

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
1	2	<p><i>Chapter - 1</i> <i>Regulation - 2</i> <i>Sub Regulation - (c)</i></p> <p>“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);</p>	<p>“Authority” means the Insurance Regulatory and Development Authority of India established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) and Amendment ‘2015.</p>	<p>The word “India” is missing.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
2	2	<p><i>Chapter - 1</i> <i>Regulation - 2</i> <i>Sub Regulation - (d)</i></p> <p>“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)</p>	<p>“Associate member” means any Licentiate Member of Institute for last 2 years minimum and holding valid license of the Authority continuously for a period not less than 8 years and upon fulfillment of other criteria set out in Regulation 15(1) (ii)</p> <p>Provided that a member directly enrolled as “Associate member” 2 years prior to Gazette notification of Insurance Acts Amendment Act, 2015 (23.3.2015) would continue to be Associate member of the Institute.</p>	<p>The interpretation of definition of Associate membership is not proper because the meanings may be mistaken as the Licentiate member continuously for the period of min 8 yrs however a person having licence of IRDAI more than 8 yrs but not having the membership as licenciate continuous from last 8 years.</p> <p>IISLA would have to continue an Associate member as Associate member if he was already enrolled as such before the advent of the concept of membership grade of IISLA to be substituted for A,B & C categories of surveyors.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
2	2	<p>Chapter - 1 Regulation - 2 Sub Regulation - (g)</p> <p>“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.)</p>	<p>“Fellow Member” means any Associate Member of Institute for min 3 yrs and holding valid license of the authority continuously for a period not less than 16 years and fulfils other criteria set out in Regulation 15(1) (ii.)</p> <p>Provided that a person already enrolled as “Fellow Member” 3 years prior to Gazette notification of Insurance Acts Amendment Act, 2015 (23.3.2015) would continue to be Fellow member of the Institute.</p>	<p>The interpretation of definition of Fellow member ship is not proper because the meanings may be mistaken as the Associate member continuously for the period of min 8 yrs. However a person having licence of IRDAI more than 16 yrs, should not be restricted more than 3 years as “Associate member”</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
2	2	<p><i>Chapter - 1</i></p> <p><i>Regulation - 2</i></p> <p><i>Sub Regulation - (n)</i></p> <p>“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</p>	<p>“Student Member” means any person who is member of Institute and enrolls himself as full time trainee with the Authority for seeking practical training to obtain a license to act as Surveyor and Loss Assessor.</p>	<p>Because it’s a practical training and must be full time for acquiring eligibility as a surveyor and loss assessor</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
3	3	<p>Chapter - II Regulation - 3 Sub Regulation - (2) Para number - (i)</p> <p><u>Eligibility Criteria</u></p> <p>i) <u>Qualifications</u> (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.</p>	<ol style="list-style-type: none"> 1. Academic and any one of Technical or Professional, Insurance Qualification with compulsory IIISLA membership. 2. 3-year Diploma in Engg with Experiences is treated as equal to Degree in Engg; in many Industries / Govt. Such qualification be treated as eligible for departments like Fire, Marine Cargo; Engg., Motor & Miscellaneous. 3. Full time MBA in Finance from recognized University be treated at par with CA/ICWA/FIII/AIII with 	<ol style="list-style-type: none"> 1. Academic means only to get the qualification which is non technical and not related to professional. It is only basic qualification to get the professional/ technical; moreover, Insurance Act (Amendment) 2015 also requires the basic qualification membership of IIISLA. 2. Diploma holders are a common sight in the functions of Industry Safety, Production & processing activities; including Material Management functions. As such their practical experience in Industry would be useful in the Insurance Industry, in risk inspection & loss assessment; if one updates with insurance terminology. 3. FIII, AIII or PGDI of IIRM imparts exposure to insurance environment & terminology

