

Report of the Working Group for Revisiting Surveyor Regulations



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Acknowledgements

At the outset, the Working Group (WG) expresses its gratitude to Chairman, IRDAI, for providing an opportunity to examine and deliberate upon the existing framework for Surveyors and Loss Assessors and make its recommendations, in the context of evolving challenges and opportunities in the area. The guidance received from Shri. Sujay Banarji, Member (Distribution) has been immense – not only was he there to share his experience on the subject with the WG in its initial meeting which gave the required fillip to the deliberations that followed, but also he was constantly available for guidance. We thank him for that. We also thank Shri. P.J. Joseph, erstwhile Member (Non-life) for his advice and guidance. Our special thanks to Smt. T.L.Alamelu, CMD, AIC for her active participation as an Invitee. She guided the WG in its deliberations as well as in the finalisation of the report—she brought in her vast experience on the subject, having volunteered to contribute to the WG. We thank Shri. Suresh Mathur, Executive Director for his views as well as advice and guidance.

The WG would like to thank the various stakeholders whose views were brought to the table by the respective representatives in the Working Group.

Last but not the least, the WG would like to thank Shri. Marimuthu P and Shri. Pranav V of the Surveyors Department for their hard work –without them the report would not have seen the light of the day.

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List of Acronyms

AOA- Articles of Association

AICLA - Australasian Institute of Chartered Loss Adjusters of Australia

ANZIIF - Australian and New Zealand Institute of Insurance and Finance

BNM - Bank Negara Malaysia

CILA - Chartered Institute of Loss Adjusters, London

CIRC - China Insurance Regulatory Commission

CPD - Continuing Professional Development

FCA - Financial Conduct Authority, UK

GIAJ - General Insurance Association of Japan

IAIS - International Association of Insurance Supervisors

ICP - Insurance Core Principle

IISLA –Indian Institute of Insurance Surveyors and Loss Assessors

IRDAI- Insurance Regulatory and Development Authority of India

MOA- Memorandum of Association

NAIC - National Association of Insurance Commissioners, USA

OSFI - Office of the Superintendent of Financial Institutions, Canada

PRA - Prudential Regulation Authority, UK

WG- Working Group

Executive Summary

1. The role of Surveyors and Loss Assessors in the value chain of non-life insurance needs no emphasis. Surveyors and Loss Assessors play a key role in claims servicing. Theirs is a specialised field of work and is instrumental for judicious settlement of claims. In the Indian context, Surveyors and Loss Assessors are also expected to adjust losses, in addition to commenting upon whether the claims fall within the scope of the policy.
2. Surveyors and Loss Assessors have been in existence in the Indian Insurance industry for several decades. Various committees including the Malhotra Committee, the K.P.Narasimhan Committee, etc. have examined the different aspects of the framework relating to surveyors and their functioning and have made various recommendations. Any legal framework needs to evolve constantly, to meet the changing needs of the stakeholders as well as adapt to changing eco-systems. The current regulations applicable for Surveyors and Loss Assessors were enunciated in 2015. The Working Group set out with the objective of examining the applicable frame-work with a bid to revisit it bearing in mind changing circumstances as well as concerns and issues that have been identified in the last few years.
3. The Working Group looked into the aspect of membership levels provided for in the Regulations. The WG is of the view that, given the variegated nature of claims in terms of subject matter, scope, etc. and the fact that expertise may be involved notwithstanding the value of a claim, categorisation of surveyors including determining levels of membership would pose certain limitations. The WG felt that it is best left to those utilising the services of surveyors and loss assessors to decide upon the suitability of surveyors for specific survey jobs and therefore it would not be fair to have 'levels' of membership. The WG felt the need to encourage youngsters to join the profession of Survey and Loss Assessment and has sought to make recommendations to identify prospective surveyors from amongst students.
4. The WG has had a re-look at the requirements relating to Qualifications, Training and Examination and made suitable recommendations to keep the process simple even while seeking to ensure that only serious contenders opt for the profession of Survey and Loss Assessment.

5. Whether a Surveyor falls under the category of 'Intermediaries' needs to be given a serious thought. The WG is of the view that it ought not to. Some of the recommendations made by the WG would need amendments to the law—these are areas to mull over in the long run. The WG has made other recommendations which can be examined and considered for implementation in the short term.

