



Indian Institute of
Corporate Affairs

Partners in Knowledge. Governance. Transformation.

e-PDP ON IMMUNITIES AND PROTECTIONS TO INSOLVENCY PROFESSIONALS UNDER IBC 2016

22 - 23 May 2021 (Saturday & Sunday)

**8 CPE
Credit
Hours**

The IICA is recognized by IBBI as an entity for the purpose of clause 6(a)(i) of the IBBI (Continuing Professional Education for Insolvency Professionals) Guidelines, 2019 for awarding credit hours.



By

School of Corporate Law

Indian Institute of Corporate Affairs (IICA)

BACKGROUND

Insolvency Professionals ("IPs") under the Insolvency and Bankruptcy Code, 2016 ("Code" or "IBC") perform various roles during the resolution and liquidation process. The IBC, under section 233, provides protection to IPs by stating that no suit, prosecution, or other legal proceeding may be brought against an IP or liquidator for anything done or intended to be done in good faith and according to the provisions of the IBC or the rules and regulations made thereunder. The IP is thus accorded statutory protection for his/her actions. In spite of the immunities and protections available to IPs under the Code, the professionals are facing various hurdles while discharging their functions pursuant to the provisions of the IBC. Some of the hurdles include non-cooperation of the workers, suppliers and promoter and management of the corporate debtors undergoing CIRP and Liquidation Process and non-availability of timely information for completing the CIRP and other process within the timelines set by IBC. As per the precedents set under the IBC, the IP is considered as an officer of the court and is required to be protected by law from all kinds of hurdles he/she faces during the IBC process. However, the professionals are facing criminal prosecutions and arrests in some cases while functioning as an officer of the court (NCLT).

The objectives of the above-mentioned programme is to sensitize the IPs registered with the Insolvency and Bankruptcy Board of India ("IBBI") on the immunities and protections available for the IPs along with the duties to be performed by the IPs under the Code in order to claim such immunity/protection. In this regard, Indian Institute of Corporate Affairs (IICA) is organising a two day e-PDP covering the statutory provisions and regulations, experiences, cases and best practices on the above mentioned subjects.

OBJECTIVES

- To understand the immunities and protection available to IPs under IBC through case studies.
- To facilitate discussion related to the rights and duties of IPs during CIRP and Liquidation Process
- To highlight the recent order/cases decided on IPs and its application based on the legal provisions and regulations on the subject.
- Thorough discussions and case-studies to empower the IPs on the subject.



METHODOLOGY

- The PDP will involve learner centric interactive pedagogy such as flip class, simulations, presentations on and case study method of teaching. The class would be divided into groups. The groups would make presentations on given cases for 40 minutes each followed by questions. This would be done during the two days program.
- Pre-readings are a must. This includes an overview of the legal provisions and regulations on immunities, protections and duties for Insolvency professionals. Even though separate groups are making the presentations on different assigned cases, all the participants are expected to have read all the cases before coming to class. The pre-readings would be provided one week before the programs for preparing the PPTs etc.

TRAINING VIA BLACKBOARD (ONLINE)

The online course is an easy and convenient way to strengthen your training. Our 16 hours training is split into two webinars, each for eight hours, on consecutive days over Blackboard. 8 CPE credit hours would be awarded to IPs who attends the programme. The credit hours would be awarded for assessment (exit test) including the attendance.



PROGRAM SCHEDULE

DAY - 1

TIME	ACTIVITY
8:30–9:00	Login to IICA Blackboard Platform
9:00–9:30	Welcome Remarks by IBBI/IICA
9:30–11:15	Presentations by Participants (Group 1)
11:15–11:30	Break
11:30–1:00	Presentations by Participants (Group 2)
1:00–1:30	Lunch
1:30–2:30	A critical analysis of Section 233 of the IBC by Shri Pulkit Deora, Advocate
2:30–3:30	A critical analysis of Section 19 of the IBC : Issues and Challenges by Shri Pulkit Deora, Advocate
3:30–4:30	Presentations by Participants (Group 3) - Case Study
4:30–4:45	Break
4:45–5:45	Presentations by Participants (Group 4) - Case Study
5:45–6:45	Presentations by Participants (Group 5) - Case Study