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

			<p>respect to the Schedule -I, Annexure -1.</p> <p>4. Those SLAs who were categorized in 2001 by the Authority need not to acquire qualification for the departments provided by the Authority if he has got any qualification to have a license to act as an SLA at that time.</p> <p>5. Those SLAs who were licensed (not renewed) by the Authority need not to acquire qualification for the departments provided by the Authority.</p>	<p>only. Diploma holders require to be trained in technical aspects of insurance subject matter.</p> <p>An SLA needs to be acquainted reasonably with (1) Technical aspects of subject of matter of insurance and (2) Insurance terminology and practices. Loss assessment is more concerned with the subject matter of insurance, its properties and characteristics, and analysis of situation by survey leading to loss; besides insurance practice. To put all these things in writing as a professional so as to make understand by a person sitting on Insurer's office, needs full time practical training.</p> <p>4. Full time MBA (Finance) course encompasses, inter alia, all business laws, cost accounting, historical accounting, and major courses of FIII/AIII etc. in the</p>
--	--	--	--	--

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015

CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

Date : 17-04-2015

				<p>syllabus. In many government, semi-government and companies, MBA (Finance) is considered equivalent to CA. The job of a CA/ICWA/FIII/AIII with respect to a claim can be done with their capacity by an MBA (Finance) .</p> <p>5. The existing and working SLAs who were categorized in the year 2001 by the Authority need not to take any qualification prescribed as this is against Natural Justice. They should be serving all departments in which they were categorized.</p> <p>6. For the reasons same as 4 above.</p>
--	--	--	--	---

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
3	3	<p><i>Chapter - II</i> <i>Regulation - 3</i> <i>Sub Regulation - (2)</i> <i>Para number - (iii)</i></p>	<p>The existing and working SLAs who were categorized in the year 2001 by the Authority need not to pass any examination for the departments for which he/she was categorized by the Authority.</p>	<p>Asking by the Authority to pass any examination, by an SLA working before the advent of the IRDA and more than 17 years as on now, is against Natural Justice. They should be serving all departments in which they were categorized in 2001 by the Authority.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
3	3	<p><i>Chapter - II</i> <i>Regulation - 3</i> <i>Sub Regulation - (2)</i> <i>Para number - (ii)</i></p> <p><u>Training:</u> Practical training for a period not less than twelve months as specified in Regulation17(1)</p>	<p><u>Training:</u> Practical training for a period not less than twelve months as specified in Regulation17(1). The training shall be full time training.</p>	<p><u>Training:</u> Practical training for a period not less than twelve months as specified in Regulation17(1). The regulations should specify that the training shall be full time training so that the concept is not bypassed by mere a farce of training.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
5	3	<p>Chapter - II</p> <p>Regulation - 3</p> <p>Sub Regulation - (10)</p> <p>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.</p>	<p>The license granted shall be valid for a period of life time and COP of IISLA shall be granted 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 and IISLA from time to time.</p>	<p>In all other professionals like Advocate, CA, CS, Doctors, it is one time registration/ licencing. The surveyor is required to submit yearly returns of practice, is subject to disciplinary scrutiny of IRDAI & IISLA and is bound by Code of Ethics. He should be given ease of doing profession & un-necessary red tape should be removed. There are no investment issues involved in survey profession like those of Insurance companies & brokers.</p> <ol style="list-style-type: none"> 1. As of now SLA licence Is valid for 5 years. It has been so, ever since the licensing system under the Controller of Insurance was introduced. 2. In fact with IISLA Membership becoming mandatory, the licencing by IRDA be done away with. IISLA be empowered to be a self regulatory body for the SLA profession with COP (Certificate of Practice) issuing power vested with IISLA.

