

(Policy holder surpluses and bonus declarations.

This section should also discuss the manner in which the future capital needs will be met.

20. Sensitivity analysis (Life)

The analysis set out in para 19 above will be based on a base scenario and a few alternate scenarios. Sensitivity analysis based on Optimistic and Pessimistic assumptions should also be included. These will relate to assumptions such as:

(Size of sales force.

(Volume of sales.

(Average size of sale.

(Levels of mortalit/morbidity, policy terminations.

(Administrative expenses (including inflation).

(Future investment conditions.

A discussion on the manner in which the outcome of the pessimistic scenarios will be handled should be included.

21. Rural business

Legislation requires that a specified percentage of the new business should be undertaken in the rural or social sector. The manner in which this requirement will be fulfilled should be described. For the purpose of this section, please see the relevant regulations covering this area.

22. Obligation in unorganised sector and backward classes

In addition, insurers shall discharge obligations in respect of unorganised sector to cover risks of economically vulnerable sections of the society and backward classes. For the purpose of this section, please see the relevant regulations covering this area.

The manner in which these requirements are proposed to be met should be described in detail.

23. Particulars of previous application

Has the applicant ever applied for license in India or outside India? If so, give particulars.

24. Conclusion

In conclusion, the report should discuss the viability of the operations. Any special issues or concerns should also be indicated.

Certification

I, the undersigned, solemnly declare that the facts given in this application form on behalf of the Applicant Company, are true and that the projections and estimations are based on reasonable assumptions.

Place:

Date: Signature of the Authorised Person (with seal)

Formirda/R2 **Application for Registration** [Please see regulation 10 of Insurance Regulatory and Development Authority Registration of Indian Insurance Companies) Regulations, 2000]

(This form is supplied free of cost to the applicants by the Insurance Regulatory and Development Authority. Please fill in the application carefully. Should you require any clarifications, please write to the Authority specifically mentioning your query or call on us personally subject to prior appointment).

1. Geographic spread

Give the addresses of the administrative offices in each State and Union Territory in India, overseas, and also in Rural Areas with the name of person in charge of the office. [If the applicant has not decided, he might give the proposed number and locations of administrative offices in each State and Union Territory in India, overseas, and also in Rural Areas].

2. Market research and analysis

The company may have undertaken some form of market analysis to ascertain the market potential, consumer needs, target market, product potential, etc. (in particular health insurance segment). Full description of the research, along with the conclusions reached.

3. Products to be sold

Based on the market research and analyses undertaken, the partners would have decided upon the products to be marketed individual or group insurance. The description should include the following:

(Description of the product features.

(The target markets where the products will be sold.

(Specification of the names of the products in life/general insurance, linked non-linked, health insurance.

4. Distribution

This section should describe how the products will be or are proposed to be distributed. This should cover the following:

(The channels of distribution to be used, with an indication on the relative degrees of importance placed on each of the channels.

(The distribution network that will be set up in the market place.

(Any limitations on the products to be sold by any of the channels.

(Remuneration to be paid to each channel of distribution.

5. Sales promotion

The approach for be used to advertisement and sales promotion, e.g. the media to be used, frequency, etc. Copies of sales material, literature advertising the product, if any, should be provided.

6. Underwriting

This section should describe the approach used for underwriting of proposals; the arrangements made for medical and other reports, etc.

Please also state the nature of support to be provided in underwriting and in training of underwriters by the foreign promoters.

7. Investments

Each company will have established its investment philosophy that will be appropriate for the products it intends to market. This should be described. Other information should include the investment personnel, investment adviser (if outsourced), location of the investment operations, investment brokers to be used, etc. Regulations regarding investment, Valuation, Exposure Prudential Provisioning Norms Life & Non-Life issued by the Authority may be taken into account.

8. Information technology

Insurance industry is very much dependent on computer technology. Full description should be provided for the following:

(The different areas where computer systems will be employed.

(Whether the systems will be bought off the shelf (with some customization), developed locally or imported into India by the foreign promoter (with some customization).

(The degree to which the systems will be used for policyholder servicing.

(The degree of inter-connectivity of the systems.

(A description of how the I/T systems will be used to develop the required Management Information Systems.

(Extent of procedures and operations which will remain manual.

9. Customer service

Customer service could be provided either centrally through the head office or decentralised to the branch offices/operational units. The degree to which customer service is planned to be decentralised to the branch offices should be described. The service standards planned to be introduced for the various aspects of customer service should be described. Any plan to introduce call-centres or customised grievance settlement machinery may be indicated. Mention the time schedule for various types of service offered by the Company.

10. Retention limits and reinsurance

The nature of re-insurance arrangements should be described fully, giving the following details:

(The name (s) of reinsurer (s).

(The basis of reinsurance.

(Terms of reinsurance.

The manner in which the retention limit (s) have been established should be discussed.

11. Recruitment and training

Different areas of the company require personnel with different skill sets. These personnel will include agents, sales supervisors, branch managers, administrative staff for various departments, etc. Some of the departments will require special technical skills (eg underwriting, actuarial, accounting, sales, information technology, etc). This section should set out the following information for each of the categories:

(Desirable skill sets;

(Sources for recruitment;

(Approach to be used for training in house/outsource.

12. Internal controls

The Company will need to establish a set of procedures and norms for various activities. The manner in which these will be monitored should be described. These activities will relate to underwriting and policy issue, customer service, investments, accounting, new product pricing, computation of reserves and Required Solvency Margins, regulatory compliance, claim processing and settlement procedures, etc.

13. Expenses of administration

Life In arriving at the premium rates, the Appointed Actuary will need to build the estimated expense levels into the premium calculations. The manner in which the expenses of administration have been estimated and converted into average factors should be described. These expenses will have to be distinguished between first year and renewal, fixed and variable. All overhead expenses will also have to be covered.

General

The proposes expenses as a per cent of premium at levels of operational offices and each level of supervisory office and head office.

14. New product pricing

Life The financial projections will incorporate the sale of planned products. A description of these products to the extent possible should be provided. This should include the following:

(The product features, such as coverage periods, premium levels, non-forfeiture values, loan provisions, etc.

(Distribution channels to be used.

(Commission scales.

(Average policy size.

(Reserving method used.

(The levels of the various parameters built into the computations. These will relate to mortality, policy terminations, expenses, interest and any other parameters that may be relevant for the product. The values of these parameters will have to be specified at two levelsat the Expected level and at a level inclusive of the Margins for Adverse Deviations. The justifications for both levels should be provided.

(Profitability criteria used in product pricing.

General In respect of products not governed by market tariffs, please indicate how the products will be priced, the data base which will be used to determine premium bases and the terms and conditions, the statistical system which will be established to review adequacy of rates.

15. Information policy

Mention the Companys policy regarding insurance awareness in the public.

16. Premium rates

Enclose the Companys Premium Tables for the products along with rebates, if any, offered.

Certification

I, the undersigned, solemnly declare that the facts given in this application form on behalf of the Applicant Company, are true and that the projections and estimations are based on reasonable assumptions.

Place:

Date:

Signature of the Authorised Person (with seal)

Form IRDA/R3 Insurance Regulatory and Development Authority (Seal of the Authority)**Certificate of Registration**

Registration Number

This is to certify that (Name of Insurer and his address) has this day been registered in accordance with the provisions of sub-section (2A) of *section 3 of the Insurance Act, 1938* (IV of 1938) to transact the classes of business specified in the Schedule below:

Given under the seal of the Authority at New Delhi this day of two thousand and

Insurance Regulatory and Development Authority**Schedule**

Classes of business which may be transacted

- 1.
- 2.
- 3.
- 4.

FORM IRDA/R4 Issue of Duplicate Certificate of Registration

An insurer shall apply in the following format with the documents specified herein:

To

Insurance Regulatory and Development Authority,

New Delhi.

Application for issue of duplicate certificate of registration.

We request you to issue a duplicate certificate of registration for which we give below the follow details:

1. Name of insurer:
2. Registration Number:
3. Date of Certificate of Registration:
4. How original certificate has been lost, destroyed or mutilated?
5. Particulars of remittance of fee.