End of Day - 1



DAY - 2

TIME	ACTIVITY
9:00 – 9:15	Review of Day 1: Key Lessons Learned and Introduction to Day 2
9:15 – 10:45	Criminal Prosecutions and Arrest of IPs – Protection under IBC and other Laws by Dr. Pyla Narayana Rao, Associate Professor, IICA and Mr. Prakul Thadi, Advocate
10:45 – 11:00	Break
11:00 – 12:00	Presentations by Participants (Group 6) - Case Study
12:00 – 1:00	Presentations by Participants (Group 7) - Case Study
1:00 – 2:00	Lunch
2:00 – 3:30	Civil and Criminal Remedies for Protection of IPs: Cross – Country Experiences by Dr. Neeti Shikha, Head, Centre for Insolvency and Bankruptcy, IICA
3:30 – 3:45	Break
3:45 – 4:45	Presentations by Participants (Group 8) - Case Study
4:45 – 5:45	Panel Discussion: Sharing of the Experiences Shri Abizer Diwanji, EY, Shri Pulkit Deora, Advocate, CA, Anuj Jain, IP & Dr. Neeti Shikha, Head, CIB, IICA
5:45 – 6:45	Conclusion and Feedback



LOGISTICS

- Mode of Delivery: Online (Through Blackboard)
- Training Fee: Rs. 4,000 + 18% GST per participant
- **80 IPs for batch** (Registered with IBBI)
- 22 & 23 May, 2021 (Saturday and Sunday)
- For whom: Insolvency Professional Registered with IBBI
- Registration fees can be paid through PayU or NEFT
- Last Date for Registration: 15th May, 2021

Payment Details

Beneficiary Bank	Bank of India
Branch Address	Electronics Niketan, CGO Complex, New Delhi - 110003
IFSC/RTGS	BKID 0006048
Account No	6048 1021 000 0007
Beneficiary Name	Indian Institute of Corporate Affairs
MICR Code	110013052

Important Instructions

- A duly filled in Registration Form along with PayU details should be sent over an email to scl@iica.in on or before 15th May, 2021.
- Please also send the payment details and scanned copy of Registration form by an e-mail. (Course Fee once paid is not refundable in any circumstance after registration is confirmed).

Please send your queries to: scl@iica.in



GUIDELINES FOR ONLINE PRESENTATION AND SUBMISSION OF FINAL WRITE UP IN PPT FORMAT

1. General Guidelines

- (a) For the purpose of convenience, we divided the participants into various groups. Each group would consist of 10 participants. A total of 80 students can participate in each e-PDP which would be conducted through IICA Blackboard Platform (LMS and Blackboard Ultra – Virtual Class Room).
- (b) The participants are required to have a laptop/desktop with internet connection for participating into the course.
- (c) On registration, the institute would provide the Username and Password for accessing the Blackboard Platform for accessing the LMS and Virtual Class Room for accessing the course.
- (d) Only registered IP with IBBI are eligible to participate in the course.
- (e) A duly filled in Registration Form along with PayU or NEFT details should be sent over an email to scl@iica.in on or before 15th May, 2021

Please also send the payment details and scanned copy of Registration form by an e-mail. (Course Fee once paid is not refundable in any circumstance after registration is confirmed).

Please send your queries to: scl@iica.in

2. Guidelines for online group presentation

(assessment criteria with scoring sheet for group presentation and attendance are placed at Annexure – 1)

1. Structure the presentation around the scenario/case study
2. All members of the group must take an equal role in the presentation.
3. Each group member would get 4 minutes to present their view and work
4. A total of 40 minute is provided to each group to complete the presentation
5. Coordinate the presentation with your group
6. Make the presentation easy to follow and Use stories to engage the audience
7. Cite references and case studies clearly for supporting your arguments
8. Speak slowly and loudly.
9. Do your homework and have a backup if you plan to use technology.
10. Conclude effectively.
11. Ask and answer questions.