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015

CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

Date : 17-04-2015

				<p>3. It is retrograde step in my opinion. What is the significance of such reduction of validity period is not understood; except that increases the workload on the licensing authority.</p> <p>4. It is said to be in tune with the Act. But the Act has so far made validity of 05 years; in respect of Surveyors; prior to and also after constitution of IRDA, as reflected by the licensing procedure in the year 2000.</p> <p>5. Probably Authority had in mind the period of 3 years as transitory provision; to obtain a) academic qualifications; and b) obtain membership of IIISLA. This need not be insisted upon since the amendment in Act cannot be applied with retrospective effect regarding qualification to the existing practitioners; and 1 year time is adequate to obtain membership of IIISLA.</p>
--	--	--	--	---

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
5, 6	4	<p><i>Chapter - II</i></p> <p><i>Regulation - 4</i></p> <p><i>Sub Regulation - (10)</i></p> <p>Licensing procedure</p>	<p>Licensing should be limited to individuals only. The system of licensing 'Corporate' to be dropped.</p>	<p>Now that the Authority is revisiting the issue of framing regulations; it is right time to streamline certain abnormalities, difficulties that have taken place in the industry; while pursuing the existing practices.</p> <p>Corporate licensing has brought separate class of SLAs; and there are many practical difficulties in maintaining such licences; viz;</p> <ol style="list-style-type: none"> 1. The licensee continues to practice both as an individual; and as Director / Partner / Employee. 2. The firms indulge in 'contract surveying', accepting assignments in bulk; and outsource them to other SLAs at different geographical locations. 3. Any partner leaving the firm; licence needs to be cancelled; but it is seldom done; continues while the detached licensee continues to practice on his individual licence.

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015

CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

Date : 17-04-2015

				<p>Licensing be limited to individuals only; and such licensees can join together and form a company or firm and register with IISLA and IRDA. Membership of IISLA is any how based on individuals, and there will not be any problem to monitor the activities of licensees.</p> <p>This is in tune with other institutions like ICAI, on the lines of which IISLA is envisaged to be modeled, and hence Authority may give it a serious thought and re-model the regulations.</p> <p>Or the licensing itself be dropped; (since it is not mentioned in the Act; like the earlier 64UM); allowing COP be issued by IISLA to its members.</p>
--	--	--	--	---