6. If the main objective of the recommendations of the WG can be put in one sentence, it would be that the WG has worked towards rationalising the processes and procedures involved in licensing by IRDAI even while making sure that the Surveyors and Loss Assessors are primarily monitored by those who use them, i.e., the insurers, with overarching supervision by IRDAI. The endeavour has been to make recommendations that seek to retain those already in the profession and to make it attractive for youngsters to join.

Chapter 1

Introduction

1. Backdrop:

- 1.1. Insurance not only plays an important role in modern economics but also has a more and more important role to play in the day-to-day life of an individual. In its role of protecting the country's wealth, insurance is significant to public interest and affairs. It is a major safety net that can help to reduce the financial burden one experiences in a calamity. Indeed, over the last few decades, insurance has become a critical tool that protects individuals, families and institutions⁰ against, accidents, natural calamities, and illnesses.
- 1.2. The profession of survey and loss assessment in insurance is a specialized field of work which is instrumental in the judicious settlement of claims. The surveyor and loss assessor is expected to survey and assess the damage/loss and submit his/her report about it dispassionately. Claims arising out of general insurance policies issued, could be variegated in nature, in terms of the type and extent of damage and it invariably demands expertise with regard to the technicalities of the loss in question. The job requires the Surveyor and Loss Assessor to remain technically conversant in order to discharge the expected functions with skill and expertise.
- 1.3. In the Indian context, Surveyors and Loss assessors are also expected to adjust losses, in addition to commenting upon whether the claims fall within the policy terms and conditions. Further, they are required to advise the insurer and the insured about loss minimization, loss control, security and safety measures, wherever appropriate, to avoid further losses.

2. Statutory Regime, its progression and need for a change

- 2.1. Surveyors and loss assessors have been in existence in the Indian Insurance industry for many decades. They were brought under statutory purview in the year 1968 through an amendment in the Insurance Act, 1938. The 1968 amendment read with the rules framed there under brought in the requirement of licensing of Surveyors and Loss Assessors.
- 2.2. The Malhotra Committee report, in 1994, which also evaluated the functioning of SLAs, highlighted a number of lacunae in the then existing licensing system for

surveyors and suggested that the licensing of surveyors by the then Controller of Insurance be discontinued.

- 2.3. Further, the K.P.Narasimhan Committee, constituted to examine in detail all the different areas of the Insurance Act,1938 and recommend changes that are warranted in the statutory framework, also recommended that the system of licensing of surveyors be abolished. The Committee opined that the law should only prescribe the minimum qualifications necessary for eligibility to work as a surveyor, and it should be left to the judgment of an insurer to utilize his services, as may be considered necessary. The Committee also does not favour dilution of qualifications for in-house surveyors and recommends that they should have the same qualifications as are required for external surveyors.
- 2.4. Notwithstanding the recommendations of the various committees, the legislature retained the licensing of surveyors and loss assessors with the Controller of Insurance initially and then with the IRDAI, after its establishment.
- 2.5. IRDAI Act, 1999 section 2(f) defines Surveyors and Loss Assessors as “intermediaries” or “insurance intermediaries”. Though they are considered as intermediaries, there was special treatment given to the licensing and also the terms of licence for surveyor under section 64UM before the amendment in 2015. However, the amendment in 2015 changed the complete licensing system of surveyors and also the eligibility criteria to become a surveyor and loss assessor. The change of law made the validity of ‘registration’ as three years which tantamount to continuation of ‘licensing’. IISLA membership was made a pre requisite for licensing.
- 2.6. Issues relating to membership of IISLA has created many a roadblock and the Working Group felt it necessary to revisit this aspect. Further, the long waiting period of one year to enter the profession after acquiring the required qualification makes it an unattractive profession.
- 2.7. Thus, it has been observed, time and again, that the present system of having the membership of IISLA mandatory before the issue of registration as surveyors and the one year pre licence training is a hindrance to the applicant and for the growth of professionalism amongst surveyors. The Working Group, in this report, has

attempted to suggest an environment that it believes would enable and empower the surveyors' profession to function with more ease and seeks to cast greater responsibilities on the insurers, who are the ones who utilize surveyors in the entire value chain, starting from appointing the surveyors till submission of the report. In this report, the Working Group has sought to make recommendations towards achieving this end.