Yours truly,

Place:

Date:

Signature of the principal officer (Name of the principal officer (Seal)

Notes:1. Enclose the original copy of the resolution of the board for the issue of duplicate certificate, in duplicate.

2. Enclose a DD for Rupees five thousand drawn in favour of Insurance Regulatory and Development Authority payable at the place of head office of the Authority.

⁸[Form IRDA/R5 Application for Renewal

Date:

From: (Name of insurer)

To: Insurance Regulatory and Development Authority,

Dear Sir,

As required by Regulation 20 of Insurance Regulatory and Development Authority (Registration of Indian Insurance Companies) Regulations, 2000, we hereby apply for renewal of registration for the year.to..

Our total gross premium written direct in India during the financial year to was Rs..

Accordingly, we enclose a bank draft no. ..dated..drawn on ., Hyderabad, for Rs..

Kindly issue the renewal of registration certificate.

Yours faithfully,

(Name of signatory)

(Designation)

Note: The renewal of registration shall be for financial year.

The fees for year 1.4.x to 31.3.x+1 shall be based on gross premium for financial year 1.4.x-2 to 31.3.x-1. This figure shall tally with audited Annual Accounts figure.

Application for renewal for year 1.4x to 31.3x-1 shall be sent to the Authority before 31.12.x-1.]

⁹[Form IRDA/R6 Insurance Regulatory and Development Authority

Certificate of Renewal of Registration

Registration Number:

Date of Renewal of Registration:

The Certificate of registration of (Name of Insurer) is hereby renewed under *section 3A of the Insurance Act, 1938*, for the year to Issued at New Delhi on day of 2000.

(Seal of the Authority.)

(Authorised Signatory)

Appendix III

Insurance Regulatory and Development Authority (Insurance Advertisements and Disclosure) Regulations, 2000

In exercise of the powers conferred by section 26 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Authority in consultation with the Insurance Advisory Committee, hereby makes the following regulations, namely:

1. Short title and commencement

(1) These regulations may be called the Insurance Regulatory and Development Authority (Insurance Advertisements and Disclosure) Regulations, 2000.

(2) They shall come into force on the date¹⁰ of their publication in the Official Gazette.

2. Definitions

Unless the context otherwise requires:

(a) 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);

(b) insurance advertisement means and includes any communication directly or indirectly related to a policy and intended to result in the eventual sale or solicitation of a policy from the members of the public, and shall include all forms of printed and published materials or any materials using the print and or electronic medium for public communication such as:

(i) newspapers, magazines and sales talks;

(ii) bill boards, hoardings, panels;

- (iii) radio, television, website, e-mail, portals;
- (iv) representations by intermediaries;
- (v) leaflets;
- (vi) descriptive literature/circulars;
- (vii) sales aids flyers;
- (viii) illustrations from letters;
- (ix) telephone solicitations;
- (x) business cards;
- (xi) videos;
- (xii) faxes; or
- (xiii) any other communication with a prospect or a policyholder that urges him to purchase, renew, increase, retain or modify a policy of insurance.

Explanation. The following materials shall not be considered to be an advertisement provided they are not used to induce the purchase, increase, modification, or retention of a policy of insurance:

- (i) materials used by an insurance company within its own organisation and not meant for distribution to the public;
- (ii) communications with policyholders other than materials urging them to purchase, increase, modify surrender or retain a policy;
- (iii) materials used solely for the training, recruitment, and education of an insurers personnel, intermediaries, counselors, and solicitors, provided they are not used to induce the public to purchase, increase, modify, or retain a policy of insurance;
- (iv) any general announcement sent by a group policyholder to members of the eligible group that a policy has been written or arranged.

¹¹[* * *]

(d) unfair or misleading advertisement will mean and include any advertisement:

- (i) that fails to clearly identify the product as insurance;
- (ii) makes claims beyond the ability of the policy to deliver or beyond the reasonable expectation of performance;
- (iii) describes benefits that do not match the policy provision;

uses words or phrases in a way which hides or minimizes the costs of the hazard insured against or the risks inherent in the policy;

omits to disclose or discloses insufficiently, important exclusions, limitations and conditions of the contract;

gives information in a misleading way;

illustrates future benefits on assumptions which are not realistic nor realisable in the light of the insurers current performance;

where the benefits are not guaranteed, does not explicitly say so as prominently as the benefits are stated or says so in a manner or form that it could remain unnoticed;

implies a group or other relationship like sponsorship, affiliation or approval, that does not exist;

makes unfair or incomplete comparisons with products which are not comparable or disparages competitors.

(e) prospect means any party that enters or proposes to enter into an insurance contract directly, or through an insurance intermediary.

Words and expressions used and not defined in these regulations but defined in the *Insurance Act, 1938* (4 of 1938), or the *Life Insurance Corporation Act, 1956* (31 of 1956) or the *General Insurance Business (Nationalisation) Act, 1972* (57 of 1972), or *Insurance Regulatory and Development Authority Act, 1999* (41 of 1999) shall have the meanings respectively assigned to them in those Acts or the rules as the case may be.

3. Compliance and control

(1) Every insurer or intermediary or insurance agent shall

(i) have a compliance officer, whose name and official position in the organisation shall be communicated to the Authority, and he shall be responsible to oversee the advertising programme;

(ii) establish and maintain a system of control over the content, form, and method of dissemination of advertisements concerning its policies;

(iii) maintain an advertising register at its corporate office which must include;

(a) a specimen of every advertisement disseminated, or issued or a record of any broadcast or telecast, etc.;

(b) a notation attached to each advertisement indicating the manner, extent of distribution and form number of any policy advertised; and

(iv) maintain a specimen of all advertisement for a minimum period of three years;

(v) file a copy of each advertisement with the Authority as soon as it is first issued, together with information:

(a) an identifying number for the advertisement;

(b) the form number (s) of the policy (ies) advertised and when the product/s were approved by the Authority;

(c) a description of the advertisement and how it is used;

(d) the method or media used for dissemination of the advertisement;

(vi) file a certificate of compliance with their annual statement stating that, to the best of its knowledge, advertisements disseminated by the insurer or by its intermediaries during the preceding year have complied with the provisions of these regulations and the advertisement code as stated in regulation 12.

(2) The advertisement register shall be subject to inspection and Preview by the Authority for content, context, prominence, and position of required disclosures, omissions of required information, etc.

4. Changes in advertisement

- (1) Any change in an advertisement would be considered a new advertisement.
- (2) All the provisions of regulation 3 shall apply *mutatis mutandis* to an advertisement referred to in sub-regulation (i).
- (3) The Authority shall be informed at the time of filing the advertisement the extent of change the original advertisement.

5. Insurance company advertisements

- (1) Every insurance company shall be required to prominently disclose in the advertisement and that part of the advertisement that is required to be returned to the company or insurance intermediary or insurance agent by a prospect or an insured the full particulars of the insurance company, and not merely any trade name or monogram or logo.
- (2) Where benefits are more than briefly described, the form number of the policy and the type of coverage shall be disclosed fully.

6. Advertisements by insurance agents

- (1) Every advertisement by an insurance agent that affects an insurer must be approved by the insurer in writing prior to its issue;
- (2) It shall be the responsibility of the insurer while granting such approval to ensure that all advertisements that pertain to the company or its products or performance comply with these regulations and are not deceptive or misleading.

Explanation. An agent shall not be required to obtain written approval of the company prior to issue for:

- (i) those advertisements developed by the insurer and provided to the agents; generic advertisements limited to information like the agent's name, logo, address, and phone number; and

advertisements that consist only of simple and correct statements describing the availability of lines of insurance, references to experience, service and qualifications of agents; but making no reference to specific, policies, benefits, costs or insurers.

7. Advertisements by insurance intermediaries

Only properly licensed intermediaries may advertise or solicit insurance through advertisements.

