJA

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