Classification of Surveyors and Eligibility Norms

1. Current classification of Surveyors

Currently, there is a system of allotting different levels of membership to surveyors. The following are the provisions in the Regulations:

- 1.1. Chapter V (Regulation 14-15 of IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015) provides for categorization of Surveyors. Regulation 14(1) specifies that a surveyor and loss assessor shall be categorized on the basis of level of membership allotted by the Institute. Regulation 2 (9) defines Institute as Indian Institute of Insurance Surveyors and Loss Assessors (IIISLA) promoted by IRDAI under section 14(2)(f) of IRDA Act, 1999 and incorporated under section 8 of the Companies Act, 2013.
- 1.2. The three levels of membership in the Institute viz. Licentiate, Associate and Fellow are defined in the Regulations as under:
 - 1.2.1. Regulation 2(11) **Licentiate Member** means any person holding a valid licence issued by the Authority to act as Surveyor and Loss Assessor and fulfils other criteria set out in Regulation 15(1)(a)(i).
 - 1.2.2. Regulation 2(4) **Associate Member** means any Licentiate member and holding valid surveyor and loss assessor licence continuously for a period not less than 8 years and upon fulfillment of other criteria set out in Regulation 15(1)(a)(ii).
 - 1.2.3. Regulation 2(7) **Fellow Member** means any Associate member holding valid surveyor and loss assessor licence continuously for a period not less than 16 years and fulfil other criteria set out in Regulation 15(1)(a)(iii).
- 1.3. Regulations also define the **Student Member** under regulation 2(14) as any person who is a member of the Institute and who enrolls himself as a trainee with the Authority for seeking practical training to obtain a licence to act as surveyor and loss assessor.

- 1.4. Regulation 14(2) specifies that every surveyor and loss assessor shall be eligible to carry on work as a surveyor and loss assessor, as per the level of membership allotted by the Institute and specified in licence.
- 1.5. The Working Group deliberated on the necessity of having these levels of membership as it exists today. The WG is of the view that these levels of membership need to be done away with. It was felt that it should be left to those utilizing surveyors to decide on the appropriateness of a particular surveyor for a particular job provided he/she holds a valid licence and the membership of IISLA. No specific membership level or eligibility for survey jobs thereof ought to be prescribed by the Regulator.

1.6. Recommendation:

- 1.6.1. **The WG of the view that the regulations shall not stipulate categorization of surveyors. Those appointing the surveyors can take a call regarding the suitability of a surveyor for a particular job. In other words, there should be no categorization of surveyors as Licentiate, Associate or Fellow.**
- 1.6.2. **However, while there is no need to have categorization for surveyors, for the purpose of assigning survey and loss assessment jobs there is a need to classify surveyors in the following manner:**
 - (1). **Individual Surveyors**
 - (2). **Corporate Surveyors**
 - (3). **Employee Surveyors, and**
 - (4). **Students.**
- 1.6.3. **As far as Individual Surveyors and Corporate surveyors are concerned, there already an understanding/definition provided for in the current framework.**
- 1.6.4. **The WG recommends that an Employee Surveyor may be defined to mean an individual who is an employee of an insurance company and holding a valid licence to act as surveyor.**

1.6.5. Further the WG recommends that a ‘Student’ shall mean an individual who is a final year student of ‘recognized professional qualification who is eligible to appear for the examination for the purpose of obtaining a SLA licence.

‘List of professional ‘Recognised professional qualification’ is given at 4.6.1 (ii) below.

Note of dissent:

1. One of the members, Shri. Tanmoy Sarkar of the WG submitted his dissent on the concept of having a class of ‘employee surveyors’. He is of the view that employees of insurers ought not to be licenced as surveyors as, in his perception, there is a conflict of interest here.

2. Shri. Tanmoy Sarkar also submitted his dissent on the concept of corporate surveyors. According to Shri Sarkar, “as per Insurance Act, only partners /directors of firm / company can act as Surveyors and therefore, even employees of Corporates licensed as SLA shall not be allowed to act as SLA.”

