

Draft IRDAI Insurance Surveyors and Loss Assessors Regulations, 2015

F.No. IRDA/Reg./ /--In exercise of the powers conferred by section 114A of the Insurance Act, 1938 (4 of 1938), as amended from time to time, read with sections 14 and 26 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) and sections 42D, 42E and 64UM of Insurance Act, 1938, as amended from time to time, the Authority in consultation with the Insurance Advisory Committee, hereby makes the following regulations, namely:-

CHAPTER I

PRELIMINARY

1. Short title, commencement and application

- (1) These regulations may be called the Insurance Regulatory and Development Authority of India (Insurance Surveyors and Loss Assessors) Regulations, 2015.
- (2) They shall come into force on the date of their publication in the Official Gazette and shall apply to all licensed insurance surveyors and loss assessors.

2. Definitions.-

In these regulations, unless the context otherwise requires, -

- (a) “Act” means the Insurance Act, 1938 (4 of 1938);
- (b) “applicant” means any person who applies for the grant of a surveyor’s and loss assessor’s licence or renewal thereof;
- (c) “Authority” means the Insurance Regulatory and Development Authority established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999);

- (d) “Associate member” means any Licentiate Member holding valid license continuously for a period not less than 8 years and upon fulfillment of other criteria set out in Regulation **15**(1) (ii)
- (e) “Corporate surveyor” means company incorporated under the Companies Act **2013** or Firm formed under Partnership Act 1932, including LLP (Limited Liability Partnership) incorporated under LLP Act 2008, licensed to act as Surveyor and Loss Assessor
- (f) “Designated Person” means an officer of the Authority detailed by the Authority to discharge the functions assigned to him under all or any of these regulations;
- (g) “Fellow Member” means any Associate Member holding valid license continuously for a period not less than 8 years and fulfils other criteria set out in Regulation **15**(1) (ii.)
- (h) “Inspecting Authority” means the person(s) appointed by the Authority to inspect and investigate the affairs of any surveyor and loss assessor;
- (i) “Institute” means the Indian Institute of Insurance Surveyors and Loss Assessors (IIISLA) promoted by IRDA under section 14 of IRDA Act, 1999 and incorporated under Section 25 of the Companies Act, 1956.
- (j) “IRDA Act” means the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999);
- (k) “Licentiate Member” means any person holding a valid license issued by the Authority to act as surveyor and loss assessor, and fulfills other criteria set out in Regulation **15**(1) (ii)
- (l) “Member” means the member of the Institute and includes Student member, Licentiate member, Associate member and Fellow member.
- (m) “Surveyor and Loss Assessor” means a person who is a member of the Institute and licensed by the Authority to act as Surveyor and Loss Assessor
- (n) “Student Member” means any person who is member of Institute and enrolls himself as trainee with **the Authority** for seeking practical training to obtain a license to act as Surveyor and Loss Assessor
- (o) “Membership level of a surveyor and loss assessor” means level allotted by the institute to the member, based on the criteria set out in Reg **15** of these Regulations
- (p) words and expressions used and not defined in these regulations but defined in the Insurance Act, 1938 (4 of 1938) or Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) or the General Insurance Business (Nationalization) Act, 1972 (57 of 1972), or in any rules or regulations made under those Acts, shall have the meanings respectively assigned to them in those Acts or rules or regulations, as the case may be.

CHAPTER II

LICENSING PROCEDURE

3. Application for, and matters relating to, grant of license to individual surveyors and loss assessors

(1) Every person who is a student member of the Institute and intending to act as a surveyor and loss assessor in respect of general insurance business shall apply to the Authority for grant of license in FORM-IRDA-1-AF as given in the Schedule to these regulations.

(2) **Eligibility Criteria**

i) **Qualifications (one or more of the following):**

- a) **academic** / technical/ professional/ Insurance Qualifications **given in Schedule I Annexure – 1 of these regulations** stated under Section 64UM read with Section 42 D of the Insurance Act,1938.
- b) **Other** technical qualification as may be specified by the Authority from time to time.
- c) Shall be a “Student/Member” of the Institute.

ii) **Training :**

- a) Practical training for a period not less than twelve months as specified in Regulation17(1)
- b) Such other training which the authority may specify from time to time.

Explanation: Any person who has undergone the requisite training for obtaining a license to act as surveyor and loss assessor, as stated under (ii) (a) above may undergo such other training as may be specified by the Authority.

iii) **Examination:**

Passing of relevant paper/s of Surveyor Examination conducted by Insurance Institute of India or **any other** Institute authorised by **the Authority**.

Explanation: Any person who has successfully completed the examination for obtaining a license to act as surveyor and loss assessor, need not undertake such examination as stated under (iii) above at any point of time.

(3) **Documents to be enclosed** (can be submitted online followed by hard copy) :

- a) Application in Form- IRDA- 1AF duly complete in all respects.
- b) Copy of Membership certificate issued by the Institute, indicating Student Membership No, Date of Issue etc
- c) Copy of recent photo- 1
- d) Copy of PAN
- e) **Aadhaar No**
- f) Proof of qualification
- g) Copy of Training completion certificate
- h) Copy of quarterly reports (4 quarters)

- i) Copy of mark sheet in proof of having passed the Surveyor examination as provided under Regulation 16 of these regulations
- j) No Objection Certificate from employer, if employed
- k) Affidavit as stated under sl no 3 of FORM- IRDA-1AF (to be uploaded in soft form at the time of submissions of application through online)
- l) Self addressed envelope of 4.5"x10" with Rs.40 postage stamp
- m) Demand draft, in case fee is paid by DD
- n) Details of fee payment by RTGS/NEFT, if paid through RTGS/NEFT
- o) Any other document/information that may be required by the Authority from time to time
(Copies of documents sl no c to j shall be notarized)

(4) Disclosures:

- i) Submit a declaration that he/she shall file with the Authority, any changes in the information submitted to the Authority within 15 days of such change and apply in the FORM-IRDA-17 AF as given in Schedule to these Regulations, for grant of modified license. The license issued by the authority (in original) shall be surrendered at the time of application for grant of modified license.
- ii) submits such other information as may be required by the Authority from time to time

(5) Payment of fees- The applicant shall pay fees applicable to the Licentiate level of membership, through online net banking / RTGS/ NEFT/ Demand Draft in favour of IRDA and furnish evidence of payment.