3. Guidelines for submission of final write up (PPT format) by group and individually by each participant in PPT format

(assessment criteria and scoring sheet are placed at Annexure 2 & 3)

The presentation assignment has several goals. It requires groups to apply concepts from pre readings to a specific scenario. The process of breaking down the elements of a situation and developing an interpretation of those elements with others will allow group members to practice close reading, a skill they will draw upon the scenario, and the take key takeaways at the end. In addition, presenters will learn as they teach others and contribute multiple critical perspectives to class discussion.



SCORING SHEET

S. NO	ITEM	PERCENTAGE	REMARKS
1	Class Attendance	10	<p>Students are expected to attend each class and participate in the discussion of the issues covered. Class attendance and discussion is especially important for this course because of the nature of the material covered. Consequently, attendance will be taken at the beginning of each class, and this will serve as the basis for 10% of the course grade.</p> <p>(Grading for attendance is mentioned at Annexure – 1)</p>
2	PPT Presentation on one of the given scenario by a smaller group	40	<p>Each team will make a 40 minute presentation (including discussion) leading to a class discussion of one of the given scenarios. Each team will be assigned a scenario that they are to analyze and present to the class. The format of the presentations would be “small group alternative” (use of Power Point is expected)</p> <p>(Grading criteria is mentioned at Annexure – 1)</p>
3	Final Essay in PPT format by the group	30	<p>Each group would required to submit a final essay in PPT format (on the case study presented at SI No. 2) and provide to the instructor a 12-15 slide presentation covering on all the implications and case studies on the given scenarios.</p> <p>(Grading criteria is mentioned at Annexure - 2)</p>
4	Presentation by Individual Participant during the group presentation mentioned at SI. No 2 & submission of individual write up	20	<p>The students would be assessed on Individually on the presentation made during the group presentation mentioned at SI.No 2 and also assessed on the write up submitted to the instructor on the contribution made to the final write up of the group. Hence, every group should submit the final PPT presentation of 12-15 slide as mentioned at SI No. 3 along with the separate write up by each group member justifying their contribution to the final write up</p> <p>(Grading criteria is mentioned at Annexure -1 and Annexure-3)</p>
	TOTAL	100	The instructor alone would award all 100 marks based on the above mentioned criteria.

ANNEXURE - 1

ASSESSMENT CRITERIA WITH SCORING SHEET FOR GROUP PRESENTATION AND ATTENDANCE

TEAM NUMBER: INSOLVENCY PROFESSIONAL 1

GROUP PRESENTATION FORMAT: (50 MARKS)

The instructor will use this format to evaluate each group's presentation. Participants can look at this format so they may understand what they are being graded on. The Group Presentation Format will combine with the teammate participation to determine your final grade for the project.

TRAIT	CRITERIA				POINTS
	1	2	3	4	
Content	Content comprises of less valuable substance.	The content presented was valuable but it was lacking in entirety	The content comprises of a good inputs and class got benefited with it	The contents is outstanding and very beneficial to the class	—
Teamwork	Lack of team work	Few of the teammates worked but not in whole	The team work shows that few of the team members has worked and contributed to the presentation	The team work shows that every team members has worked and contributed to the overall presentation	—
Presentation	The presentation was not backed by any evidence	The participants were lacking in putting full efforts in presentation	The presentation is organized very well, but might have been much improved with better homework	The presentation was excellent and easy to follow	—
Management	The presenter were not confident	The presenters were confident but there was no consistency.	The management of presenter was almost confident however the presentation did not engage as expected.	The presentation is backed by evidence and the presenters were fully confident and done great job in fully engaging the class	—
		SUB TOTAL			40
Attendance		+			10
		TOTAL			50

Points Criteria: 1=10 Marks 2=20 Marks 3=30 Marks 4=40 Marks



ANNEXURE - 2

ASSESSMENT CRITERIA WITH SCORING SHEET FOR FINAL SUBMISSION

TEAM NAME: INSOLVENCY PROFESSIONAL 1

FINAL SUBMISSION FORMAT: (30 MARKS)

The instructor will use this format to evaluate each group final submission. Each group can look at this format so they may understand what they are being graded on. The final submission format will combine with the teammate participation format to determine your final grade.