3. Further, Shri. Tanmoy Sarkar submitted a dissent on the matter of automatic membership of IISLA after issuance of licence by IRDAI. According to him, the prerogative of membership of IISLA lies only with IISLA.

2. Requirement as to Qualification, Training and Examination:

The following are the provisions of the Insurance Act, 1938 in this regard:

- 2.1. Section 64 UM(1)(a) of The Insurance Act, 1938 as amended by The Insurance Laws (Amendment) Act, 2015 specifies that in order to act as surveyor and loss assessor, a person is required to possess such academic qualification as may be specified by the regulations made under the Act;

- 2.2. Clauses of Section 114 of the said Act give power to the Authority to make regulations on the requisite qualifications and practical training of intermediaries or insurance intermediaries.
- 2.3. Insurance Surveyors and Loss Assessors are defined as 'intermediary' under clause 2(d) of IRDA Act, 1999. IRDAI is empowered under clause (c) of Section 14(2) of IRDA Act, 1999 to specify requisite qualifications, code of conduct and practical training for intermediary or insurance intermediary. Clause (d) pertains to specifying the code of conduct for surveyors and loss assessors.
- 2.4. Eligibility norms for Surveyors as prescribed under IRDAI(Insurance Surveyors and Loss Assessors) Regulations, 2015 as amended in 2017 by IRDAI(Insurance Surveyors and Loss Assessors) (First Amendment) Regulations, 2017:
 - 2.4.1. Regulation 3(2) of IRDAI Insurance Surveyors and Loss Assessors Regulations, 2015 pertains to Eligibility Criteria of a person intending to act as Surveyor and Loss Assessor.
 - 2.4.2. Regulation 3(2)(a) specifies qualifications as under
 - (i) Academic/technical/professional/insurance qualifications given in Schedule I, Annexure 1 of the regulations
 - (ii) Other qualification as may be specified by the Authority from time to time
 - (iii) Membership of Institute i.e. IISLA.
 - 2.4.3. Regulation 3(2)(b) specifies training requirements as
 - (i) Practical training for a period of not less than twelve months (training is for 6 months in case of licenced surveyors enrolled for additional department).
 - (ii) Such other training which the Authority may specify from time to time
 - 2.4.4. Regulation 3(2)(c) specifies Examination requirements i.e. passing of relevant papers of Surveyor Professional Examination conducted by Insurance Institute of India, Mumbai or any other Institute recognized by the Authority.

2.4.5. Regulation 4(2) refers to conformity to Eligibility criteria as specified in Regulation 3 (as stated above) for directors/partners of a corporate firm/company intending to act as corporate surveyor and loss assessor.

2.4.6. Regulation 15(1)(b) specifies training, examination, seminars and workshops to be conducted in India by IISLA for all the members and every member, in order to upgrade his/her level of membership shall undergo such training, examinations, seminars and workshops.

2.4.7. Regulation 15(1)(b)(ii) specifies practical training conducted by Institute for minimum period as specified below:

Licentiate - 100 hrs

Associate - 50 hrs

Fellow - 25 hrs

Provided that such training of Institute shall have prior approval of the Authority.

2.5. Schedule I, Annexure 1 of IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015 as amended in 2017 prescribes department-wise qualification for surveyor and loss assessors.

SCHEDULE-I

Annexure-1

IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015

Qualification Criteria for Enrolment and Licensing of Surveyors and Loss Assessors (Regulation 3) S.No	Department	Academic/technical/Professional/ Insurance Qualifications
1.	Fire	B.E./ B. Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent, C.A./ I.C.W.A., A.I.I.I./ F.I.I.I./Post Graduate Diploma in Insurance from IIRM
2.	Marine Cargo	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent thereof (Marine Engineering/ Naval Architecture),/ certificate of competency as Master of Ship or as First Class Marine Engineer issued by a recognized authority, Degree or diploma in Naval Architecture of a recognized University or Institute./ A.I.I.I./ F.I.I.I./ C.A./I.C.W.A /Post Graduate Diploma in Insurance from IIRM;
3.	Marine Hull	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent thereof (Marine Engineering/ Naval Architecture)/ certificate of competency as Master of Ship or as First Class Marine Engineer issued by a recognized authority,
4.	Engg.	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent, Diploma of 3 years duration from a recognised institution or its equivalent thereof