(6) Application to conform to the requirements -An application, not complete in all respects and not conforming to the instructions specified in the application form and these regulations, shall be rejected.

Provided that, before rejecting any such application, the applicant shall be given a reasonable opportunity to complete the application in all respects and rectify the errors, if any.

(7) Furnishing of information, clarification and personal representation — (1) The Authority may require an applicant to furnish any further information or clarification for the purpose of disposal of the application, and, thereafter, in regard to any other matter as may be deemed necessary by the Authority.

(2) The applicant shall, if so required, appear before the Authority for a personal representation in connection with their application.

(8) Consideration of application - (1) The Authority while considering the application made under sub-regulation (1) for grant of license as a surveyor and loss assessor, take into consideration all matters relating to the duties, responsibilities and functions of surveyor and loss assessor and satisfy itself that the applicant is a fit and proper person to be granted a license.

(2) Without prejudice to the above without prejudice to the foregoing, the Authority shall take into account the following and satisfy itself that the applicant:

- a) meets all the requirements of section 64 UM read with section 42 D of the Act and fulfils the eligibility criteria set out in Regulation 3 of these regulations
- b) whether the applicant has been refused in the past the grant of a licence/registration by the Authority.
- c) Whether the applicant are Fit and Proper based on the statement in Annexure 2 of these regulations; and
- d) whether the applicant is not suffering from any of the disqualifications specified under sub-section (5) of section 42 D of the Act;
- e) Whether the applicant is a graduate has the qualifications, undergone practical training and has passed an examination conducted by the examination body.

(9) **Grant of license:-** The Authority on being satisfied that the applicant is eligible for grant of licence, shall grant the same in FORM-IRDA-2-LF as given in the Schedule to these regulations, mentioning the level of membership granted by the institute, particular class/department or subject of general insurance business namely, fire, marine cargo, marine hull, engineering, motor, miscellaneous, Crop Insurance and loss of profit allotted based on their **academic** / technical/ professional/ Insurance qualification and other **technical** qualifications as **may be specified by the Authority from time to time.**

(10) **Validity of License: - The license granted shall be valid for a period of three years.** The allotment of department/ area of work at the time of grant of license to act as Surveyor and loss assessor shall be as specified by **the Authority** from time to time.

(11) A surveyor and loss assessor, whose licence has been cancelled or suspended for any reason, may submit an application for issuance of licence, after the expiry of **one year** from the date of such cancellation or suspension, and, such an application shall be treated as a fresh case, and, accordingly, the applicant shall satisfy all the requirements of sub-regulation (2).

(12) A surveyor and loss assessor shall be subject to level of membership of the Institute as specified in Chapter V of these regulations

4. Application for grant of fresh corporate license and related matters

- (1) An applicant desiring to obtain a corporate surveyor and loss assessor license shall do so in **Form-IRDA-3-AF** as given in the Schedule to these regulations.
- (2) **Eligibility Criteria** – the directors/ partners of the company/ firm, shall conform mutatis-mutandis to the eligibility criteria set out in Reg 3 of these regulations.
- (3) In addition the Authority shall satisfy itself that the applicant shall submit the application complete in all respects, satisfy all the applicable requirements of section 64 UM read with section 42 D of the Act.

Provided that none of the directors or partners suffers from any of the disqualifications mentioned in section 42 D of the Act.

(4) There shall be at least two directors/partners in the company /firm at any point of time who are members of the institute and are licensed to act as surveyor and loss assessor. The department and level of membership of the director/partner under their individual surveyor license shall become the department and level of membership of the Company/firm. Any licensed surveyor and loss assessor appointed as director/partner of a company/ firm seeking application for grant of corporate license, shall undertake survey jobs and issue survey reports only in the capacity of director/partner of the applicant company/firm.

(5) **Documents to be enclosed** (can be submitted online followed by hard copy) :

- a) Application in Form- IRDA- 3AF duly completed in all respects.
- b) Copy of Membership certificate issued by the Institute to the directors/ partners, indicating Membership No, Date of Issue etc
- c) Copy of one recent photo of directors/partners
- d) Copy of Surveyor license of directors/partners
- e) Copy of certificate of incorporation issued by ROC in case of company
- f) Copy of Partnership deed in case of a firm duly signed by all the partners
- g) Copy of Memorandum and Articles of association of the company
- h) Copy of Form no **DIR-12** filed with ROC
- i) Copy of Form no **INC-22/23** filed with ROC
- j) Copy of Form no **20B/Form SH7, as the case may be**, filed with ROC
- k) Copy of TAN
- l) Proof of qualification of directors/partners
- m) Copy of PAN No and Aadhaar No of directors/ partners**
- n) Affidavit as stated under sl no.2 of FORM- IRDA-3AF **including whether any person, directly or indirectly connected with the applicant, has been refused in the past the grant of a licence/registration by the Authority.**
- o) Fit & Proper statement by the directors/ partners**
- p) Self addressed envelope of 4.5”x10” with Rs.40 postage stamp
- q) Demand draft, in case fee is paid by DD
- r) Details of fee payment by RTGS/NEFT, if paid through RTGS/NEFT
- s) Any other document/information that may be required by the Authority from time to time
(Copies of documents slno d to m shall be notarized)

(6) **Disclosures:**

- a) Submit a declaration that prior to joining corporate firm, the individual surveyors shall complete all jobs entrusted to them completed within the timelines provided under Reg 9

of PPI Regulations, and that upon grant of corporate license, such surveyors, shall henceforth work only under the corporate license.

