

TRAINING PROGRAM FOR SEBI OFFICERS (SE-32)

[29th – 31st JANUARY, 2024]

VENUE: NJA BHOPAL

Programme Coordinators – Ms. Shruti Jane Eusebius & Ms. Nitika Jain, Faculty, NJA

PROGRAMME SCHEDULE

SESSION TIMINGS	THEMES	RESOURCE PERSONS
DAY 1 29 th January, 2024 (Monday)		
SESSION 1 10:00 AM -11:30 AM	Quasi-Judicial Adjudication by SEBI <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none">• Applicability of Principles of Natural Justice in Enquiries and Adjudication• Types, Powers, Processes, Initiation & Conclusion• Comparison of Quasi-Judicial Practices & Procedures Across Regulators• Essentials of legal drafting - Show Cause Notices, Orders etc.• Alternative Mechanism for resolution of Enforcement Proceedings: Settlement Resolution	Justice A.K. Goel Mr. Shyam Mehta
11:30 AM - 12:00 PM	Tea Break	
SESSION 2 12:00 PM - 01:30 PM	Collection and Appreciation of Evidence <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none">• Cross Examination & Inspection of Documents in Quasi-Judicial Proceedings• 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>• Electronic Evidence: New Horizons, Collection, Preservation and Appreciation• Contours of Section 65-B in light of <i>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal</i>	Justice A.K. Goel Mr. Tejas Karia
01:30 PM - 02:30 PM	Lunch Break	
SESSION 3 02:30 PM – 4:00 PM	Obligation of Government Agencies under Data Protection Laws <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none">• Understanding the primary data protection laws in India: IT Act, 2000; Digital Personal Data Protection Act 2023• Analyzing how SEBI's activities intersect with data protection laws	Justice U.C. Dhyani Mr. Tejas Karia
Tea Break		

DAY 2
30th January, 2024 (Tuesday)

SESSION 4 10:00 AM -11:30 AM	<p>Powers of Tribunals vis-à-vis SAT Procedures</p> <p style="text-align: center;"><u><i>Proposed Scope of Discussion</i></u></p> <ul style="list-style-type: none"> • Actions subsequent to passing of orders: Appeal before SAT & Recovery proceedings • Appeals before Supreme Court • Regulations: PFUTP, PIT & Indian Trading Regulations • Judicial Review and Tribunals 	<p>Justice Vineet Kothari</p> <p>Mr. Abhishek Venkataraman</p>
11:30 AM – 12:00 PM	Tea Break	
SESSION 5 12:00 PM - 01:30 PM	<p>Principles of Insolvency & Bankruptcy Code</p> <p style="text-align: center;"><u><i>Proposed Scope of Discussion</i></u></p> <ul style="list-style-type: none"> • Regulatory Action in Case of Companies Facing Liquidation and Insolvency • Effective and time bound insolvency resolution plan of companies undergoing a CIRP <ul style="list-style-type: none"> ✓ Interplay between SEBI and IBC Regulations ✓ Legal architecture of Section 14, IBC with SEBI Rules and Regulations • Conflict between Section 238, IBC and 28A, SEBI Act • Protection of minority stakeholders • Amendments to SEBI Regulations – Takeover, Delisting, LODR, ICDR 	<p>Justice Sanjib Banerjee</p> <p>Ms. Misha</p>
01:30 PM - 02:30 PM	Lunch Break	
SESSION 6 2:30 PM – 04:00 PM	<p>Imposition of Penalties: Exercise of Discretion by Adjudicating Officers</p> <p style="text-align: center;"><u><i>Proposed Scope of Discussion</i></u></p> <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 ✓ Doctrine of Proportionality • Imposition of Cost by Tribunal • Altering the nature of Penalty – Monetary Penalty to Suspension • Streamlining the penalty regime reining in the discretion of Adjudicating Officer 	<p>Justice Poonam A. Bamba</p> <p>Mr. Abhishek Venkataraman</p>

Tea Break

DAY 3 31st January, 2024 (Wednesday)		
SESSION 7 10:00 AM -11:15 AM	E- Court Services Scope & Usage <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> • E-Filing, Digitization and Maintenance of Records • Process reengineering through effective use of ICT - NJDG • Roles and responsibilities of the various stakeholders involved in the transition process • Service of summons/ Notices/ Orders in the digital era – New Methods followed by Courts • Role of Adjudicating Officer in streamlining processes • Leveraging APIs for Adjudicating Purposes 	Justice S. Talapatra Mr. Atul Kaushik
11:15 AM - 11:30 AM	Tea Break	
SESSION 8 11:30 AM - 12:45 PM	Evolving Jurisprudence under RTI Act, 2005 <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> • Interplay between SEBI & RTI • Balancing SEBI's regulatory duties and Transparency under RTI • Voluntary disclosure under Section 4 of RTI: Reports of the Inspections, Statements of the Banks, Information Related to the Business etc. • Exemptions from disclosure of Information under RTI Act: Fiduciary Relationship 	Justice S. Talapatra Mr. Yashovardhan Azad
Audit of the Course by Participants		
Lunch & Departure		

Academic Coordinators – Shruti Jane Eusebius & Nitika Jain, Research Fellow, NJA

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