5.	Motor	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent thereof (Mechanical/ Automobile); Diploma in Mechanical Engineering/ Automobile Engineering of 3 years duration from a recognised institution or its equivalent thereof ;
6.	Miscellaneous	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent; Diploma of 3 years duration from a recognised institution or its equivalent; C.A./ I.C.W.A.; A.I.I.I./ F.I.I.I./ Post Graduate Diploma in Insurance from IIRM;
7.	LOP	C.A./ I.C.W.A; A.I.I.I./ F.I.I.I
8.	Crop Insurance	B. Sc. in Agricultural Science from a recognised University

Note:

1. In order to qualify for enrolment and licensing, an applicant should have secured a degree or diploma of a recognized Institute after attending full time course as a regular student or part time course with equivalency certificate issued by the respective Institute/University.

Provided in case of courses viz. A.M.I.E; C.A./ I.C.W.A and A.I.I.I./F.I.I.I., course completion certificate is treated as valid qualification.

2. All technical Degree/Diploma stated above shall be obtained from
 - a. AICTE approved Institutions or
 - b. Universities recognized by University Grants Commission or
 - c. institutions of national importance recognized by Ministry of Human Resources Development (MHRD).

3. Training/Examination

- 3.1. The Working Group members are of the opinion that the requirement of practical training is to be done away with as it does not seem to serve the purpose that was envisaged. Presently, a candidate has to complete 12 months practical training, pass exams, obtain IISLA membership and then seek the licence. The daunting prospect of such a long waiting period before the candidate can actually start carrying out survey and loss assessment makes the profession seem unattractive to them as they do not know what waits for them at the end of the tunnel. Getting trainers also seems to have become difficult in more ways than one. For example, a candidate in a rural area may not be able to find a trainer if one has to find a trainer within 200kms. In the past when the training requirement was not there, professional surveyors have merged—the training aspect does not seem to make an individual more of a professional than he or she would otherwise have become.
- 3.2. It was proposed that instead of training requirements, examination of high quality based on relevant syllabus with proper testing that has a quantitative and practical orientation will ensure that surveyors have the required wherewithal to carry out survey and loss assessment.

3.3. Recommendation:

The Working Group has proposed a two-level examination system that will have the following components:

Level 1: A mandatory general paper that tests knowledge of the principles and practices of General Insurance.

Level 2: This will be the subject paper and would be offered for each of the subjects listed in para 4.6.1 (ii) below. Passing this level will enable the surveyor to carry out survey and loss assessment in that segment.

A candidate can appear for any or all of the segments provided he/she is eligible to take any or all of the exams in the various segments and the qualification criterion is fulfilled.

The WG members felt that there were not many takers for the profession of survey and loss assessment. In this regard, it was suggested that final year students of recognized qualifications should be allowed to take the Surveyor and Loss Assessor exams. Such individuals would fall under the classification of 'Students'.

4. Qualifications

As mentioned above

- 4.1 Schedule I, Annexure 1 of Surveyors Regulations, 2015 as amended in 2017 prescribes department-wise qualification for surveyor and loss assessors. The Working Group had detailed discussion on the qualifications prescribed for each line of business.
- 4.2 The WG discussed whether there is a need to restructure the classification of surveyors into different Lines of Business/Departments and further delineate the classification in terms of who can do which survey job. In this regard, one suggestion was the separation of specialized segments like Aviation from the existing departments.
- 4.3 A concern was also raised regarding the lack of clarity stemming from the apparent overlap between Fire and Miscellaneous departments in certain insurance policies. Another example was given involving the damage of an automobile due to fire while in transit from manufacturer to dealer. It was pointed out that a Motor surveyor was not allowed to carry out such surveys. Similarly, the required qualification for Loss of profit segment is C.A., whereas it was opined that complexities involving indemnity in the LOP segment could require the mind and expertise of an engineer.
- 4.4 Further, it was observed that there are not many surveyors in the crop segment and there is skepticism on whether enough number of B.Sc Agriculture graduates would opt to be in the surveyor profession. In this regard, it was suggested that any graduate who has studied a paper on Agricultural Science should be eligible to become a crop insurance surveyor.