- b) Submit a declaration that they shall submit information about resignation/death/suspension of director/partner, change in share holding pattern and such other material changes to the Authority and apply in FORM-IRDA- 18AF as given in the Schedule to these regulations within 15 days of such change for grant of modified license. The license issued by the Authority (in original) shall be surrendered at the time of application for grant of modified license.
- c) Submit details of those members who hold license to act as surveyor and are employed in the registered office and branch office/s of the firm /company to conduct survey jobs on behalf of the company /firm
- d) **Such other additional requirements as may be specified by the Authority from time to time.**

(7) **Payment of fees** - Shall pay fees based on the highest level of membership of any of the directors/partners as provided under Reg 5, through online net banking /RTGS/NEFT/Demand Draft in favour of IRDA and furnish evidence of payment.

(8) **Application to conform to the requirements** -An application, not complete in all respects and not conforming to the instructions specified in the application form and these regulations, shall be rejected.

Provided that, before rejecting any such application, the applicant shall be given a reasonable opportunity to complete the application in all respects and rectify the errors, if any.

(9) **Furnishing of information, clarification and personal representation** — (1) The Authority may require an applicant to furnish any further information or clarification for the purpose of disposal of the application, and, thereafter, in regard to any other matter as may be deemed necessary by the Authority.

(10) The applicant shall, if so required, appear before the Authority for a personal representation in connection with their application.

(11) **Consideration of application** - (1) The Authority while considering the application made under sub-regulation (1) for grant of license as a surveyor and loss assessor, take into consideration all matters relating to the duties, responsibilities and functions of surveyor and loss assessor and satisfy itself that the applicant is a fit and proper person to be granted a license.

(2) Without prejudice to the above without prejudice to the foregoing, the Authority shall take into account the following and satisfy itself that the applicant:

- a) meets all the requirements of section 64 UM read with section 42 D of the Act and fulfils the eligibility criteria set out in Reg 3A4 of these regulations
- b) none of the directors or partners suffers from any of the disqualifications mentioned in section 42 D of the Act.

- c) whether the applicant has been refused in the past the grant of a licence/registration by the Authority.
- d) Whether the directors/ partners of the company/ firm are Fit and Proper based on the statement in Annexure 2 of these regulations;
- e) The main object of the company/firm shall be to carry out insurance survey and loss assessment
- f) **the** name of the company or firm shall include the words “Insurance Surveyors and Loss Assessors”
- g) The aggregate holdings of equity shares held by a foreign **investor including portfolio investors** shall be disclosed at the time of making the application for grant of license, which **shall be as prescribed by the Central Government from time to time.**
- h) The same promoter/subscriber of the applicant does not have more than one corporate surveyor license. “Promoter/Subscriber” shall be as defined in the “Companies Act, 2013”.
- i) **Whether any person, directly or indirectly connected with the applicant, has been refused in the past the grant of a licence/registration by the Authority.**

Explanation:-For the purposes of this sub-clause, the expression "directly or indirectly connected" means in the case of a firm or a company or a body corporate, an associate, a subsidiary, an interconnected undertaking or a group company of the applicant . It is hereby clarified that these terms shall have the same meanings as ascribed to them in the Companies Act, 2013 or The Competition Act, 2002, as the case may be.

(12) **Grant of license:-**The Authority on being satisfied that the applicant is eligible for grant of license, shall grant the same in FORM-IRDA-4-LF as given in the Schedule to these regulations, indicating the department and membership level of the corporate surveyor. Such membership level shall be the highest level at which the corporate surveyor can function.

(13) **Validity of License: - The license granted shall be valid for a period of three years.**

(14) **Conditions of license –**

- a) Upon grant of corporate license, the company/firm can undertake survey jobs only in those department and level of membership displayed against each of the director/partner in the corporate license issued by the Authority.
- b) None of the directors or partners of one corporate surveyor shall be appointed as director or partner in another corporate surveyor.
- c) Licensed surveyors who are working as employees of the company/firm shall undertake survey jobs only of that company/firm with whom he/she is employed with. The employee shall undertake survey jobs only in those department and level of membership allotted to him/her under his/her individual license.

5. Fee Structure

(i) **The fee payable to the Authority by fresh applicants for grant of licence to act as surveyors and loss assessors shall be one thousand rupees plus applicable service tax as prescribed by Central Government from time to time.**

(ii) **Grant of licence is subject to fulfilment of requirements stated above.**

(iii) **Payment of fees through online payment- net banking in Surveyor Licensing Portal considered as one of the modes of payment.**

6. Application for grant of renewal license (Individual/Corporate surveyor & loss assessor) and related matters:

(1) An application for renewal of surveyor license including online submission of application for renewal, shall reach the Authority at least thirty days before the expiry of the period of validity thereof,

a) in FORM-IRDA-5-AF (for individuals)

b) in FORM-IRDA-6-AF (for corporate surveyors) as given in the Schedule to these regulations, along with a renewal fee of **onehundred rupeesplus applicable service tax as prescribed by Central Government from time to time.**

Provided that the Authority may, if it is satisfied that undue hardship would be caused otherwise, accept any application, within six months of its expiry on payment by the applicant of a penalty of seven hundred and fifty rupees.

Provided further that a licence not so renewed ceases to exist. However an application from such surveyor can be treated as fresh application and processed under Regulation 3, and such applicant shall be allotted Licentiate level of membership in the license issued by the Authority.