8. Advertising on the internet

- (1) Every insurer or intermediaries web site or portal shall:
 - (i) include disclosure statements which outline the sites specific policies vis-a-vis the privacy of personal information for the protection of both their own businesses and the consumers they serve.
 - (ii) display their registration/license numbers on their web sites;
- (2) For the purposes of these regulations, except where otherwise specifically excluded or restricted, no form or policy otherwise permissible for use shall be deemed invalid or impermissible if such form or policy accurately reflects the intentions of the parties in such form or policy as published electronically or transmitted electronically between parties.

9. Identity of advertiser

Every advertisement for insurance shall:

- (i) state clearly and unequivocally that insurance is the subject matter of the solicitation; and
- (ii) state the full registered name of the insurer/intermediary/insurance agent.

10. Endorsements and other third-party involvement

(1) A third party, group or association shall not

- (i) distribute information about an insurance policy, intermediary or insurer on its letterhead;
- (ii) allow an insurance intermediary or insurer to distribute information about an insurance policy, insurance or insurance company on its letterhead;
- (iii) distribute information about an individual insurance policy, or about an intermediary or insurer in its envelopes, unless
 - (a) the third party is providing only a distribution service for the insurance advertisement and is not itself soliciting the coverage, and
 - (b) the insurance information is a piece separate from any other information distributed by the third party and clearly indicates its origin;
- (iv) recommend that its members purchase specific insurance products;
- (v) imply that a person must become a member of its organization in order to purchase the policy;
- (vi) imply that a purchaser of a policy by becoming a member of a limited group of persons shall receive special advantages from the insurer not provided for in the policy;

Provided that a third party, group or association may:

- (i) endorse an insurance company or insurance intermediaries product and provide truthful statements, quotes, and testimonials endorsing the insurance products to the insurance company for use in the companys advertisements, so long as the language does not convey directly or indirectly a recommendation that members of the organisation purchase the products;

¹²[* * *]

11. Procedure for action in case of complaint

(1) If an advertisement is not in accordance with these regulations the Authority may take action in one or more of the following ways:

- (i) issue a letter to the advertiser seeking information within a specific time, not being more than ten days from the date of issue of the letter;
- (ii) direct the advertiser to correct or modify the advertisement already issued in a manner, suggested by the Authority with a stipulation that the corrected or modified advertisement shall receive the same type of publicity as the one sought to be corrected or modified;

(iii) direct the advertiser to discontinue the advertisement forthwith;

(iv) any other action deemed fit by the Authority, keeping in view the circumstances of the case, to ensure that the interests of the public are protected.

The advertiser may seek additional time from the Authority to comply with the directions justifying the reasons therefor. The Authority, may, however, refuse to grant extension of time if it feels that the advertiser is seeking time only to delay the matters.

Any failure on the part of the advertiser to comply with the directions of the Authority may entail the Authority to take such action as deemed necessary including levy of penalty.

12. Adherence to advertisement code

Every insurer or intermediary shall follow recognised standards of professional conduct as prescribed by the Advertisement Standards Council of India (ASCI) and discharge its functions in the interest of the policyholders.

13. Statutory warning

(1) Every proposal for an insurance product shall carry the following stipulation, as prescribed in *section 41 of the Insurance Act, 1938* (4 of 1938): No person shall allow or offer to allow, either directly or indirectly, as an inducement to any person to take out or renew or continue an insurance in respect of any kind of risk relating to lives or property in India, any rebate of the whole or part of the commission payable or any rebate of the premium shown on the policy, nor shall any person taking out or renewing or continuing a policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectus or tables of the insurer.

(2) If any person fails to comply with sub-regulation (1) above, he shall be liable to payment of a fine which may extend to rupees five hundred.

Appendix IV

Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000

In exercise of the powers conferred by sub-section (6) of section 42 and clauses (k), (l), (m), (n), (o) and (p) of sub-section (2) of section 114A of the Insurance Act, 1938 (4 of 1938), the Authority in consultation with the Insurance Advisory Committee, hereby makes the following regulations, namely:

1. Short title and commencement

(1) These regulations may be called Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000.

(2) They shall come into force on the date¹³ of their publication in the official Gazette.

2. Definitions

In these regulations, unless the context otherwise requires

(a) Act means the *Insurance Act, 1938* (4 of 1938);

(b) Approved Institution means an Institution engaged in education and/or training particularly in the area of insurance sales, service and marketing, approved and notified by the Authority;

(c) Authority means the Insurance Regulatory and Development Authority established under the provisions of *section 3 of the Insurance Regulatory and Development Authority Act, 1999* (41 of 1999);

(d) Composite Insurance Agent means an insurance agent who holds a licence to act as an insurance agent for a life insurer and a general insurer;

(e) Corporate Agent means a person other than an individual as specified in clause (i);

(f) Designated Person means an officer normally in charge of marketing operations, as specified by an insurer, and authorised by the Authority to issue or renew licences under these regulations;

(g) Examination Body means an Institution, which conducts pre-recruitment tests for insurance agents and which is duly recognised by the Authority;

(h) Licence means a certificate of licence to act as an insurance agent issued under these regulations;

(i) Person means

(i) an individual;

(ii) a firm; or

(iii) a company formed under the *Companies Act, 1956* (1 of 1956), and includes a banking company as defined in clause (4A) of section 2 of the Act;

(j) Practical Training includes orientation, particularly in the area of insurance sales, service and marketing, through training modules as approved by the Authority;

(k) Proposal form means an application for purchase of an insurance product which shall be the basis of insurance contract;

(l) Prospect means a potential purchaser of an insurance product;

(m) Recognised Board or Institution means such board or institution as may be recognised by any State Government or the Central Government.

(2) All words and expressions used herein and not defined but defined in the *Insurance Act, 1938* (4 of 1938), or in the *Insurance Regulatory and Development Authority Act, 1999* (41 of 1999), shall have the meanings respectively assigned to them in those Acts.

3. Issue or renewal of licence

(1) A person desiring to obtain or renew a licence (hereinafter referred to as the applicant) to act as an insurance agent or a composite insurance agent shall proceed as follows:

(a) the applicant shall make an application to a designated person:

(i) in Form IRDA-Agents-VA, if the applicant is an individual;

(ii) in Form IRDA-Agents-VC, if the applicant is a firm or a company;

Provided that the applicant, who desires to be a composite insurance agent, shall make two separate applications.

(b) The fees payable by the applicant to the Authority shall be as specified in Regulation 7.

(2) The designated person may, on receipt of the application along with the evidence of payment of fees to the Authority, and on being satisfied that the applicant

- (i) possesses the qualifications as specified under Regulation 4;
- (ii) possesses the practical training as specified under Regulation 5;
- (iii) has passed the examination as specified under Regulation 6;
- (iv) has furnished the application complete in all respects;
- (v) has the requisite knowledge to solicit and procure insurance business; and
- (vi) is capable of providing the necessary service to the policy holders;

grant or renew, as the case may be, a licence in Form IRDA-Agents-VB, along with identity card in Form IRDA-Agents-VZ.

Provided that in the case of a corporate agent, the identity card shall be in Form IRDA-Agent-VY.

Provided further that such identity card from one life insurer and such identity card from one general insurer shall be provided to the applicant seeking licence to act as a composite insurance agent.

Provided further that in the case of a firm or a company, all of its partners or directors, as the case may be, shall fulfil the requirements of sub-clauses (i) to (iii).

Provided further a licence issued in accordance with this regulation shall entitle the applicant to act as insurance agent for one life insurer or one general insurer or both

¹⁴[(3) The designated person shall grant or renew the licence within a period of 3 months from the date of application.

(4) The designated person shall, if the consideration of the application is likely to get delayed within 60 days of the receipt of the application, inform the applicant the reasons for such a delay, and the likely time it would take to do so.]

4. Qualifications of the applicant

The applicant shall possess the minimum qualification of a pass in 12th Standard or equivalent examination conducted by any recognised Board/Institution, where the applicant resides in a place with a population of five thousand or more as per the last census, and a pass in 10th Standard or equivalent examination from a recognised Board/Institution if the applicant resides in any other place.

5. Practical training

(1) The applicant shall have completed from an approved institution, at least, ¹⁵[fifty hours] practical training in life or general insurance business, as the case may be, which may be spread over ¹⁶[on to two weeks], where such applicant is seeking licence for the first time to act as insurance agent.

