

## Training Programme for SEBI Officers (SE-22)

1<sup>st</sup> – 3<sup>rd</sup> February, 2023

### Programme Schedule

| SESSION & TIMING   | THEMES   | RESOURCE PERSONS  |
|--|--|---|
| <b>DAY 1</b><br><b>1<sup>st</sup> February, 2023</b><br><b>(Wednesday)</b> |  |   |
| <b>SESSION 1</b><br><br>10:00 AM -11:30 AM                                 | <b>Applicability of Principles of Natural Justice in Enquiries and Adjudication</b><br><br><u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> <li>● Procedural fairness in holding inquiry and service of notice</li> <li>● Inquisitorial Vs. Adversarial &amp; other issues specific to Administrative Law and Procedure;</li> <li>● Speaking Orders</li> <li>● Essentials of legal drafting - Show Cause Notices, Orders, etc.</li> </ul>   | <u>Panel</u><br><b>Justice U.C. Dhyani</b><br><b>Justice R.K. Gauba</b> |
| 11:30 AM - 12:00 PM  | <b>Tea Break</b>   |   |
| <b>SESSION 2</b><br><br>12:00 PM - 01:30 PM                                | <b>Admissibility and Appreciation of Evidence</b><br><br><u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> <li>● Admissibility and Appreciation of Evidence</li> <li>● Evaluation of Probative Value of the evidence presented before the Adjudicating Officer</li> <li>● Procedure for Examination of Witness</li> <li>● Duty to disclose material relevant to the proceedings vis-à-vis <i>T. Takano v. SEBI</i></li> <li>● Standard of Proof vis-à-vis <i>Balram Garg v. SEBI</i></li> </ul>          | <u>Panel</u><br><b>Justice U.C. Dhyani</b><br><b>Justice R.K. Gauba</b> |
| 01:30 PM - 02:30 PM  | <b>Lunch Break</b>   |   |
| <b>SESSION 3</b><br><br>02:30 PM – 4:00 PM                                 | <b>Electronic Evidence: New Horizons, Collection, Preservation and Appreciation</b><br><br><u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> <li>● Cyber Crime: Emerging challenges, modus, motivation, threats, and targets</li> <li>● Relevancy, authenticity, and admissibility of electronic records</li> <li>● Digital forensics; search and seizure of electronic records</li> <li>● Contours of Section 65-B in light of <i>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal</i></li> </ul> | <u>Panel</u><br><br><b>Mr. Harold D'Costa</b>                           |

| <b>DAY 2</b><br><b>2<sup>nd</sup> February, 2023</b><br><b>(Thursday)</b> |   |  |
|---|---|--|
| <b>SESSION 4</b><br><br>10:00 AM -11:30 AM                                | <b>Law of precedents and Stare Decisis</b><br><br><b><u>Proposed Scope of Discussion:</u></b><br><ul style="list-style-type: none"> <li>● Persuasive versus Binding effect of judgments</li> <li>● Comity of Courts</li> <li>● Doctrine of stare decisis and obiter dicta</li> </ul>  | <b><u>Panel</u></b><br><br><b>Justice Sunil Ambwani</b><br><b>Justice Ved Prakash Sharma</b> |
| 11:30 AM – 12:00 PM   | <b>Tea Break</b>  |  |
| <b>SESSION 5</b><br><br>12:00 PM - 01:30 PM                               | <b>Art, Craft, and Science of Drafting Judgments</b><br><br><b><u>Proposed Scope of Discussion:</u></b><br><ul style="list-style-type: none"> <li>● Drafting orders which are upheld by Courts and Appellate authorities</li> <li>● Demeanor of the Presiding Officer</li> <li>● Sensitivity in Judgments</li> <li>● Significance of Reasoning in Orders</li> <li>● Balancing Bar and Bench Relation</li> </ul>   | <b><u>Panel</u></b><br><br><b>Justice Sunil Ambwani</b><br><b>Justice Ved Prakash Sharma</b> |
| 01:30 PM - 02:30 PM   | <b>Lunch Break</b>  |  |
| <b>SESSION 6</b><br><br>2:30 PM – 04:00 PM                                | <b>Imposition of Penalties: Exercise of Discretion by Adjudicating Officers</b><br><br><b><u>Proposed Scope of Discussion</u></b><br><ul style="list-style-type: none"> <li>● Framework for recovery of penalties imposed by SEBI <ul style="list-style-type: none"> <li>✓ Factors to be considered in adjudicating upon penalty and quantum</li> <li>✓ ‘Absolute Obligation’ versus ‘importing a Possibility of Obligation’</li> <li>✓ Doctrine of Proportionality</li> </ul> </li> <li>● Regulating exercise of discretion: Judicial Guidelines</li> <li>● Streamlining the penalty regime reining in the discretion of Adjudicating Officer</li> </ul> | <b><u>Panel</u></b><br><br><b>Justice Vineet Kothari</b><br><b>Mr. Somasekhar Sundaresan</b> |