(2) The Authority may renew the license upon being satisfied that the applicant has complied with all the requirements as may be specified by the Authority from time to time, particularly those specified in Chapter II of the Regulations

Documents to be submitted (to be uploaded in soft form in the online licensing portal)

I. In case of Individual:

a) Application in Form- IRDA- 5AF duly completed in all respects.

b) Copy of recent photo- 1

c) Copy of PAN

d) **Aadhaar No.**

e) Proof of qualification

f) No Objection Certificate from employer, if employed

- g) Work performance in Form –IRDA-12 (to be uploaded in soft form for previous 53 financial years)
- h) Affidavit as stated under sl no 3 of FORM- IRDA-1AF
- i) Copy of membership certificate issued by the institute.
- j) Self addressed envelope of 4.5”x10” with Rs.40 postage stamp
- k) Demand draft, in case fee is paid by DD
- l) Details of fee payment by RTGS/NEFT, if paid through RTGS/NEFT
- m) Any other document/information that may be required by the Authority from time to time (Copies of documents sl no c to i shall be notarized)
- n) Proof of sole proprietor registration with local authorities, in case applying for sole proprietorship.**

II. In case of corporate surveyors :

- a) Application in Form- IRDA- 6AF duly completed in all respects.
- b) Copy of one recent photo of directors/partners
- c) Copy of Surveyor license of directors/partners and their institute’s membership details
- d) Copy of certificate of incorporation issued by ROC in case of company
- e) Copy of Partnership deed in case of a firm duly signed by all the partners
- f) Copy of Memorandum and Articles of association of the company
- g) Copy of Form no **DIR-12** filed with ROC
- h) Copy of Form no **INC-22/23** filed with ROC
- i) Copy of Form **20B/ Form SH7, as the case maybe,** filed with ROC
- j) Copy of TAN
- k) Proof of qualification of directors/partners
- l) Copy of PAN No and Aadhaar No of directors/ partners**
- m) Affidavit as stated under sl no 2 of FORM- IRDA-3AF
- n) Self addressed envelope of 4.5”x10” with Rs.40 postage stamp
- o) Work Performance of the company /firm (to be uploaded in soft form for previous 53 financial years)
- p) Demand draft, in case fee is paid by DD
- q) Details of fee payment by RTGS/NEFT, if paid through RTGS/NEFT
- r) Any other document/information that may be required by the Authority from time to time (Copies of documents sl no c to l shall be notarized)

(3) The Authority on being satisfied that the applicant is eligible for renewal of license, shall renew the same

- a) in Form –IRDA- 7-LF in case of individuals including sole proprietor

b) in Form –IRDA-8-LF in case of corporate surveyor in the format given in the schedule to these regulations. A license so renewed shall be valid for **three** years from the date of renewal unless cancelled earlier.

- (4) The application for renewal of license shall be processed taking into account the eligibility criteria, existing, including those set out under Regulation ~~3A4~~, at the time of receipt of such application.

7. Procedure where application for grant of license is rejected:

- (1) the application for grant of license can be rejected on the following grounds:
- a) does not conform with or the applicant fails to comply with the provisions of the Act and these regulations.
 - b) if the Authority is of the opinion that the grant of license is not in the interest of the policy holders. Provided that before rejecting any such application, the applicant shall be given a reasonable opportunity of being heard.
- (2) Where the application for grant of license is rejected a refund of not more than 60% of the fee received shall be made to the applicant.
- (3) The rejection of application as stated under (1) above, shall be communicated to the applicant within thirty days of such rejection, stating the grounds for rejection thereof.
- (4) Any applicant, if aggrieved by the decision of the Authority, may apply within a period of thirty days from the date of receipt of such intimation, to the Chairman of the Authority for a reconsideration of its decision.**
- (5) The Chairman of the Authority shall consider such an application and communicate his decision thereon to the applicant in writing within six weeks of the receipt thereof.**
- (6) Any applicant aggrieved by the decision of the Chairman may make an appeal to Securities Appellate Tribunal, as per the procedure prescribed for such an appeal, within a period of forty-five days from the date on which a copy of the order made under sub-regulation (4) above is received by him, for passing such orders thereon as it thinks fit, conforming, modifying or setting aside the order appealed against.**

8. Procedure where application for renewal of license is refused:

- (1) The Authority may refuse the application for renewal of license to a surveyor and loss assessor on any of the following grounds, if the applicant:
- (i) makes a statement which is false in material particulars with regard to the eligibility for obtaining license
 - (ii) if the applicant suffers from any of the disqualifications provided under ~~sub-section (4) of section 42D~~ of the Act, read with section 64UM of the Act.

Provided that the Authority shall give a reasonable opportunity, to the person concerned, of being heard, before such refusal.

- (2) The refusal of license referred to in sub-regulation (4) shall take effect from the date of such refusal and no surveyor and loss assessor shall carry out any survey and loss assessment work thereafter, including the jobs on hand. All such pending jobs shall be returned by him/ it to the insurer or the insured, as the case may be.
- (3) **Any applicant, if aggrieved by the decision of the Authority, may apply within a period of thirty days from the date of receipt of such intimation, to the Chairman of the Authority for a reconsideration of its decision.**
- (4) **The Chairman of the Authority shall consider such an application and communicate his decision thereon to the applicant in writing within six weeks of the receipt thereof.**
- (5) **Any applicant aggrieved by the decision of the Chairman may make an appeal to Securities Appellate Tribunal, as per the procedure prescribed for such an appeal, within a period of forty-five days from the date on which a copy of the order made under sub-regulation (4) above is received by him, for passing such orders thereon as it thinks fit, conforming, modifying or setting aside the order appealed against.**
- (6) A surveyor whose license renewal is refused for any reason, may submit an application for issuance of license, after the expiry of **one** year from the date of such refusal, and, such an application shall be treated as an application for grant of fresh license, and accordingly the applicant shall satisfy all the requirements stated under Reg 3 or Reg 4 as the case may be.

9. Issue of Duplicate Licence/Identity Card

- (1) A person to whom a licence has been issued or renewed, shall, if such licence and/or Identity Card is/are lost, destroyed or mutilated, make an application in FORM-IRDA-9 given in the Schedule to these regulations to the Authority requesting for issuance of duplicate thereof, along with a fee **as specified in the IRDAI (Payment of Fees) Regulations, 2015.**
- (2) The application referred to in sub-regulation (1) shall contain full particulars of licence/identity card and as to how the loss/destruction or mutilation has occurred, and the application shall be accompanied by mutilated pieces, if any, in possession of the person making the application.
- (3) The Authority, on being satisfied, may issue a duplicate licence and/or identity card in FORM-IRDA-10-LF as given in the Schedule to these regulations.
- (4) The duplicate so issued shall remain in force for the remainder of the period of validity of the licence and/or identity card, unless cancelled earlier, and the duplicate shall bear an endorsement thereon that it is a duplicate.