Provided that the applicant shall have completed from an approved institution, at least, ¹⁷[seventy five hours] practical training in life and general insurance business, which may be spread over ¹⁸[two to three weeks], where such applicant is seeking licence for the first time to act as a composite insurance agent.

(2) Where the applicant, referred to under sub-regulation (1), is

(a) an Associate/Fellow of the Insurance Institute of India, Mumbai;

- (b) an Associate/Fellow of the Institute of Chartered Accountants of India, New Delhi;
- (c) an Associate/Fellow of the Institute of Costs and Works Accountants of India, Calcutta;
- (d) an Associate/Fellow of the Institute of Company Secretaries of India, New Delhi;
- (e) an Associate/Fellow of the Actuarial Society of India, Mumbai;
- (f) a Master of Business Administration of any Institution/University recognised by any State Government or the Central Government; or
- (g) possessing any professional qualification in marketing from any Institution/University recognised by any State Government or the Central Government:

he shall have completed, at least, ¹⁹[twenty five hours] practical training from an approved institution.

Provided that such applicant shall have completed from an approved institution, at least, ²⁰[thirty five hours] practical training in life and general insurance business, where such applicant is seeking licence for the first time to act as a composite insurance agent.

(3) An applicant, who has been granted a licence after the commencement of these regulations, before seeking renewal of licence to act as an insurance agent shall have completed, at least twenty-five hours practical training in life or general insurance business, as the case may be, from an approved institution.

Provided that such applicant before seeking renewal of licence to act as a composite insurance agent shall have completed from an approved institution, at least, fifty hours practical training in life and general insurance business.

6. Examination

The applicant shall have passed the pre-recruitment examination in life or general insurance business, or both, as the case may be, conducted by the Insurance Institute of India, Mumbai, or any other examination body.

7. Fees payable

(1) The fees payable to the Authority for issue or renewal of licence to act as insurance agent or a composite insurance agent shall be rupees two hundred and fifty.

(2) The additional fees payable to the Authority, under the circumstances mentioned in sub-section (3) of section 42 of the Act, shall be rupees one hundred.

8. Code of conduct

(1) Every person holding a licence, shall adhere to the code of conduct specified below:

(i) Every insurance agent shall

(a) identify himself and the insurance company of whom he is an insurance agent;

(b) disclose his licence to the prospect on demand;

(c) disseminate the requisite information in respect of insurance products offered for sale by his insurer and take into account the needs of the prospect while recommending a specific insurance plan;

(d) disclose the scales of commission in respect of the insurance product offered for sale, if asked by the prospect;

- (e) indicate the premium to be charged by the insurer for the insurance product offered for sale;
 - (f) explain to the prospect the nature of information required in the proposal form by the insurer, and also the importance of disclosure of material information in the purchase of an insurance contract;
 - (g) bring to the notice of the insurer any adverse habits or income inconsistency of the prospect, in the form of a report (called Insurance Agents Confidential Report) along with every proposal submitted to the insurer, and any material fact that may adversely affect the underwriting decision of the insurer as regards acceptance of the proposal, by making all reasonable enquiries about the prospect;
 - (h) inform promptly the prospect about the acceptance or rejection of the proposal by the insurer;
 - (i) obtain the requisite documents at the time of filing the proposal form with the insurer; and other documents subsequently asked for by the insurer for completion of the proposal;
 - (j) render necessary assistance to the policy holders or claimants or beneficiaries in complying with the requirements for settlement of claims by the insurer;
 - (k) advise every individual policy holder to effect nomination or assignment or change of address or exercise of options, as the case may be, and offer necessary assistance in this behalf, wherever necessary;
- (ii) No insurance agent shall,
- (a) solicit or procure insurance business without holding a valid licence;
 - (b) induce the prospect to omit any material information in the proposal form;
 - (c) induce the prospect to submit wrong information in the proposal form or documents submitted to the insurer for acceptance of the proposal;
 - (d) behave in a discourteous manner with the prospect;
 - (e) interfere with any proposal introduced by any other insurance agent;
 - (f) offer different rates, advantages, terms and conditions other than those offered by his insurer;
 - (g) demand or receive a share of proceeds from the beneficiary under an insurance contract;
 - (h) force a policyholder to terminate the existing policy and to effect a new proposal from him within three years from the date of such termination;
 - (i) have, in case of a corporate agent, a portfolio of insurance business under which the premium is in excess of fifty per cent of total premium procured, in any year, from one person (who is not an individual) or one organisation or one group of organisations;
 - (j) apply for fresh licence to act as an insurance agent, if his licence was earlier cancelled by the designated person, and a period of five years has not elapsed from the date of such cancellation;
 - (k) become or remain a director of any insurance company;
- (iii) Every insurance agent shall, with a view to conserve the insurance business already procured through him, make every attempt to ensure remittance of the premiums by the policyholders within the stipulated time, by giving notice to the policyholder orally and in writing.

9. Cancellation of licence

The designated person may cancel a licence of an insurance agent, if the insurance agent suffers, at any time during the currency of the licence, from any of the disqualifications mentioned in sub-section (4) of section 42 of the Act, and recover from him the licence and the identity card issued earlier.

10. Issue of duplicate licence

The Authority may issue duplicate licence replace a licence lost, destroyed, or mutilated on payment a fee of rupees fifty.

11. Non-application to existing insurance agents

Nothing contained in Regulations 4 to 6 of these Regulations shall apply to the existing agents before the commencement of these Regulations.

²¹[12. From the date of coming into force of the Insurance Regulatory and Development Authority (Licensing of Corporate Agents) Regulations, 2002, the Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000 or any part thereof applying to corporate agents shall cease to have any effect, except as respects things done or omitted to be done thereunder.]

Form IRDAAGENTS-VA (See Regulation 3) Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000

Application for a Licence/Renewal of Licence to Act as an Insurance Agent

To

The Insurance Regulatory and Development Authority, Department of Licensing, New Delhi.

Dear Sirs,

I request that:

(a) a licence to act as an insurance agent*/a composite insurance agent* may be granted to me.

(b)*my licence bearing number and expiry date may be renewed for a further period of three years.

2. I hereby declare that particulars given below are true and that the licence for which I apply will be used only by myself for soliciting or procuring insurance business for one life insurer*/one general insurer*/both*.

(1) Name:

(2) Fathers/Husbands Name:

(3) Full Address:

House No.:

Street:

Town:

District:

State:

Pin Code:

Telephone No. (STD Codeno.):

(4) Date of Birth: Daymonthyear:

(5) Title: State 1 if are Mr, 2 Mrs, 3 Miss:

(6) If you ever held a Licence, state No. and date of expiry, otherwise say Nil.

(a) Licence Number:

(b) Date of Expiry: Daymonthyear:

(7) If you apply for licence to work for a life insurer, state 1, for a general insurer, state 2, for both state 3 in the box.

(8) If you are an applicant from a rural place, state 1, in the box.

(9) Educational Qualifications.

State 1. if you passed Class X; 2. Class XII; 3. Graduate; 4. Post-graduate; 5. if you hold a professional qualification such as (ACA, FASI, AICWA).

(10) Give particulars of pass in pre-recruitment test conducted by the Insurance Institute of India or any examination body:

(a) Name of Examination Body:

(b) Candidates Number:

(c) Centre of Examination:

(d) Date of Passing: (DayMonthYear)

(11) Give particulars of Practical Training completed from an approved institution.

(a) Training Hours completed:

(b) Name of Training Institute:

(c) Candidates Number:

(d) Centre (Place) of Training:

(e) Starting Date of Training: (Day-Month-Year)

3. I further declare that

(a) I have not been found to be of unsound mind by a court of competent jurisdiction;

(b) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery or an abetment of or attempt to commit any such offence by a court of competent jurisdiction;

(c) I have not been found guilty of or to have knowingly participated in or connived at any fraud, dishonestly or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer; and

(d) I have not violated the code of conduct specified under Regulation 8 of Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000).

4. I have made the payment of licence fee of rupees two hundred and fifty and for which I enclose the documentary evidence.