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
8	4	<p><i>Chapter - II</i> <i>Regulation - 4</i> <i>Sub Regulation - 11(g)</i></p> <p>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.</p>	<p>There is no need of FDI in employment sector.</p>	<p>SLA is a profession and not a business. IRDA Act specified entities which require “requirement of capital”, in which SLA is not an entity. Hence, indicating the FDI permitted status on SLA is misleading and uncalled for which will harm the Indian economy.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
11	7	<p><i>Chapter - II</i> <i>Regulation - 7</i> <i>Sub Regulation - (4) (5) (6)</i></p> <p>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.</p>	<p>A welcome arrangement.</p> <p>There should be other arrangements like GRA & Job allocation review Committees.</p>	<p>Such provision is appreciable.</p> <p>There should be constitution of GRA (Grievance Redressal Authority) under the Regulator / IISLA to resolve disputes amongst insured – SLA – insurer.</p> <p>There should also be constitution of committee headed by an officer of authority with participation of concerned state chapter of IISLA, and local heads of insurers; to oversee job allocation and empanelment issues; as recommended by 190th Law Commission Report.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
13	10	<p><i>Chapter - III</i> <i>Regulation - 10</i> <i>Sub Regulation - (2)</i> <i>Para Number - (ii)</i></p> <p>(ii) two representatives of the Surveyors and Loss Assessors;</p>	<p>Two representatives of the Surveyors and Loss Assessors should be decided by IISLA , one would be President and another may be Ex-officio as decided by IISLA Council..</p>	<p>Since IISLA is enacted in the Insurance Amendment Act 2015 /recent Act, and its membership is made mandatory, the two representatives should be decided with consent of IISLA Council.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
14	12	<p><i>Chapter - III</i></p> <p><i>Regulation - 12</i></p> <p><i>Sub Regulation - (2)</i></p> <p><i>Para Number - (i)</i></p> <p>Surveyors and loss assessors shall be appointed either by insurers or insured to assess loss under a policy of insurance in respect of Motor insurance – above rupees fifty thousand</p>	<p>Every Claim under a Policy of insurance shall be surveyed & Assessed by an independent Surveyor & Loss Assessor to be appointed either by Insurers or Insured</p>	<p>Due to lack of any monitoring mechanism of 'each claim service flow', emboldens violation by insurers, as of now. Though at present only Rs.20,000 is in existence, it is getting violated every day by private insurers in particular, as losses amounting to several lakhs of rupees are getting surveyed by unqualified employees. The claim settlement practice by private insurers, by loss assessment by their staff; and settling the claim without bills is depriving the Govt. the legitimate tax it is entitled to; which may run into several lakhs of rupees. Are we in the industry to promote such 'zero' business? It conflicts the interest of policy holders if losses of values up to 50,000/- & 100000/- are kept out of the ambit of third party independent assessment. It is also supported by all committees reports including Parliamentary Standing Committee of Finance on Insurance Amendment Bill, 2008. It confirms to protect the right of policy holder who is ,in fact, a share holder and insurer being only a custodian. So only Independent SLA should be utilized.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
14	12	<p><i>Chapter - III</i> <i>Regulation - 12</i> <i>Sub Regulation - (2)</i> <i>Para Number - (ii)</i></p> <p>Surveyors and loss assessors shall be appointed either by insurers or insured to assess loss under a policy of insurance in respect of</p> <p>Other than motor insurance - above rupees one lakh</p>	<p>Every Misc Claim under a Policy of insurance shall be surveyed & Assessed by an independent Surveyor & Loss Assessor because only who are aware to Technicalities of nature of loss as well as Insurance and Assessment</p>	<p style="text-align: center;">Same as above</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
16	14	<p><i>Chapter - V</i> <i>Regulation - 15</i> <i>Sub Regulation - (1)</i> <i>Para Number - (i)(ii)</i></p>	<p>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 <i>Student</i>, Licentiate, Associate and Fellow, shall be as defined in the Articles of the Institute.</p>	<p>To take into account of Regulation No. 2 and sub-regulation No.(n). The Student member should be incorporated here also to avoid any ambiguity.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
16	15	<p><i>Chapter - V</i> <i>Regulation - 15</i> <i>Sub Regulation - (1)</i> <i>Para Number - (i)(ii)</i></p> <p><u>Membership</u> <u>Licentiate Member</u> : 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)</p> <p><u>Associate member</u>: 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)</p> <p><u>Fellow Member</u>: Any Associate Member holding valid license</p>	<p>i) <u>Membership</u> <u>Licentiate Member</u>: 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)</p> <p>“Associate member” means any Licentiate Member of Institute for last 2 years minimum and holding valid license of the Authority continuously for a period not less than 8 years and upon fulfillment of other criteria set out in Regulation 15(1) (ii)</p> <p>Provided that a member directly enrolled as “Associate member” 2 years prior to Gazette notification of Insurance Acts Amendment Act, 2015 (23.3.2015) would continue to be</p>	<p>The interpretation of definition of Associate member ship is not proper because the meanings may be mistaken as the licentiate member continuously for the period of min 8 yrs however a person having licence of IRDAI more than 8 yrs but not having the membership as licenciate continuous from last 8 years.</p> <p>IISLA would have to continue an Associate member as Associate member if he was already enrolled as such before the advent of the concept of membership grade of IISLA to be substituted for A,B & C categories of surveyors.</p> <p>The interpretation of definition of Fellow member ship is not proper because the meanings may be mistaken as the Associate member continuously for the period of min 8 yrs. However a person having licence of IRDAI more than 16 yrs, should not be restricted</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

		<p>continuously for a period not less than 8 years and fullfills other criteria set out in Regulation 15 (1) (ii)</p>	<p>Associate member of the Institute. “Fellow Member” means any Associate Member of Institute for min 3 yrs and holding valid license of the authority continuously for a period not less than 16 years and fulfils other criteria set out in Regulation 15(1) (ii.) Provided that a person already enrolled as “Fellow Member” 3 years prior to Gazette notification of Insurance Acts Amendment Act, 2015 (23.3.2015) would continue to be Fellow member of the Institute.</p>	<p>more than 3 years as “Associate member”</p>
--	--	---	--	--