CHAPTER III

CONSTITUTION AND FUNCTIONS OF SURVEYORS AND LOSS ASSESSORS COMMITTEE

10. Constitution

- (1) The Authority shall constitute a Committee to be called “Surveyors and Loss Assessors Committee” (herein after referred to as “the Committee”), for assisting the Authority on the matters and affairs relating to Insurance Surveyors and Loss Assessors.
- (2) The Committee may consist of the following persons:-
 - (i) an Officer of the Authority;
 - (ii) two representatives of the Surveyors and Loss Assessors;
 - (iii) one representative of Insurers from Public sector and a representative of insurer from Private sector
 - (iv) a representative of the policy holders;
- (3) The Committee will be for a period of three years and will be presided over by the officer of the Authority.

11. Functions of the Committee.-

- (1) The Committee shall perform the following functions:-
 - (i) recommending the syllabus for examination and practical training requirements for persons to qualify as surveyors and loss assessors;
 - (ii) recommending to the Authority for its consideration to recognise foreign qualifications and training for the purposes of grant of licence to act as surveyors and loss assessors;
 - (iii) improving and developing the status and standard of the profession of surveyors and loss assessors;
 - (iv) co-ordinating with educational or other institutions, having as their objects, wholly or partly, similar to those of the profession of surveyors and loss assessors, in such manner as may be conducive for the attainment of common objectives;
 - (v) looking into the matters of professional misconduct, indiscipline, non-adherence to code of conduct by surveyors and loss assessors; and dealing with complaints of insured/insurer in respect of survey work done by surveyors and loss assessors;
 - (vi) discharging any other function, which may be entrusted by the Authority, from time to time.
- (2) The Committee may meet as frequently as necessary to conduct its affairs.
- (3) The members of the Committee, other than the officer of Authority will be entitled to such allowances as may be determined by the Authority from time to time.

~~12A.~~12 Appointment of Surveyors and Loss Assessors

- (1) No person or a firm or a company shall act as a surveyor and loss assessor without being licensed under Reg 3 or Reg 4 of the IRDAI 's (Insurance Surveyor and Loss Assessor) Regulations, 2015 as the case may be.
- (2) Surveyors and loss assessors shall be appointed either by insurers or insured to assess loss under a policy of insurance in respect of
- i) **Motor insurance – above rupees fifty thousand**
 - ii) **Other than motor insurance – above rupees one lakh**
- (3) Such appointment of a surveyor for assessment of loss shall be made within 72 hours from the time the occurrence of loss was known to the insured. Notice of such appointment shall be sent in writing to the insurer or insured as the case may be and shall form part of the claims settlement process.
- (4) A surveyor and loss assessor shall assess losses of only those departments specified in his/her or its license.

CHAPTER IV

DUTIES AND RESPONSIBILITIES OF A SURVEYOR AND LOSS ASSESSOR

13(1) A surveyor and loss assessor shall, for a major part of the working time, investigate, manage, quantify, validate and deal with losses (whether insured or not) arising from any contingency, and report thereon, and carry out the work with competence, objectivity and professional integrity by strictly adhering to the code of conduct expected of such surveyor and loss assessor.

(2) The following, shall, inter alia, be the duties and responsibilities of a surveyor and loss assessor:-

- (i) declaring whether he has any interest in the subject-matter in question or whether it pertains to any of his relatives, business partners or through material shareholding;

Explanation: For the purpose of this clause 'relatives' shall mean any of the relatives as **defined in Sub-section (77) of Section 2 of the Companies Act, 2013;**

(ia) Bringing to the notice of the Authority, any change in the information or particulars furnished at the time of issuance of license, within a period not exceeding fifteen days from the date of occurrence of such change, that has a bearing on the license granted by the Authority

- (ii) maintaining confidentiality and neutrality without jeopardising the liability of the insurer and claim of the insured;
- (iii) conducting inspection and re-inspection of the property in question suffering a loss;
- (iv) examining, inquiring, investigating, verifying and checking upon the causes and the circumstances of the loss in question including extent of loss, nature of ownership and insurable interest;
- (v) conducting spot and final surveys, as and when necessary and comment upon franchise, excess/under insurance and any other related matter;
- (vi) estimating, measuring and determining the quantum and description of the subject under loss;

- (vii) advising the insurer and the insured about loss minimisation, loss control, security and safety measures, wherever appropriate, to avoid further losses;
- (viii) commenting on the admissibility of the loss as also observance of warranty conditions under the policy contract;
- (ix) surveying and assessing the loss on behalf of insurer or insured;
- (x) assessing liability under the contract of insurance;
- (xi) pointing out discrepancy, if any, in the policy wordings;
- (xii) satisfying queries of the insured/insurer and of persons connected thereto in respect of the claim/loss;
- (xiii) recommending applicability of depreciation and the percentage and quantum of depreciation;
- (xiv) giving reasons for repudiation of claim, in case the claim is not covered by policy terms and conditions;
- (xv) taking expert opinion, wherever required;
- (xvi) commenting on salvage and its disposal wherever necessary.

(4) A surveyor or loss assessor whether appointed by insurer or insured, shall submit his report to the insurer as expeditiously as possible, but not later than 30 days of his appointment, with a copy of the report to the insured giving his comments on the insured's consent or otherwise on the assessment of loss. Where, in special circumstances of the case, either due to its special and complicated nature, the surveyor shall under intimation to the insured, seek an extension, in any case not exceeding six months from the insurer for submission of his report.

(5) If an insurer, on the receipt of a survey report, finds that it is incomplete in any respect, he shall require the surveyor under intimation to the insured, to furnish an additional report on such incomplete issues as may be required by the insurer. Such a request may be made by the insurer within 15 days of the receipt of the original survey report.

Provided that the facility of calling for an additional report by the insurer shall not be resorted to more than once in the case of a claim.

(6) The surveyor on receipt of this communication shall furnish an additional report within three weeks of the date of receipt of communication from the insurer.