| <b>DAY 3</b><br><b>3<sup>rd</sup> February, 2023</b><br><b>(Friday)</b> |  |   |
|---|--|---|
| <b>SESSION 7</b><br><br>10:00 AM -11:15 AM                              | <b>E-Filing, Digitization, and Maintenance of Records</b><br><br><u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> <li>● Process reengineering through effective use of ICT &amp; Identifying cut-off date for digitization of old records &amp; Measures to prevent further inflow of physical records</li> <li>● Transforming the existing manual, paper-driven processes into electronic workflows</li> <li>● Service of summons/ Notices/ Orders in the digital era – New Methods followed by Courts;</li> <li>● Digitization and Maintenance of records and certifications of electronic documents</li> </ul> | <u><b>Panel</b></u><br><b>Justice R.C. Chavan</b><br><b>Mr. Atul Kaushik</b>        |
| 11:15 AM - 11:30 AM   | <b>Tea Break</b>   |   |
| <b>SESSION 8</b><br><br>11:30 AM - 12:15 PM                             | <b>Court &amp; Case Management</b><br><br><u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> <li>● Prioritization of cases</li> <li>● Identifying Best Practices for the effective disposal of cases</li> <li>● Courtroom Management – Challenges &amp; Possible Solutions</li> <li>● Role of Adjudicating Officer in streamlining processes</li> </ul>   | <u><b>Panel</b></u><br><b>Justice R.C. Chavan</b><br><b>Justice Roshan S. Dalvi</b> |
| 12:15 PM- 12:30 PM  | <b>In-house Tea</b>  |   |
| <b>SESSION 9</b><br><br>12:30 PM – 1:30 PM                              | <b>Challenges in Adjudication</b><br><b>(Open House Discussion)</b><br><br><u><i>Proposed Scope of Discussion</i></u> <ul style="list-style-type: none"> <li>● Harmonization of interest of all stakeholders</li> <li>● Bottlenecks in effective implementation of Securities Laws &amp; Way Forward</li> </ul>  | <u><b>Panel</b></u><br><b>Justice R.C. Chavan</b><br><b>Justice Roshan S. Dalvi</b> |
| <b>Audit of the Course by Participants</b>                              |  |   |
| <b>Lunch &amp; Departure</b>  |  |   |

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

**Contact Details** – [rajesh.nja@gmail.com; 6261013029] [amit.nja@gmail.com; 9425601209]

**Administrative Assistance**

**Name & Designation**  
Mr. Chetan Nehete (Event manager)

**Contact No**  
9425601233

**Email id**  
nchetan@nja.gov.in

Mr. Salman Khan (Protocol Officer)  
Mr. Ranjan Verma (Manager, Hospitality)

9425601212  
9425648964

liaisonoffice@nja.gov.in  
ranjan.verma@nja.gov.in