



# INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

( Promoted by: IRDA, Ministry Of Finance, Govt. of India )

Reg. off :- Parishram Bhawan, 5-9-58/B, Basheer Bagh, Hyderabad - 500 004

Admin Office : 315, Partas Chambers, Himayath Nagar, Hyderabad - 500029

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## TO ALL MEMBERS



Dear Friends ,

Hope your Cheers and Happiness in New Year 2016

I am addressing you again with confidence that you will share my feeling sincerely and friendly. You know; in last 15 years we suffered a lot ; particularly after formation of IRDA and now after notification of Regulation 2015 ; the attitude of Authority revealed clearly that they are having biased approach. Even they are compelling IISLA to award membership to Insurer's employee against the defined the role of "Intermediary" which is completely unlawful to paralyze our Institute and profession which are in transparent, impartial , fair and independent manner. We tried our best to adopt all instructions to act as an independent and arbitrary manner but biased approach of regulator has crossed the Limit of tolerance and now we have no other option other than do or die although we have been empowered by Act of parliament vide 64UM(1)(b) as a SRO ( Self Regulatory Organisation ).

I would like to draw your attention towards role of IRDAI; after formation as Development and Regulatory Authority , particularly for SLA ; as under –

1. Restricted the SLA to 3 Departments and Categorized A/B/C against the law and without having any scrutiny of applications as submitted by SLAs.
2. Restricted IISA to get charter status despite of recommendation of Law Commission and there after formed IISLA in year 2005 and ultimately a new Institute constituted in year 2006 to the name and style of IISLA with three nominee directors of IRDA and constituted the MoA & AoA.
3. IISLA constituted without compulsory membership henceforth members were registered initially lesser than the strength of earlier IISA.
4. IISLA was registered with office address at Parishram Bhawan, 5-9-58/B, Basheer Bagh, Hyderabad – 500 004 within the IRDA premises but they removed it forcefully from his premises and ultimately the, then, president Mr. M.J.Dhurva operated it from IISA office at Mumbai due to lack of resources, funds and manpower.
5. After categorising the surveyor in year 2002 , IRDA never revised the same till 2015 and after amendment in Insurance Law 2015 .
6. IISLA requested severally to notify compulsory membership but they never taken any step purposefully till 2013 when Ministry of Finance notified the same in December 2012, after joint meeting held with MOF, IRDAI, GIPSA & our IISLA on 27<sup>th</sup> Nov.2012 .

7. *From year 2011 – 2014 , IRDA did not conduct the election of council till 4 consecutive years.*
8. *IRDA never represented to the select committee after removal of 64 UM under which right of consumers and SLA was protected because there was no elected council that time and nominee directors were sole authority of IIISLA. Rather, it is felt that IRDA purposely lobbied for removal of 64UM from the Act and take every thing concerning surveyors into their own hands.*
9. *They misutilised IIISLA during 2014-15 as nominee Directors and issued the membership to employee surveyors of Insurance company against the MoA & AoA of IIISLA.*
10. *Now IRDAI is compelling IIISLA vide letter-IRDA/Surveyors/15-16/OTW/ 178 to award membership to employee of Insurer against the role of Intermediary and recommendation/reports as defined in Parliamentary standing committee report, Law commission and many other committee reports. This is against the protection of consumer rights and is violation of Law. However, IIISLA is now empowered in Law with the basic rules of Independent surveyors.*
11. *Now again regulation 2015 has been notified which have made chaos among members and insurance people in spite of our representations to them on various anomalies in draft resolutions. Some of such anomalies in gazette regulations being;*
  - i. *The definition of “ Fellow “ is again misinterpreted vide- Para - 2(7)/15(1)(iii )*
  - ii. *The definition of “ SLA “ is misinterpreted vide-2(13) & is contrary to Act.*
  - iii. *Validity of License vide Para – 10*
  - iv. *NOC for renewal of Licence of Employee Surveyor vide Para – (6)(3)(iv)*
  - v. *Representatives in the Surveyors and Loss Assessors Committee vide para-10(2)(b)*
  - vi. *Appointment of In-House Surveyor with enhanced limit vide Para-12(2)*
  - vii. *Provision of review the In-House limit after every three year vide Para-12(3)*
  - viii. *No Provision of Transparent system of Appointment of SLA vide Para-12(4) by adopting online informatory system and It must be integrated with IIISLA and IRDAI web link for transparent monitoring.*