CHAPTER V

CATEGORISATION OF SURVEYORS

14 (1) A surveyor and loss assessor shall be categorized on the basis of level of membership allotted by the Institute. The three levels of membership in the Institute viz Licentiate, Associate and Fellow, **shall be** as defined in the Articles of the Institute.

(2) Every surveyor and loss assessor, whether a company or firm or an individual, shall be eligible to carry on the work as a surveyor or loss assessor, as per the level of membership allotted by the institute and specified in the licence.

15 Functions of the Institute

(1) The Institute shall grant appropriate membership to person eligible, within 15 days from the date of receipt of application for membership, for grant of a valid license to be issued by the Authority to act as a surveyor and loss assessor based on the following criteria, including any other criteria as may be specified by the Authority from time to time:

i) Membership

Licentiate Member: Any person holding a valid license issued by an Authority to act as surveyor and loss assessor, and fulfills other criteria set out in Regulation **15** (1) (ii)

Associate member: Any Licentiate Member holding valid license continuously for a period not less than 8 years and fulfills other criteria set out in Regulation **15** (1) (ii)

Fellow Member: Any Associate Member holding valid license continuously for a period not less than 8 years and fulfills other criteria set out in Regulation **15** (1) (ii)

ii) Training, examination, seminars and workshops:

a. The institute shall conduct training, examination, seminars and workshops to all the members and every member, in order to upgrade his/her level of membership, shall undergo such training, examinations, seminars and workshops as specified below:

b. In additions to the period of practical training that an application seeking a license to act as a surveyor and loss assessor is required to undergo training as prescribed in Regulation **15**, the Institute shall provide and every member shall undergo, such training commensurate to their level of membership, for the minimum period as specified below:

Licentiate – 100 hrs

Associate - 50 hrs

Fellow -25 hrs

c. The Institute or any other institution authorized by the Authority, shall conduct seminars and workshop and every member shall attend a minimum number of such seminars and workshops as specified below:

Licentiate- 5

Associate- 8

Fellow- 10

Provided further that all existing licensed surveyors and loss assessors shall become the members of the institute within 6 months from the date of these regulations and apply to **the Authority** for grant of modified license indicating the level of membership to be allotted by the institute.

Provided further that such members shall be required to comply with the requirements on training, evaluation, seminars and workshops for upgrading the existing levels of membership within the time limit as may be prescribed by the Authority from time to time.

- (2) In case the Institute declines any form of membership to the surveyor and loss assessor including student membership, the person can appeal to the Chairman of the Authority.**
- (3) The Chairman of the Authority shall consider such an application and communicate his decision thereon to the person and Institute in writing within six weeks of the receipt thereof which shall be binding on both.**
- (4) In case the Institute does not comply with the decision of the Chairman of the Authority, the Authority may then issue the license to the applicant on merits of the case without the accompanying membership of the Institute.**
- (5) The Authority may from time to time issue such guidelines, directions or such other communication for the efficient conduct of the affairs of the Institute.

CHAPTER VI

CODE OF CONDUCT

16. Every surveyor and loss assessor shall-

- (1) behave ethically and with integrity in the professional pursuits. Integrity implies not merely honesty but fair dealings and truthfulness;
- (2) strive for objectivity in professional and business judgment;
- (3) act impartially, when acting on instructions from an insurer in relation to a policy holder's claim under a policy issued by that insurer;
- (4) conduct himself with courtesy and consideration to all people with whom he comes into contact during the course of his work;
- (5) not accept or perform survey works in areas for which he does not hold a licence;
- (6) not accept or perform work which he is not competent to undertake, unless he obtains some advice and assistance, as will enable him to carry out the work competently;
- (7) carry out his professional work with due diligence, care and skill and with proper regard to technical and professional standards expected of him;
- (8) keep himself updated with all developments relevant to his professional practice;
- (9) at all times maintain proper record for work done by him and comply with all relevant laws;
- (10) assist and encourage his colleagues to obtain professional qualifications, and, in this behalf, provide free articleship and/or practical training for a period of twelve months;
- (11) work only as surveyor and loss assessor in insurance business and not undertake any business advisory or consultancy service or work which could be give rise to conflict of interest;**

- (12) **not perform any outsourced activity other than those permitted by the Regulations**
- (13) maintain a register of survey work, containing the relevant information, such as, details of insured, insurer, policy number, date of allocation of survey work, date of submission of survey report, amount of claims assessed, such fee details and shall keep important records of the survey reports, photographs and other important documents for a period three years and furnish the same and such other specified returns, as and when called for by the Authority or by any investigating authority or the insurer. However, in case of litigation involving above information/records/documents/photographs etc, the same shall be maintained till the conclusion of the litigation.
- (14) **acknowledge receipt of all monies received in connection with fee or remuneration received for carrying out survey work.**
- (15) disclose to all parties concerned his appointment, where the acceptance or continuance of such an engagement may materially prejudice, or could be seen to materially affect the interests of any interested party. As soon as a conflict of interest is foreseen, every surveyor and loss assessor shall notify all interested parties immediately and seek instructions for his continuance;
- (16) not disclose any information, pertaining to a client or employer or policy holder acquired in the course of his professional work, to any third party, except, where consent has been obtained from the interested party, or where there is a legal right or duty enjoined upon him to disclose;
- (17) neither use nor appear to use, any confidential information acquired or received by him in the course of his professional work, to his personal advantage or for the advantage of a third party.
- (18) shall undertake survey jobs in a company /firm only as an employee/director/partner.
- (19) Every surveyor and loss assessor who is an employee of an insurer shall only survey and assess the loss and not involve in settlement of the claim.
- (20) Comply with the provisions of AOA, regulations and Code of Ethics framed by the Institute from time to time.
- (21) Comply with all the provisions of the Act, the IRDA Act, the rules and regulations made there under and the orders, directions and guidelines issued by the Authority from time to time.