5. I enclose the following documents in support of the educational qualification, pre-recruitment test, and the practical training.

(a) (b)

Place: Yours faithfully,

Date: Signature of applicant

(*Strike out portion not required).

(#not applicable to the applicants seeking licence for the first time).

Notes and Instructions:

1. An individual can apply for only one licence which will entitle him to solicit or procure insurance business of any class and to act as an insurance agent for one life insurer, one general insurer, or both.

2. The application should be filled in, as far as possible, in Hindi language or English language.

3. Any correction or alteration made in any answer to the questions in the application should be initialled by the applicant.

4. An applicant must be at least 18 years of age on the date of the application. If required the applicant shall furnish proof of age.

5. An applicant shall furnish the proof of educational qualification, pass in the pre-recruitment test conducted by the Insurance Institute of India, Mumbai or an examination body approved by the Insurance Regulatory and Development Authority, and completion of practical training from a training institution approved by the Insurance Regulatory and Development Authority, along with the application. This is not applicable where the applicant is an absorbed agent.

6. The fees payable by an applicant is rupees two hundred and fifty.

7. The name and the licence No. given in the application are identical with those shown in the last licence held. If there is any subsequent change in the name, the reasons for the same should be stated furnishing documentary evidence for the same.

8. The application should reach the designated person before the expiry of licence held by the applicant but not more than three months before such expiry. If the application does not reach the designated person at least 30 days before the date on which the last licence ceases to be in force, an additional fee of one hundred rupees

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should be payable. In this connection please also refer to the provisions of sub-sections (3) and (3A) of *section 42 of the Insurance Act, 1938*.

9. If the applicant desires to work for a life insurer or a general insurer or both, as the case may be, he should enclose the documentary evidence of the relevant pass in the pre-recruitment test and the completion of the relevant practical training.

FORM IRDA-AGENTS-VB (See Regulation 3) Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000

Insurance Regulatory and Development Authority, New Delhi Licence No.

LICENCE TO ACT AS AN INSURANCE AGENT UNDER PART II OF THE *INSURANCE ACT, 1938* (IV OF 1938)

Name of Insurance Agent*/Composite Insurance Agent*:

Address:

Having paid the prescribed fee and having made the necessary declaration is hereby authorised to act an insurance agent for three years from for procuring or soliciting insurance business of one life insurer*/one general insurer*/both*.

(*strike our portion not required)

Place:

Date:

for Insurance Regulatory and Development Authority Designated Person:

Signature of Licence holder:

This licence is not valid unless it bears a facsimile of the signature of the chairperson of the Insurance Regulatory and Development Authority and the initials of a person authorised by him in this behalf, the signature of the licence holder and the identity card (s). The licence holder should put his signature as soon as licence is received.

Notes:

1. If it is desired to renew this licence for a further period the procedure laid down in Regulation 3 of Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000, shall be followed, and application for renewal should reach the Designated Person before the licence expires. In this connection attention is also invited to the provisions of sub-sections (3) and (3A) of *section 42 of the Insurance Act, 1938*.

2. This licence authorises the licence holder to act as an agent for the insurance business specified thereunder, and therefore no identifying mark or note of any description by which the identity of an insurer might be established should be placed on the licence.

3. No correction in this licence will be valid unless initialled by the Insurance Regulatory and Development Authority or a person authorised by him in this behalf.

4. The attention of the licence holder is drawn to the code of conduct specified under Regulation 8 of Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000, and any violation of code of conduct may result in cancellation of licence.

Form IRDA-Agents-VC (See Regulation 3) Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000

Application from a Firm or Company for a Licence/Renewal of Licence to Act as an Insurance Agent

To

The Insurance Regulatory and Development Authority, Department of Licensing, New Delhi,

Dear Sirs,

It is requested that

(a)*a licence to act as an insurance agent*/a composite insurance agent* may be granted to our Firm/Company;

(b)*our licence bearing number and expiry date may be renewed for a further period of three years.

2. It is hereby declared that particulars given below are true and that the licence for which our Firm/Company apply will be used only by our Firm/Company for soliciting or procuring insurance business.

(1) Name:

(2) Full Address:

House No.:

Street:

Town:

District:

State:

Pin Code:

Telephone No. (STD Codeno.):

(3) (i) (In the case of a Firm) the names of all the partners therein:

(ii) (In the case of a Company) the names of the Directors:

(4) Whether the Partnership Deed*/Memorandum of Association* contains as main objects the carrying on of soliciting or procuring insurance business as an insurance agent.

(Please enclose a certified copy of the Partnership Deed*/Memorandum of Association*)

(5) The date from when the licence should be effective:

(6) If you apply for licence to work for a life insurer, state 1, a general insurer, state 2, for both, state 3 in the box.

3. It is further declared that

(a) any partner of our Firm*/any Director of our Company* has not been found to be of unsound mind by a court of competent jurisdiction;

(b) any partner of our Firm*/any Director of our Company* has not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery or an abetment of or attempt to commit any such offence by a court of competent jurisdiction;

(c) any partner of our Firm*/any Director of our Company* has not been found guilty of or to have knowingly participate in or connived at any fraud, dishonestly or mis-representation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer;

(d) any partner of our Firm*/any Director of our Company* has not violated the code of conduct specified under Regulation 8 of Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000;

(e) the application in Form IRDE-Agents-V for each partner of our Firm*/each Director of our Company* has been enclosed along with this form;

(f) any partner of our Firm*/any Director of our Company* is not a minor.

4. The payment of licence fee of rupees two hundred and fifty has been made and for which the receipt is enclosed.

5. The documents in support of the educational qualification, pre-recruitment test, and the practical training, in respect of all partners of our Firm*/all Directors of our Company* have been enclosed along with this form.

(*Strike out portion not required.)

Place: Yours faithfully,

Date: Signature of applicant

Notes:

1. The application should be filled in, as far as possible, in Hindi language or English language.
2. Any correction or alteration made in any answer to the questions in the application should be initialled by the applicant.
3. The fees payable by an applicant is rupees two hundred and fifty.
4. The name and the licence No. given in the application are identical with those shown in the last licence held. If there is any subsequent change in the name, the reasons for the same should be stated furnishing documentary evidence for the same.
5. The application should reach the designated person before the expiry of licence held by the application but not more than three months before such expiry. If the application does not reach the designated person at least 30 days before the date on which the last licence ceases to be in force, an additional fee of one hundred rupees should be payable. In this connection please also refer to the provisions of sub-sections (3) and (3A) of *section 42 of the Insurance Act, 1938*.
6. If the Firm or Company desires to act as an insurance agent or a composite insurance agent, as the case may be, the documentary evidence of the relevant pass in the pre-recruitment test and the completion of the relevant practical training of partners of the Firm or Directors of the Company should be enclosed.
7. In case of a Firm, the signatory to the application (being a partner) should enclose a certified copy of the resolution of all the partners authorising him to make the application. In the case of a Company, the signatory to the

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application (being a director) should enclose a certified copy of the resolution of Board of Directors authorising him to make the application.

Form IRDA-Agents-VZ (See Regulation 3) Insurance Regulatory and Development Authority (LICENSING OF INSURANCE AGENTS) REGULATIONS, 2000

Individual Insurance Agents Identity Card

Photoagents Licence No.:

Name of the Agent:

Fathers/Husbands Name:

Office of the Insurer with whom the agents is attached:

Agents

signaturethe holder of this card is authorised to sell our insurance products, as per our terms and conditions

Male/Female

Issued on:

Signature of Designated Person

Valid upto: Name of Insurer (With Seal)

Born on:

(Please see on the reverse)

Address and telephone numbers of the Insurer: (If required to be contracted by any one in connection with the holder of this card):

Address and telephone numbers of the Agent:

Form IRDA-Agents-VY (See Regulation 3) Insurance Regulatory and Development Authority (Licensing of Insurance Agents) Regulations, 2000

Corporate Agents Identity Card

Corporate Insurance Agents Licence No.:

Name of the Corporate Insurance Agent:

Signature of the Applicant (as authorised by the Corporate Agent)

Office of the insurer with whom the Corporate Insurance Agent is attached:

Valid upto: This card authorises the corporate insurance agent named above to sell our insurance products, as per our terms and conditions

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Born on:

Signature of Designated Person

Name of Insurer (With Seal)

(Please see on the reverse)

Address and telephone numbers of the Insurer: (If required to be contracted by any one in connection with the holder of this card):

Address and telephone numbers of the Corporate Insurance Agents:

Names of Partners/Directors of the Corporate Insurance Agent.

