



भारतीय बीमा विनियामक और विकास प्राधिकरण  
INSURANCE REGULATORY AND  
DEVELOPMENT AUTHORITY OF INDIA

Ref No. IRDAI/BRK/ORD/MISC/214/12/2018

To

24<sup>th</sup> December, 2018

**All Insurers & Insurance Intermediaries**

**Re: Clarification regarding electronic form of written mandate.**

Regulations 27(4), 28(e) and 30(1) & (2) of IRDAI (Insurance Brokers) Regulations 2018 require written mandate from the clients to the insurance broker to represent them for the purposes mentioned in the said regulations.

The Authority has been receiving requests regarding the interpretation of the expression "written mandate" and seeking clarification whether a mandate communicated through an electronic form can be considered as "written mandate" under the above regulations.

In this regard, section 4 of Information Technology Act relating to 'Legal recognition of electronic records' states as under:

"where any law provides that information or any other matter shall be in writing or in the typewritten or printed form, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied if such information or matter is-

- (a) Rendered or made available in an electronic form; and
- (b) Accessible so as to be usable for a subsequent reference".

Accordingly, the Authority, clarifies that a mandate communicated by a client to the insurance broker through an electronic form can be considered as "written mandate" within the meaning and scope of Regulations 27(4), 28(e) and 30(1) & (2) of IRDAI (Insurance Brokers) Regulations 2018.

In this regard the insurance brokers are also advised to bear in mind the contents of Section 65 B of the Indian Evidence Act 1872 relating to "admissibility of electronic records".

This has the approval of the Competent Authority.

Member (Distribution)