CHAPTER VII

Trainee Applicants

- 17(1)**A student member seeking a license to act as a surveyor and loss assessor shall apply and enroll with Authority as Trainee in FORM-IRDA-13 as given in the Schedule to these regulations, after having obtained the willingness to impart training from his trainer in FORM-IRDA-14 as given in the schedule to these regulations, and shall undergo a period of practical training of not less than twelve months with a licensed surveyor and loss assessor as specified below:
- (2) During the period of training, every applicant who is a student member of the Institute and enrolled as trainee shall comply with the code of conduct and code of ethics prescribed by the Institute and duly approved by **the Authority** and shall have include the following:

- i) Behave ethically and with integrity. Integrity implies not merely honesty but fair dealings and truthfulness.
- ii) Not accept/performance/undertake any survey works and not issue any survey report without holding a valid license issued by the Authority to act as surveyor and loss assessor
- iii) Maintain at all times, proper record of training details duly certified by the trainer surveyor, and
- iv) Disclose all information relating to any proceedings initiated or investigation pending or carried out/against him/her or it by any agency and details of the results thereof
- v) File within 15 days, any change in information already submitted to the authority
- vi) Any other that may be specified by the Institute from time to time.

(3) The surveyor under whom a trainee will be trained shall belong to Associate or Fellow member of the Institute

(4) The trainee shall maintain a quarterly record of training received in FORM-IRDA-15 during the period and shall get it certified by the surveyor and loss assessor under whom he has trained and the certificate in FORM-IRDA-16 shall be attached to the application for seeking grant of a license under regulation 3;

(5) The requirement to undergo practical training for a period not less than 12 months as stated under Regulation 16(1) shall not be applicable to those student members who have over 15 years of experience in areas relating to risk management and settlement of claims in relevant field in General Insurance Industry.

(6) The licence to be granted to an applicant to act as a surveyor and loss assessor shall be in that particular area for which he has been trained;

(7) If a surveyor and loss assessor already licensed by the Authority seeks to obtain a similar licence for acting as a surveyor in a category other than for which he is licensed, he shall undergo a period of training not less than six months under a surveyor and loss assessor holding either a Fellow or Associate member licence issued by the Authority to act in that particular area.

(8) Those who have already enrolled as trainees with **the Authority** shall become the student member of the Institute in addition to complying with the criteria set out in Regulation 3 for grant of license to act as surveyor and loss assessor.

18. The Authority may also prescribe the passing by an applicant of an examination on the successful completion of the training prescribed above for the grant of a license under Regulation 3. The examination may be conducted either by the Institute or by an institution authorized by **the Authority**.

CHAPTER VIII

MISCELLANEOUS

19 Register of Licensed Insurance Surveyors and Loss Assessors

- (1) The Institute shall maintain a register of all licensed insurance surveyors and loss assessors containing the following particulars:-
- (i) full name, date of birth, domicile, residential and professional address;
 - (ii) the date on which name is entered in the Register;
 - (iii) licence number and period of validity;
 - (iv) professional and other qualifications;
 - (v) areas of survey work licensed to be undertaken;
 - (vi) Level of membership in the institute of the surveyor and loss assessor;
 - (vii) any other particulars as may be prescribed by the Authority from time to time.

Provided that in the case of corporate surveyors, the particulars to be entered in the register, shall be with reference to every director or partner, as the case may be.

- (2) The Authority shall, delete the particulars of surveyors and loss assessors, who are no longer alive, or whose licence has been cancelled
- (3) The Authority may cause the publication of the relevant particulars entered in the register, as may be considered appropriate by it, at such intervals and in such manner, as may be deemed fit.

20. Submission of returns by Surveyor and Loss Assessor -.

Every licensed surveyor and loss assessor shall:-

- (a) furnish such of the document, statement, account, return or report, as and when required by the Authority, and comply with such directions, as may be issued by the Authority in this behalf, from time to time; and
- (b) submit an annual statement in FORM-IRDA-12 given in the Schedule to these regulations.
- (c) Every corporate surveyor and loss assessor shall submit a copy of audit report and annual statement of accounts by 30th September every year.**
- (d) Every insurer shall submit to the Authority the following:
 - i) Quarterly report on misconduct of licensed surveyors, including, action, if any taken, on the employee surveyors under the employment rules
 - ii) File with the Authority, annually, a copy of the policy formulated by the company, on the methodology followed for appointment of surveyors, utilization of surveyors and allotment of survey jobs to licensed surveyors.
 - iii) File with Authority, changes if any made in the policy submitted as stated under (d), within 15 days of such change with reasons thereof.

21. Inspection

- (1) The Authority, may appoint one or more persons as inspecting authority to undertake inspection of survey work, books, records and documents, or to investigate any bona fide complaint received against a surveyor and loss assessor.
- (2) The inspecting authority shall, as soon as possible, submit an inspection report to the Authority.
- (3) A surveyor and loss assessor shall provide the information demanded by the inspecting authority for the purpose of carrying out inspection/investigation and extend all possible co-operations to facilitate the conduct of its work.
- (4) The Authority shall, after consideration of the inspection report, communicate the findings of the inspecting authority to the surveyor and loss assessor, and shall also give him a reasonable opportunity of being heard before any action is taken by the Authority on the findings of the inspection report.

22. Action in case of Default- Suspension of license:

- (1) The Authority shall suspend a license already granted, to a surveyor and loss assessor (individual/corporate), if he/it:
 - i. Fails to discharge the duties and responsibilities in a satisfactory and professional manner; or
 - ii. Violates the code of conduct specified in these regulations or
 - iii. Makes a statement which is false in material particulars with regard to eligibility for obtaining license or renewal thereof or in any of the activities transacted by him or them or the matters connected therewith as a surveyor and loss assessor or has after the issue or renewal of such license, acquired any of the disqualifications provided under section 42D of the Ac.
 - iv. Has contravened any of the provisions of the Act, or **the Authority**, or any rules or regulations made under those Acts, or any order or direction issued by the Authority
 - v. Has not been negligent in discharge of his obligations
 - vi. Has not been sentenced to a term of imprisonment by any court of law

Provided that the Authority shall give a reasonable opportunity to the person concerned, of being heard before such suspension.