- 1** . Came into force on 19-4-2000, *vide* S.O. 397 (E), dated 19-4-2000, published in the Gazette of India, Extra., PT-II, S. 3 (ii), dated 19th April, 2000.
- 2** . Vide Notification No IRDA/Reg/7/2000, dated 14 July, 2000 and published in the *Gazette of India*, Extraordinary, Pt III, sec 4, dated 19 July, 2000.
- 3** . Subs. by Notification No. IRDA/Reg./3/61/2013, dated 7-2-2013 (w.e.f. 13-2-2013).
- 4** . Subs. by Notification No. IRDA/Reg./3/44/2008, dated 11-2-2008 (w.e.f. 13-2-2008).
- 5** . Subs. by Notification No. IRDA/Reg./3/61/2013, dated 7-2-2013 (w.e.f. 13-2-2013).
- 6** . Subs. by Notification No. IRDA/Reg./26/2003, dated 26-2-2003 (w.e.f. 7-3-2003).
- 7** . Subs. by Notification No. IRDA/Reg./26/2003, dated 26-2-2003 for One-fifth (w.e.f. 1-4-2001).
- 8** . Ins. by Notification No. IRDA/Reg./26/2003, dated 26/2/2003 (w.e.f. 7-3-2003).
- 9** . Re-numbered by Notification No. IRDA/Reg./26/2003, dated 26-2-2003 (w.e.f. 7-3-2003).
- 10** . Vide Notification No IRDA/Reg/7/2000, dated 14 July 2000 and published in *Gazette of India*, Extraordinary, Pt III, sec 4, dated 19 July 2000.
- 11** . Omitted by Notification No. IRDA/Reg./3/53/2010, dated 1-7-2010 (w.e.f. 6-7-2010). Clause (c), before omission, stood as under:
 - (c) intermediary or insurance intermediary includes insurance brokers, re-insurance brokers, insurance consultants, surveyors and loss assessors, or any other person representing or assisting an insurer in one or more of the following:
 - (i) soliciting, negotiating, procuring, or effectuating an insurance contract or a renewal of an insurance contract;
 - (ii) disseminating information relating to coverage or rates;
 - (iii) forwarding an insurance application;
 - (iv) servicing and delivering an insurance policy or contract;
 - (v) inspecting a risk;
 - (vi) setting a rate;
 - (vii) investigating or assessing a claim or loss;
 - (viii) transacting a matter after the effectuation of a contract; or
 - (ix) representing or assisting an insurer or other person in any other manner in the transaction of insurance with respect to a subject of insurance resident, located or to be performed in India;
 - (x) servicing a policy or contract.
- 12** . The 2nd Proviso omitted by Notification No. IRDA/Reg./3/53/2010, dated 1-7-2010 (w.e.f. 6-7-2010). The second proviso, before omission, stood as under:

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(ii) provide an insurance company with information about its membership and collect compensation based upon sales for that information.

- 13** . Vide Notification No IRDA/Reg/7/2000, dated 14 July 2000 and published in *Gazette of India*, Extraordinary, Pt III, section 4, dated 19 July 2000.
- 14** . Subs. by Notification No. IRDA/Reg./10/2002, dated 16-10-2002.
- 15** . Subs. by Notification No. IRDA/Reg./3/40/2007, dated 8-10-2007 (w.e.f. 1-11-2007).
- 16** . Subs. by Notification No. IRDA/Reg./3/40/2007, dated 8-10-2007 for three to four weeks (w.e.f. 1-11-2007).
- 17** . Subs. by Notification No. IRDA/Reg./3/40/2007, dated 8-10-2007 for one hundred fifty hours (w.e.f. 1-11-2007).
- 18** . Subs. by Notification No. IRDA/Reg./3/40/2007, dated 8-10-2007 for six to eight weeks (w.e.f. 1-11-2007).
- 19** . Subs. by Notification No. IRDA/Reg./3/40/2007, dated 8-10-2007 for fifty hours (w.e.f. 1-11-2007).
- 20** . Subs. by Notification No. IRDA/Reg./3/40/2007, dated 8-10-2007 for seventy hours (w.e.f. 1-11-2007).
- 21** . Added by Notification No. IRDA/Reg./10/2002, dated 16-10-2002.
-

[Act No 41 of 1999]

An Act to provide for the establishment of an Authority to protect the interests of holders of insurance policies, to regulate, promote and ensure orderly growth of the insurance industry and for matters connected therewith or incidental thereto and further to amend the Insurance Act, 1938, the Life Insurance Corporation Act, 1956 and the General Insurance Business (Nationalisation) Act, 1972.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:

End of Document

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K S N MURTHY and K V S SARMA

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AppendixV Insurance Surveyors and Loss Assessors (Licensing, Professional Requirements and Code of Conduct) Regulations, 2000

In exercise of the powers conferred by section 42D, 64UM and 114A of the Insurance Act, 1938 (4 of 1938) and section 26 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), 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 Surveyors and Loss Assessors (Licencing, Professional Requirements and Code of Conduct) Regulations, 2000.
- (2) They shall come into force on the date² of their publication in the Official Gazette and shall apply to all licensed insurance surveyors and loss assessors.

2. Definition

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 surveyors and loss assessors 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);

³[(ca) Associate member: Any Licentiate Member holding valid Surveyor and Loss Assessor license continuously for a period not less than 8 years and upon fulfilment of other criteria set out in Regulation 14A (1)(ii).

(cb) Corporate surveyor means company incorporated under *Companies Act, 1956* 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.]

- (d) 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;

⁴[(da) Fellow Member:

Any Associate Member holding valid Surveyor and Loss Assessor license continuously for a period not less than 8 years and fulfils other criteria set out in Regulation 14A (1)(ii).]

- (e) inspecting authority means the person (s) appointed by the Authority to inspect and investigate the affairs of any surveyor and loss assessor;

⁵[(ea) Institute- means the Indian Institute of Insurance Surveyors and Loss Assessors (1 IISLA) promoted by IRDA under *section 14 of IRDA Act, 1999* and incorporated under *Section 25 of the Companies Act, 1956.*]

- (f) *IRDA Act* means the *Insurance Regulatory and Development Authority Act, 1999* (41 of 1999);

⁶[(fa) Licentiate Member: 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 14 A (I)(ii).

- (fb) Member- means the member of the Institute and includes Student member, Licentiate member. Associate member and Fellow member.
- (fc) 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.
- (fd) Student Member means any person who is member of Institute and enrolls himself as trainee with IRDA for seeking practical training to obtain a license to act as Surveyor and Loss Assessor.
- (fe) Membership level of a surveyor means level allotted by the institute to the member, based on the criteria set out in Regulation 14A of these Regulations.]
- (g) 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 (Nationalisation) 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 licence

⁷[(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 FORMIRDA-I-AF as given in the Schedule to these regulations.

(2) The Authority while considering the application made under sub-regulation (1) for grant of license as a SLA, 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. In particular and without prejudice to the foregoing, the Authority shall satisfy itself that the applicant, satisfy all the requirements of section 64 UM read with section 42D of the Act and rule 56 A of Insurance Rules, 1939 and fulfills the eligibility criteria set out in Regulation 3A of these regulations.

- (a) The applicant shall pay fees applicable to the Licentiate level of membership, through online net banking /RTGS/NEFT/Demand Draft

(in favour of IRDA payable at Hyderabad) and furnish evidence of payment.