TRAIT	CRITERIA			POINTS
	1	2	3	
Content	Content contained little valuable material.	Content had a valuable material but lacks description.	Content had an exceptional amount of valuable examples and was really written well.	—
Team work	The teammates never worked from others' ideas. It seems as though only a few people worked on the final submission.	The teammates worked from the ideas of others. However it seems that certain people did not do as much work as other team members.	It was evident that all the group members contributed equally to the final submission.	—
Presentation	The final presentation lacked organization and had little evidence of preparation.	There was minimal evidence of organization or preparation.	The content was well organized, well prepared and easy to follow.	—
Research and case studies	Presenters were not confident and provided little evidence of support with final submission.	Presenters were not consistent as a whole but showed some confidence with well researched study.	All the presenters were confident in delivery and did an excellent job in preparation of final report. The preparations were backed by evidence.	—
		TOTAL		30

Points Criteria: 1=10 Marks 2=20 Marks 3=30 Marks



ANNEXURE - 3

Assessment criteria with scoring sheet for presentation by individual participant during the group presentation mentioned at Sl. no 2 & submission of individual write up

TEAM NAME: INSOLVENCY PROFESSIONAL 1

FINAL SUBMISSION FORMAT: (20 MARKS)

The instructor will use this format to evaluate each participant's presentation and individual write ups. Participants can look at this format so they may understand what they are being graded on. The Group Presentation Format will combine with the individual Participation Format to determine the final grade. Non submission of individual progress report will have an impact of group's score. There are 10 participants in each group. The participants of the group would be assigned individual tasks to be performed along with team members and required to submit the progress individually on the tasks assigned by the instructors. As mentioned in scoring sheet, each participant would get 10 marks for individual tasks and another 10 marks for presentation made individually during the group presentation. This element of task assignment by the instructor for 10 marks is nothing to do with the individual presentation to be made as per Sl. No. 2 of the scoring sheet. The content for presentation may be decided by the group members in consultation with group leaders named by the Instructor. The individual tasks for each members of the group are as follows:

PARTICIPANT NUMBER	TASK ASSIGNED	Average	Good	Very Good	Excellent	Outstanding	POINTS
Participant 1	Review of Literature on Scenario & Contribution/ Assistance to final report writing						—
Participant 2	Review of Literature on Scenario – 2 & Contribution/ Assistance to final report writing						—
Participant 3	Use several slides to describe the situation – Contribution/ Assistance to final report writing						—
Participant 4	Use several slides to describe the situation & Contribution/ Assistance to final report writing						—
Participant 5	Use several slides to describe the situation & Contribution/ Assistance to final report writing						—
Participant 6	Identify the specific ethical issues involved & Contribution/ Assistance to final report writing						—
Participant 7	Identify the specific ethical issues involved & Contribution/ Assistance to final report writing						—
Participant 8	Provide a list of alternatives (choices) & Contribution/ Assistance to final report writing						—
Participant 9	Provide a list of alternatives (choices) & Contribution/Assistance to final report writing						—
Participant 10	Provide a list of the relevant Code of Conduct citations & Contribution/ Assistance to final report writing						—
	Total						10
	+ For Individual Presentation as per Sl. No 2						10
	TOTAL MARKS						20

Points Criteria: 1=2 Marks 2=4 Marks 3=6 Marks 4=8 Marks 5=10 Marks! Please submit your individual write up in 10-12 pages

ABOUT IICA

The Indian Institute of Corporate Affairs (IICA), an autonomous institute, works under the aegis of the Ministry of Corporate Affairs to deliver opportunities for research, education, and advocacy. It is a think tank that curates a repository of data and knowledge for policy makers, regulators as well as other stakeholders working in the domain of Corporate Affairs. Key activities carried out by IICA include induction and in-service training to Indian Corporate Law Service (ICLS) officers, capacity –building and training programmes, policy advisory functions, public outreach and stakeholder consultants through seminars, conference and forums. IICA also supports Ministry of Corporate Affairs (MCA) initiatives on all matters relating to Corporate Affairs. Anticipation of corporate needs for effective functioning, reviewing corporate laws for effective amendments to cater to evolving business environments, exploring new paradigms such as investor education, and periodic reviews and updation of definitions, components and activities related to corporate governance are other prominent initiatives of the Institute.

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