- 2) The Authority may also suspend the license if it is of the opinion that the continuation of such license would be prejudicial to the interest of the policy holders, in which case the opportunity of personal hearing may not be provided
- 3) The Authority may in addition to the cancellation of the individual license of director/partner of corporate surveyor may also suspend the license of a corporate surveyor for any act committed as stated under 1 and 2 above, if the same is committed by any one of its partner/director.
- 4) The suspension of license shall be for such period as may be indicated in the order and shall take effect from the date of the order of suspension until revoked.

- 5) During the period of suspension, the holder of such a license shall not carry out any survey and loss assessment work including the jobs on hand and shall return all such pending jobs to the insurer or the insured, as the case may be.
- 6) A surveyor whose license has been suspended for any reason, may submit an application for issuance of license, after the expiry of **one** year from the date of such cancellation, and, such an application shall be treated as an application for grant of fresh license, and accordingly the applicant shall satisfy all the requirements stated under Reg 3 or Reg 4 as the case may be.

23. Cancellation of license

1. Where it is found that a surveyor and loss assessor suffers from any of the disqualifications mentioned in section 42D of the Act or has knowingly contravened any provisions of the Act or the IRDA Act, or the rules of regulations made under those Acts or any order of directions or instruction issued by the Authority, the Authority may, cancel his license, with effect from such date as may be specified by it.

Provided that the Authority shall give a reasonable opportunity to the person concerned, of being heard, before cancellation.

Provided further that the powers conferred on the Authority in this sub-regulation are without prejudice to the powers conferred on it by section 64UM of the Act.

2. The Authority may also cancel the license if it is of the opinion that the continuation of such license would be prejudicial to the interest of the policyholders.
3. A surveyor whose license has been cancelled for any reason, may submit an application for issuance of license, after the expiry of three years from the date of such cancellation, and, such an application shall be treated as an application for grant of fresh license, and accordingly the applicant shall satisfy all the requirements stated under Reg 3 or Reg 4 as the case may be.

24. Procedure for suspension and cancellation of license:

1. A licensed surveyor and loss assessor whose license is proposed to be suspended or cancelled by the Authority may be granted an opportunity of hearing before suspending or cancelling the license

Provided, that the Authority may not follow this procedure if the continued employment of the licensed surveyor and loss assessor is considered to be prejudicial to the interest of policyholders.

2. Upon receipt of the order of suspension, the licensed surveyor and loss assessor may file a representation before the Authority for revocation of suspension. The Authority may designate an

officer, who upon considering the representation shall, pass such an order or orders as he/she deems fit which shall be communicated to the suspended surveyor and loss assessor.

3. If, on the basis of the order of the designated person, the Authority revokes the order of suspension and restores the license of the surveyor and loss assessor, it shall indicate the date from which the restoration will take place
4. The license granted by the Authority may be cancelled by the Authority where the surveyor and loss assessor does not represent within a period of 45 days from the date of order of suspension.
5. Any order of suspension or revocation of the order thereof shall be intimated to the insurer.

25. Power to clarify

In case of any doubt or ambiguity in regard to any of these regulations, the same shall be clarified by the Chairperson of the Authority.

26. Transitory Provisions

A license issued before the commencement of these regulations, by the Authority shall be deemed to have been issued in accordance with these regulations.

Provided that all those surveyors who do not satisfy the requirements given in sub-clause (a) and (b) of sub-section 1 of Section 64UM of the Act shall do so within a period of three years from the date of notification of these regulations failing which they shall be automatically disqualified to act as a surveyor and loss assessor.

Schedule – I
Insurance Regulatory and Development Authority of India
(Insurance Surveyors and Loss Assessors) Regulations, 2015

Annexure-1
Qualification Criteria for Enrolment and Licensing of Surveyors and Loss Assessors
(See regulation 3)

S.No	Department	Academic/technical/Professional/Insurance Qualifications
1.	Fire	B.E./ B. Tech./ B.Sc. (Engg.)/ A.I.M.I.E. or its equivalent, C.A./ I.C.W.A., A.I.I.I./ F.I.I.I./Post Graduate Diploma in Insurance from IIRM
2.	Marine Cargo	B.E./B.Tech./ B.Sc. (Engg.)/ A.I.M.I.E. or its equivalent thereof (Marine Engineering/ Naval Architecture),/ certificate of competency as Master of Ship or as First Class Marine Engineer issued by a recognized authority, Degree or diploma in Naval Architecture of a recognized University or Institute./ A.I.I.I./ F.I.I.I./ Post Graduate Diploma in Insurance from IIRM
3.	Marine Hull	B.E./B.Tech./ B.Sc. (Engg.)/ A.I.M.I.E. or its equivalent thereof (Marine Engineering/ Naval Architecture)/ certificate of competency as Master of Ship or as First Class Marine Engineer issued by a recognized authority,
4.	Engg.	B.E./B.Tech./ B.Sc. (Engg.)/ A.I.M.I.E. or its equivalent , Diploma of 3 years duration from a recognised institution or its equivalent thereof
5.	Motor	B.E./B.Tech./ B.Sc. (Engg.)/ A.I.M.I.E. or its equivalent thereof (Mechanical/ Automobile); Diploma in Mechanical Engineering/ Automobile Engineering of 3 years duration from a recognised institution or its equivalent thereof ;
6.	Miscellaneous	B.E./B.Tech./ B.Sc. (Engg.)/ A.I.M.I.E. or its equivalent; Diploma of 3 years duration from a recognised institution or its equivalent; C.A./ I.C.W.A.; A.I.I.I./ F.I.I.I./ Post Graduate Diploma in Insurance from IIRM;
7.	LOP	C.A./ I.C.W.A; A.I.I.I./ F.I.I.I
8.	Crop Insurance*	B. Sc. in Agricultural Science from a recognised University

* The details of the training and examination for Crop Insurance shall be notified separately.

Note:

1. In order to qualify for enrolment and licensing , an applicant should have secured a degree or diploma of a recognized Institute after attending full time course and passing the examination as regular student.
2. All Degree/Diploma stated above shall be obtained from AICTE approved Institution.