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
16/ 17	15	<p>Chapter - V</p> <p>Regulation - 15</p> <p>Sub Regulation - (1)</p> <p>Para Number - (i)(ii)</p> <p><u>ii) Training, examination, seminars and workshops:</u></p> <p><i>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 Regulation15, the Institute shall provide and every member shall undergo, such training commensurate to their level of membership, for the minimum period as specified below:</i></p> <p><i>Licentiate – 100 hrs</i></p> <p><i>Associate - 50 hrs</i></p> <p><i>Fellow - 25 hrs</i></p> <p><i>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:</i></p> <p><i>Licentiate- 5</i></p> <p><i>Associate- 8</i></p> <p><i>Fellow- 10</i></p>	<p>(ii) Training, examination, seminars and workshops:</p> <p>(ii) 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 Regulation15, the Institute or any other institution authorized by the Authority, shall provide and every member shall undergo, such training commensurate to their level of membership, for the minimum period as specified below:</p> <p>Licentiate – 100 hrs</p> <p>Associate - 50 hrs</p> <p>Fellow - 25 hrs</p>	<p>There is need to define training and its hours.</p> <p>It is stipulated that Licentiate is to complete 100 hours in order to qualify for upgradation to Associate. In order to ensure compliance & avoid last hour difficulty to the surveyor, this requirement may be bifurcated on yearly or bi-yearly basis.</p> <p>Similarly for Associate.</p> <p>What is the time period for a fellow as there is no further upgrade ?</p> <p>Other than IISLA, trainings are also imparted by ICAI, III & others such Institutes whose qualifications have been recognized for granting of licence by the authority.</p> <p>Here also seminars & workshops have to be defined. Compliance period of different levels have to be defined.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
17	15	<p><i>Chapter - V</i> <i>Regulation - 15</i> <i>Sub Regulation - (2)</i></p> <p>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.</p>	<p>Issue of Membership of IISLA to be decided by IISLA only. There can be Appellate Authority, but not an over ruling authority over another statutory body.</p>	<p>Membership of IISLA is defined by its AOA, and it is in true spirit of Act. It is to remind the Authority that IISLA was promoted by IRDA, and the M & AOA were drafted and contributed by none other than the promoter themselves. The AOA has well laid out procedure for according membership of IISLA. However, in the initial years of formation and the enrolment of members handled by IRDA themselves; and may be subsequently also; certain errors took place.</p> <p>IISLA cannot go beyond the scope of its AOA, and this is understandably right in law and governance. IRDA, Ministry of Finance, and General Insurance Council have the representative presence in the governance of IISLA; and it will not be appropriate to formulate a regulation; which seemingly is authoritative and unreasonable.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015

CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

Date : 17-04-2015

				<p>Appellate authority is required to examine the issue whether any discrimination or injustice is done in the issue under examination, and conclude based on record and evidence. I do not think the appellate authority is required to make any new rules in contravention of rules governing such issue, for which an appeal was made.</p> <p>IIISLA with a place in the Act has a statutory role to play assigned to it by virtue of promoting by the Regulator, and it would be improper to have provisions in the regulations which undermines its statutory status and provide shortcuts in the licensing of SLAs; as sounded in the referred proposed regulation.</p>
--	--	--	--	---