- (b) Documents to be enclosed (can be submitted online followed by hard copy) :

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- (a) Application in Form- IRDA- IAF duly completed 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- I
- (d) Copy of PAN
- (e) Copy of Proof of residence
- (f) Proof of qualification
- (g) Copy of Training completion certificate
- (h) Copy of quarterly reports of (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 submission of application through online)
- (l) Self-addressed envelope of 4.5x! 0 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 si no c to j shall be notarized)
- (p) Disclosures:
- (q) 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

(3) 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 technical/professional/Insurance qualification and other qualifications as specified under Regulation 3 (2) of IRDA Surveyor Regulations.

3A. Eligibility Criteria

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

- a) Qualifications slated under Section 64 UM read with *Section 42D of the Insurance Act 1938*,
- b) Additional technical qualifications as stated under Rule 56 A of Insurance Rules, 1939
- c) Post Graduate Diploma in General Insurance from I.I.R.M.
- d) B.Sc in Agricultural Science from a recognized university
- e) Additional technical qualification as may be specified by the Authority from time to time.
- f) Shall be a Student/Member of the Institute.

ii) *Training:*

- a) Practical training for a period not less than twelve months as specified in Regulation 16 (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 the institute authorised by IRDA.

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.

3B. 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 IRDA from time to time

- (4) 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 three years 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).
- (5) A surveyor and loss assessor shall be subject to level of membership in the Institute as specified in Chapter V of these regulations
- (6) A license issued before the commencement of these regulations, by IRDA shall be deemed to have been issued in accordance with these regulations.]

4. Corporate surveyors and loss assessors

⁸[(I) Application for grant of fresh corporate license and related matters

i) Where the applicant is an applicant for corporate surveyor, 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 42D of the Act and rule 56A of the Insurance rules, 1939 and shall conform *mutatis-mutandis* to the eligibility criteria set out in Regulation 3 A of these regulations.

Provided that none of the directors or partners suffers from any of the disqualifications mentioned in section 42D of the Insurance Act, 1938 read with Section 42 (4) of the Act.

ii) 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 firm /company 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.

iii) 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.

iv) 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.

v) None of the directors or partners of one corporate surveyor shall be appointed as director or partner in another corporate surveyor.

vi) The main object of the company/firm shall be to carry out insurance survey and loss assessment and name of the company or firm shall include the words Insurance Surveyors and Loss Assessors.

vii) the aggregate holdings of equity shares held by a foreign company shall be disclosed at the time of making the application for grant of license, which shall not at any time, exceed 26% of the paid up equity capital of the applicant or such other percentage as may be specified by the Authority. The manner of calculation of 26% FD1 shall be identical to the one specified for Indian Insurance Companies.

viii) Ensure that 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, 1956*.

ix) Shall pay fees based on the highest level of membership of any of the directors/partners as provided under Regulation 5, through online net banking /RTGS/NEFT/Demand Draft (In favour of IRDA payable at Hyderabad) and furnish evidence of payment.

x) 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 32 filed with ROC

i) Copy of Form no 18 filed with ROC

j) Copy of Form 4 filed with ROC

k) Copy of TAN

l) Proof of qualification of directors/partners

m) Affidavit as stated in FORM- IRDA-3AF (to be submitted in soft form at the time of submission of application through online)

n) Self addressed envelope of 4.5x1Q with Rs.40 postage stamp

o) Demand draft, in case fee is paid by DD

p) Details of fee payment by RTGS/NEFT, if paid through RTGS/NEFT

q) Any other document/information that may be required by the Authority from time to time (Copies of documents slno d to m shall be notarised)

xi) 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 Regulation 9 of PPI Regulations, and that upon grant of corporate license, such surveyors, shall henceforth work only under the corporate license.

b) Such other additional requirements as may be specified by the Authority from time to time.

c) 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.

d) Submit details of those members who hold license to act as surveyor and are employed in the registered office and branch offices of the firm /company to conduct survey Jobs on behalf of the company firm

xii) The applicant referred to in regulation 4 (1) shall apply in FORM-IRDA-3-AF as given in the Schedule to these regulations.

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.]

5. Fee structure

⁹[The fee payable to the Authority by fresh applicants for grant of licence to act as surveyors and loss assessors, membership level wise, shall be as stated in the following table:

<i>S No</i>	<i>Membership level Surveyor & Loss Assessor in the Institute</i>	<i>Amount Payable by Individuals including sole proprietor (Rs)</i>	<i>Amount payable by Corporate surveyor and loss assessor (Rs.)</i>
1.	Fellowship	10000/-	25000/-
2.	Associate	7500/-	20000/-
3.	Licentiate	5000/-	15000/-

In case of Corporate Surveyor as stated under Regulation 4 (1) above, the fee payable shall be the fee applicable to the highest level of membership of any of its Director/ Partner.

Whenever there is difference in the Membership Level of Corporate Surveyor (lower to higher), the difference in fee shall be payable to the Authority by the Corporate Surveyor.

Grant of license is subject to fulfillment of requirements stated under Regulation 3 and 4 of IRDA Surveyor Regulations, 2000 as amended from lime to time.

Payment of fees through online payment -net banking in Surveyor licensing portal considered as one of the modes of payment.]

6. Application to conform to the requirements

Any incomplete application not conforming to the requirements of these regulations shall be rejected.

Provided that before rejecting any such application, the applicant shall be give a reasonable opportunity to make good the application.

7. Renewal of licence

¹⁰[(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 two hundred rupees.

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- I

c) Copy of PAN

d) Copy of Proof of residence

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 5 financial years)

h) Affidavit as stated in FORM- IRDA IAF (to be uploaded in soft form at the time of submission of application through online)

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 si. no c to i shall be notarized)

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 institutes 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 32 filed with ROC
- h) Copy of Form no 18 filed with ROC
- i) Copy of Form 4 filed with ROC
- j) Copy of TAN
- k) Proof of qualification of directors/partners
- l) Affidavit as stated in FORM- IRDA-3AF (to be uploaded in soft form at the time of submission of application through online)
- m) Self-addressed envelope of 4.5 x10 with Rs.40 postage stamp
- n) Work Performance of the company/firm (to be uploaded in soft form for previous 5 financial years)
- o) Demand draft, in case fee is paid by DD
- p) Details of fee payment by RTGS/NEFT, if paid through RTGS/NEFT
- q) Any other document/information that may be required by the Authority from time to time (Copies of documents si. no c to1 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-I.F in case of corporate surveyor

in the format given in the schedule to these regulations. A license so renewed shall be valid for five 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 3A, at the time of receipt of such application.]

8. Procedure where application for grant of license is rejected

¹¹ [(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.

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 42 of the Act, read with clause D of sub-section (I) of section 64 UM 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) A surveyor whose application for renewal of license is refused for any reason, may submit an application for issuance of license, after the expiry of three years 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 Regulation 3 or Regulation 4 as the case may be.]

9. Suspension of the licence

- (1) A licensed surveyor and loss assessor whose licence is proposed to be suspended by the Authority may be granted an opportunity before suspending the licence.

Provided, however, that the Authority may not follow this procedure if the continued employment of the licensed surveyor and loss assessor is considered to be detrimental to the cause of insurance underwriting.

- (2) The period of suspension will be indicated in the order of the Authority.
- (3) On receipt of the order of suspension, the licensed surveyor and loss assessor may file an appeal with the Authority asking for revocation of suspension. The Authority may designate an officer who will hear the representation of the licensed surveyor and loss assessor and make such orders as are deemed fit. The order made in this regard shall be communicated to the suspended surveyor and loss assessor.
- (4) If, on the basis of the order of the designated person, the Authority restores the licence of the surveyor and loss assessor, it will indicate the date from which the restoration will take place.
- (5) During the period of suspension, the surveyor and loss assessor shall be prohibited from carrying out and surveys and all work that was handled prior to suspension and has remained complete shall be returned to an insurer or the insured as the case may be.
- (6) The licence 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.

- (7) Any order of suspension or revocation of the order thereof shall be intimated to the insurers.

10. 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 of five rupees.
- (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 indorsement thereon that it is a duplicate.

Chapter III Constitution and Functions of Surveyors and Loss Assessors Committee

11. 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;
 - ¹²[(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 prescribed over the officer of the Authority.

12. 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.