**Format\* prescribed as under –**

Risk covered in	Policy No.	Claim No	Insurer Details	Place of accident	Estimated Amt	Name of SLA & Lic. No	Dt. of Deputation	S/Fee Details
Vehicle/ Insured Details	Policy validity	Dt. of Loss	Insured Details	Place of Survey	Assessed Amt	IIISLA M.No	Dt. Of Survey	Fee Paid

- ix. *Provision of Training, examination, seminars and workshops of the Institute shall have prior approval of the Authority vide Para-15(1)(b).*
- x. *Provision of Renewal of License without membership of IIISLA by the Authority vide Para-15(2)(3)(4).*
- xi. *Provision of Membership of IIISLA by the Authority vide Para-16(19).*
- xii. *Transitory Provisions vide Para-16(19)which interpreted the qualification requirements.*

12. *Recently Authority nominated the members in G.I.Council and Surveyors Committee without consent of IISLA. Both Members nominated are the directors of a corporate firm. We are surprised that how a person who is holding the post as a director of any company can justify the individual member and can represent as an arbitrator .*

*These all acts in last 15 years have proved that IRDAI has failed to develop the SLA as a development authority and regulate the IISLA in right manner. Situation is very bad due to negligent approach of IRDAI on complaints which have been causing many mis-happenings with several surveyors in the different corners of the country. It's really a serious matter towards attacks on Independent Licensed Surveyors by the Private Insurers, Outsourcing Agencies, Auto Dealers, Local garages and his henchmen for getting fabricated and fictitious claims from Insurance Company by utilizing unauthorized persons up to unlimited amount or by outsource the claim. Everyday Mafia/culprits regularly threatening our Independent surveyors to make support in illegal practices and don't protest to unauthorized job to the name of In-house up to any limit or make involvement of illegal act of outsourcing .*

*Now, Our colleagues are feeling unsecure and troubled after notification of Surveyor's Regulation 2015 . Situation is outburst and we have no option other than protest against Authority . Our Zones and chapters are too much agitated to make a movement and protest against Authority to save the profession of Independent Surveyors as well as protect the right of consumer.*

*We would like to share our further course of action after council meet held on 20<sup>th</sup> Nov'15 with the Nominee Director of MOF and representatives of IRDAI. First , we have to submit our report before 20<sup>th</sup> December after consultation with all possible stakeholders. After that Ministry of Finance and IRDAI will review the matter of representation in next 30 days and thereafter on basis of considered arguments we will decide further course of action ; although Legal consultation has been taken from a reputed advocate of Supreme court and we will act accordingly in course of any odd situation..Political consultation may also be helpful for us to resolve the problem and get empowerment and I request all those members who having such ability please help the council as well as community.*

*Now, Still , I hope best cooperation from IRDAI, Ministry of Finance and PMO to control over unethical practice by Insurers and Mafia by means of fabricated deputation and claims, by utilizing transparent system of deputation and empowering the IISLA as a **Charter Body** which is pending since long time ( 12 years of Banvaas ). We are also in process to amend our MOA/AOA which is legally required to amend, add & delete some provision in respect to revised company act. Insurance act and regulations also and hope before end of current financial year.*

**DON'T WORRY FRIEND, IT'S ONLY TIME FACTOR  
I BELIEVE IN OUR STRENGTH AND TOGETHERNESS  
KEEP FAITH , WE WILL WIN AS WON EARLIER TO RETAIN 64UM**

**APPEAL -**

*Friends, Right now situation is very tough with our chennai people due to severe mishap and disaster situation hence considering our social responsibility we have accepted our responsibility & challenges for the social cause . We have already offered our services to the best of our ability for the quick & fair settlement of claims to all Insurers . We are ready to extend such support for this social cause and take the responsibility; if they desire surveyors from other part of country on their own expenses to chennai and can carry out survey jobs/services at optimum cost . The proper mapping of surveyor can also be carried out by us to bring the faster submission of the reports and help to faster disbursement/ settlement of claim at earliest, in hassle free manner.*

*Wish your Cheers and Happiness*

**Ashok Kumar**

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