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
17	15	<p>Chapter - VI Regulation - 15 Sub Regulation - (3)(4)</p> <p>(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.</p> <p>(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.</p>	<p>(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 provided the decision is within the frame work of IIISLA constitution.</p> <p>(4) Clause not required</p>	<p>Section 82 (1) of Insurance Laws Amendment Act, 2015 states 2 qualifications/ requirements for a person to act as a surveyor & loss assessor (a) possesses such academic qualifications as may be specified by the regulations made under this Act; and (b) is a member of a professional body of surveyors and loss assessors, namely, the Indian Institute of Insurance Surveyors and Loss Assessors:</p> <p>These are independent qualifications i.e. he should be holding a licence of the authority by fulfilling their requirements and he should also be a member of IIISLA by satisfying IIISLA requirements under IIISLA AOA & regulations. It is not that an IRDA licence holder is to be necessarily given IIISLA membership or an IIISLA member is to be necessarily given IRDA licence. In order to practice as a surveyor, he is to fulfill both the requirements.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
17	10	<p><i>Chapter - VI</i></p> <p><i>Regulation - 16</i></p> <p><i>Sub Regulation - (10)</i></p> <p><u>Code of Conduct</u></p>	<p>To be added :</p> <p>The erstwhile 'A' categorized SLAs have to impart classes on training, workshop and seminars which have to be defined in regulation No. 15.</p> <p>Every such SLA has to provide 16 hours of presentation and must attend 2 numbers of such seminars / workshops annually.</p>	<p>Those who are servicing the Industry for 14 years as 'A' categorised SLAs are capable of such things as IRDA in its affidavit in WP (C) NO. 4314 of 2006 in the Hon'ble Gauhati High Court stated that high loss claims cannot be allowed to be surveyed and assessed loss casually and have to be done by highly experienced and qualified SLAs (here A categorized / Fellow SLAs).</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
18	16	<p><i>Chapter - VI</i> <i>Regulation - 16</i> <i>Sub Regulation - (11)</i></p> <p>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;</p>	<p>Conflict of interest – yardstick to be applied uniformly in the Industry.</p>	<p>SLA is barred to act as a consultant or any other job which can give raise to ‘conflict of interest’. By the same yardstick; Employees of Insurers acting as SLAs should be banned.</p> <p>Similar approach needs to be implemented in respect other intermediaries like Brokers, who should be allowed to prospect only for business and should not act as or paid claim consultancy.</p> <p>Recent introduction of IMF is another case where Authority is allowing multiple and conflicting interests to be grouped and practiced by entities; against the spirit of proclaimed avoidance of ‘conflict of interest’.</p> <p>In short; when the prospecting for insurance business and loss assessment are perceived as ‘conflict of interest’, if vested in the same entity; insurers, brokers, agents or any other entities whose prime objective / duty is prospecting & procurement of insurance business; should not indulge in loss assessment activity which should be the exclusive domain</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015

CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

Date : 17-04-2015

				<p>of Independent Practicing Licensed Surveyor and Loss Assessor.</p> <p>It is time for the Authority to clear the ambiguities and bring in place the much needed 'transparency' and 'ethical practices' in regulating the insurance industry in India.</p>
--	--	--	--	---

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
18	16	<p>Chapter - VI Regulation - 16 Sub Regulation - (18)</p> <p>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.</p>	<p>Every surveyor and loss assessor who is an employee of an insurer shall survey and assess the loss for his employer Insurer only under In-House Limit as fixed by Authority. However, he can involve in processing and settlement of the claim of any amount as entrusted by his employer subject to section 64(4) as amended by Insurance Laws (Amendment)Act, 2015.</p>	<p>Any surveyor who is an employee of an Insurer, if entrusted to survey & assess loss under a policy issued by his employer, cannot be considered as unbiased & impartial even if he is subject to code of conduct of IRDA.</p> <p>Similarly any surveyor who is an employee of an Insured cannot be accepted as impartial & unbiased. The very spirit of instituting the concept of approved surveyor as an independent third party entity between the two parties to a contract is defeated if employee of one party is allowed to survey the loss no matter what the checks & balances.</p> <p>We agree for use of the talent & experience of approved surveyors employed by Insurers for their inhouse survey of losses within the limit provided by law &/or for processing & settlement of claims by obtaining survey report from an approved practicing surveyor where mandated by law.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
18	16	<p><i>Chapter - VI</i> <i>Regulation - 16</i> <i>Sub Regulation - (20)</i></p> <p>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.</p>	<p>In view of 16(18) above, this is not required.</p>	<p>Insurers' employee surveyor may be complying with any codes, rules and regulations, orders, directions, guidelines; he cannot be conceived as an unbiased person when his employer has a stake in the assessment.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
19	17	<p>Chapter - VII Regulation - 17 Sub Regulation - (5)</p> <p>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.</p>	<p>This clause is not warranted.</p>	<p>Training & passing of examinations as requirement to obtain a licence to act as a surveyor & loss assessor was introduced by the authority in surveyors regulations 2000. This is in addition to acquiring the basic qualifications and was with the objective of ensuring optimum expertise & skill with the license holder and also screen out the non-serious candidates. Giving exemption from training would open a Pandora box where retiring technocrats & Insurers would also demand such exemptions. Such back door entry would be contrary to the concept of “equal opportunity to all”.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
21	22	<p>Chapter - VIII Regulation - 22 Sub Regulation - (2)</p> <p>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.</p>	<p>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 and decision would be completed within 15 days from the date of personal hearing.</p>	<p>Natural justice demands that the accused should be heard before announcing punishment.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. /Para Number	Comments/Suggestions	Reasons
22	24	<p><i>Chapter - VIII</i> <i>Regulation - 22</i> <i>Sub Regulation - (3)</i></p> <p>The Authority may in addition to the cancellation of the individual license of director/partner of corporate surveyor may also 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.</p>	No Comments	