13. Ins. by Notification No. IRDA/Reg. 18/76/2013, dated 13-3-2013, (w.e.f. 22-3-2013). [12A. 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 Regulation 3 or Regulation 4 of the 1 DRA Surveyor Regulations 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 general insurance business; above rupees twenty thousand.
- (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.
- (5) In case of any dispute/dissatisfaction, in the assessment of loss by surveyor appointed by the insurer, the insured can record his dissatisfaction, and then may appoint the appropriate surveyor to assess the loss reported under a policy of general insurance, in which case the fee shall be paid by the Insured.
- (6) Dispute, if any, between the insurer and insured, in quantum of loss assessed may be referred to Arbitration.

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, qualify, 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 relative shall mean any of the relatives, as mentioned in Schedule 1A to the *Companies Act, 1956*;

- (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;

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- (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.

¹⁴[(3) 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 insureds 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.

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.

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

14.¹⁵[A surveyor and loss assessor shall be categorized on the basis of level of membership allotted by the Institute as stated under Regulation 14. Accordingly licensed surveyor and loss assessor shall be allotted membership by the Institute. The three levels of membership in the Institute viz. Licentiate, Associate and Fellow, as defined in the Articles of the institute.

a. 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.

¹⁶[14A. Functions of the Institute

(I) 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 14A (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 14A (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 14 A (I) (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 addition 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 16, 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 IRDA 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 their existing levels of membership within the time limit as may be prescribed by the Authority from time to time.

(2) 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

15. Every surveyor and loss assessor shall

- (1) behave ethically and with integrity in the professional pursuits, Integrity implies and 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 holders 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 work 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 obtain 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;

¹⁷[(11) 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 of 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.

- (12) 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;
- (13) 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;
- (14) 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[(15) 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,

- (16) shall undertake survey jobs in a company/firm only as an employee/director/partner.

(16) Neither act as a consultant of the Insured nor involve in settlement of loss, particularly those losses which are being assessed by him as an appointed surveyor

- (17) Comply with the provisions of AOA, regulations and Code of Ethics framed by the Institute from time to time.

Chapter VII Practical Training

¹⁹[16 Trainee Applicants.

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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:

(1A) 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 IRDA 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/perform/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 requirement that may be specified by the Institute from time to time.
- (2) The surveyor under whom an trainee will be trained shall belong to Associate or Fellow member of the Institute
 - (3) 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;

(3) a. 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.

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;

- (4) 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.
- (5) Those who have already enrolled as trainees with IRDA 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.]

²⁰[17. 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 IRDA.]

Chapter VIII Miscellaneous

18. Register of licensed insurance surveyors and loss assessors

- (1) The ²¹[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) ²²[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 or suspended.
- (3) The Authority ²³[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.

²⁴[19. 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 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.]

20. 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 or loss assessor.
- (2) The inspecting authority shall, as soon as possible, submit an inspection report to the Authority.

²⁵[(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.]

- (3) 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.

²⁶ **[20A. 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 sub-section (4) of section 42 of the Act, read with section 42 (4) of the Act.
- iv. Has contravened any of the provisions of the Act, or IRDA Act,1999, or any rules or regulations made under those Acts, or any order or direction issued by the Authority
- v. Has been negligent in discharge of his obligations
- vi. Has 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 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 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 Regulation 3 or Regulation 4 as the case may be.

²⁷ **[20B. Cancellation of license.**

1. Where it is found that a surveyor and loss assessor suffers from any of the disqualifications mentioned in section 42D read with section 42 (4) of the Act or has knowingly contravened any provisions of the Act or the *IRDA Act 1999*, 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 sub-section (7) of section 64 UM 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 Regulation 3 or Regulation 4 as the case may be.

20C. Procedure for suspension and cancellation of license.

1A 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.

6. Authority shall notify only cancellations in the Official gazette.]

21. 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.

²⁸[Schedule FORM - IRDA - 1 - AF [SEE REGULATION 3 (1)]]

Application for a Licence to Act as Surveyor and Loss Assessor (Individual)

Checklist

Please ensure the following:

- 1) To enclose a copy of the *Student Membership Certificate issued by the Institute*
- 2) To make online payment of fees (as mentioned in the Regulations) through NET BANKING /DEMAND DRAFT/NEFT/RTGS during application submission.
- 3) Have scanned copies ready of Degree/ Diploma attested by Notary/Magistrate.
- 4) To attach scanned copy of affidavit duly Notarized against S. No. 2 of the application form.
- 5) To enclose attested and scanned documents in response to Q. No.s 4, 8, 9, 10 & 11. The answers to which are a must.
- 6) To attach a recent scanned copy of passport size photograph along with the application form.
- 7) Send physical copies of application, uploaded documents and self addressed envelope of 4.5 x 10 with Rs. 40 postage stamp to IRDA. These are mandatory for grant of license.

Notes: Read with Regulation 3

1. The attention of the applicant is drawn to *Section 102 of the Insurance Act 1938*, which provides that whoever in any document required for the purpose of any of the provisions of the Act, rules or regulations made thereunder, fails to furnish the same shall be liable to a penalty not exceeding Rs. 5 lakhs for each such failure and punishable with fine.
 2. An individual can apply for only one licence, which will entitle him to act as a Surveyor and Loss Assessor for any insurer.
 3. Any correction or alteration made in answer to the questions in the application should be initiated by the applicant.
 4. An applicant must be atleast 18 (eighteen) years of age on the date of submission of the application. In the case of any applicant declaring him at is 18 years the exact date of birth of falling in the year or birth should be stated against item 4 of the application. If require the applicant shall furnish proof age.
 5. A notification will be sent to the applicant on successful submission of the application form.
 6. Any change in the information submitted to the authority must be informed to the authority within 15 days from date of the change.
 7. As the licence is issued bilingual *viz*, Hindi and English, the applicant may like to indicate how he spells his name in Hindi. It is, therefore, advised that the name and address may be written.
1. I student member of the Institute, request that a license to act as a Surveyor and Loss Assessor may be granted to me for the following class/department

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Dept	Fire	Marine cargo	Marine Hull	Engg	Motor	Misc	Crop Insurance	LOP
Please tick								

Student Membership Details (to upload soft copy of the Membership Certificate and ID card Issued by the Institute)

2. I hereby declare that

i) I have not been found to be of unsound mind by a Court of competent jurisdiction.

ii) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery or of abetment or attempt to commit any such offence by a Court of Competent Jurisdiction.

iii) I have not been found guilty of or to have knowingly participated in or connived at any fraud/dishonesty or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company.

iv) I shall not violate the code of conduct specified by the regulations made by the Authority.

v) I possess the requisite qualifications and practical training as specified by the regulations made by the Authority.

vi) I have passed such examination as specified by the regulations made by the Authority.

3. I also declare that the particulars given below are true:

a. Full Name (Shri/Smt/Kum)[in English & Hindi].

b. Father/Husband's Name.

c. Present address [in English & Hindi] Address1. Address2. Address3.

City/Town/Village.

District.

State.

Country.

Pincode.

d. Permanent address Address1.

Address2.

Address3.

City/Town/Village.

District.

State.

Country.

Pincode.

4. Qualification

a) Academic / Professional.

b) Insurance.

c) Training Attended.

(Nature Duration for all of the above)

5. Communication

Phone Office	Phone Res.	Fax	Mobile	Email ID	Alternate Email ID

6. Date of Birth.

7. Sole Proprietor (Name if applicable).

8. Practical Training Details (Please enclose the Training Completion Certificate obtained from the surveyor/ survey firm)

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Name of the Surveyor/ Surveyors Firm	Departments allocated to surveyors/ Surveyor Firm	Level of Membership allotted to the Surveyor/ Survey Firm	Period of training undergone (Please mention dates)	Name of person (s) under whom training undertaken	Areas Covered	Result
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9. Experience Details:

- a) Whether the applicant was employed with any insurance company:
- b) Job Experience in previous employment other than insurance surveyor, if any:
- c) Details of other business/ employment:

10. Occupation status:

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Student	Professional	Business	Employee	Service	Housewife	Others.
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