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
22	24.1	<p>Chapter - VIII Regulation - 24 Sub Regulation - (1)</p> <p>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</p> <p>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.</p>	<p>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.</p> <p>Provided, that if the Authority 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 and decision would be completed within 7 days from the date of personal hearing.</p>	<p>Natural justice demands that the accused should be heard before announcing punishment.</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015
CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS
Date : 17-04-2015

Page No	Regulations / Annexure	Regulation and Sub-Regulation No. / Para Number	Comments/Suggestions	Reasons
23	26	<p>Chapter - VIII Regulation - 26 Sub Regulation -</p> <p>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</p>	<p>Sub-clause(a) of sub-section 1 of section 26 may be deleted and the section 26 may be read as herein under</p> <p>“A license issued before the commencement of these regulations, by the Authority shall be deemed to have been issued in accordance with these regulations.</p> <p>Provided that all those surveyors who do not satisfy the requirements given in sub-clause (b) of sub-section I of section 64UM of the Act shall do so within period of one year from the date of notification of these regulations failing which they shall be automatically disqualified to act as a surveyor & loss assessor”</p>	<p>It is a well established practice that while amending any law the new requirement for entry is imposed on future applicants. Such persons who have entered before the amendment are deemed to have fulfilled the requirements. For this reason while bringing qualification requirements for surveyors and loss assessors in 1968 the section “64UM (1) (D) (i) the applicant, where he is an individual, satisfies the Controller that he – (a) has been in practice as a surveyor & loss assessor on the 26th day of October, 1968 or...” was brought in so as not to disqualify the existing surveyors.</p> <p>The Section 26 of proposed Insurance Surveyors & Loss Assessors Regulation, 2015 titled as transitory provision is meant for giving time to existing surveyors to comply with sub-clause (b) of sub-section-I i.e. becoming member of IISLA. Under this transitory clause, if the eligibility criteria (academic qualifications), applicable for entry into the profession, is imposed on the existing surveyors & loss assessors, it would be against the spirit of the Act. If such qualification requirements are imposed on the existing</p>

SUGGESTIONS ON DRAFT IRDAI (INSURANCE SURVEYORS AND LOSS ASSESSORS) REGULATIONS 2015

CHANGE SUGGESTED BY : INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

Date : 17-04-2015

				<p>surveyors, there would be instances where:</p> <p>-A surveyor holding license for over 40 years and granted 'A' category by the Authority would be disqualified for acting as surveyor because he does not have requisite academic qualifications.</p> <p>On the other hand a fresh trainee surveyor who is undergoing training under such senior surveyor would qualify to act as surveyor because he has required academic qualifications.</p> <p>Any academic qualification has importance only at the time of entry. Thereafter the work experience becomes more relevant. Hence in order to give equitable treatment to the existing surveyors and in exercise of powers vested by Act to remove the difficulties, the Authority would be pleased to correct the section 26 as requested in suggestions</p>
--	--	--	--	---