4.5 Government Schemes (Central as well as State Schemes) should be exempt from the above requirement as Government lays down separate guidelines for assessment of losses under the Government Scheme.

4.6 Recommendation:

4.6.1 The WG makes the following recommendation relating to qualification:

- (i) Only full-time courses would be recognized.
- (ii) The changes in qualification criteria as indicated in the below table are recommended:

Qualification Criteria for Enrolment and Licensing of Surveyors and Loss Assessors (Regulation 3) S.No	Department	Academic/technical/Professional/Insurance Qualifications
1.	Fire	B.E./ B. Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent, C.A./ I.C.W.A., A.I.I.I./ F.I.I.I./Post Graduate Diploma in Insurance from IIRM / Diploma of three years
2.	Marine Cargo	B.E./ B.Tech./ B.Sc. (Engg.) / A.M.I.E. or its equivalent thereof (Marine Engineering / Naval Architecture),/ certificate of competency as Master of Ship or as First Class Marine Engineer issued by a recognized authority, Degree or diploma in Naval Architecture of a

		recognized University or Institute./ A.I.I.I./ F.I.I.I./ C.A./I.C.W.A /Post Graduate Diploma in Insurance from IIRM/ Diploma of three years
3.	Marine Hull	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent thereof (Marine Engineering/ Naval Architecture)/ certificate of competency as Master of Ship or as First Class Marine Engineer issued by a recognized authority,
4.	Engg.	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent , Diploma of 3 years duration from a recognised institution or its equivalent thereof
5.	Motor	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent thereof (Mechanical/ Automobile); Diploma in Mechanical Engineering / Automobile Engineering of 3 years duration from a recognised institution or its equivalent thereof ;
6.	Miscellaneous (excluding Crop)	B.E./ B.Tech./ B.Sc. (Engg.)/ A.M.I.E. or its equivalent; Diploma of 3

		years duration from a recognised institution or its equivalent; C.A./ I.C.W.A.; A.I.I.I./ F.I.I.I./ Post Graduate Diploma in Insurance from IIRM;
7.	LOP	C.A./ I.C.W.A; A.I.I.I./ F.I.I.I / B.Tech/B.E
8.	Crop Insurance	B Sc Agriculture/ Graduation with at least one subject being Agricultural Science from a recognized University
9.	Aviation	B.E/B.Tech (Aeronautical Engineering)/ Aircraft Maintenance Engineering/ qualifications prescribed for Air Force Personnel for aviation-services/aircraft maintenance
10.	Cyber	B.Tech (Computer Science)/ B Tech (IT)

- (iii) The WG recommends recognizing diploma of three years for fire and marine cargo departments
- (iv) The WG recommends that in respect of crop insurance, the recognized qualifications may be expanded to include graduation with at least one subject being agricultural science from a recognized university. However, Govt. schemes may be exempted from this. They shall follow the provisions as notified by the Govt.
- (v) For LOP, B.Tech/B.E may also be recognized.

(vi) Aviation may be identified as a separate department and qualifications as recommended in 9 above may be recognized.

(vii) Cyber risks may be identified separately for which the recognized qualification would be B.Tech Computer Science/B.Tech IT with experience in IT Forensic science.

4.6.2 The syllabi for Level 1 and Level 2 may be prepared by the Institute/s recognized for the purpose and the approval of IRDAI obtained. IRDAI may take necessary steps to examine and prescribe the syllabi for the two levels.

4.6.3 Post-licence training may be given by IISLA with different modules of training being offered for various departments. This is purely towards upgradation of knowledge and skills and is not a pre-requisite. The feasibility of offering Online Training through E-learning Mode could also be looked into by IISLA.

Licensing/Registration of Surveyors-Procedure and Documentation

1. Licensing vs Registration:

- 1.1. Sections 42 D read with Section 64 UM of the Insurance Act 1938 deals with licensing of surveyor and loss assessor. The IRDA Act defines 'Intermediaries' to include surveyors and loss assessors. Further, IRDAI has enunciated IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015.
- 1.2. Today, the licence displays the name, address, eligible departments, level of membership and term of validity of a licenced insurance surveyor and loss assessor.
- 1.3. When it comes to renewals, as per law(P. Ramanatha Aiyar's 'The Law Lexicon'),it is "a change of something old for something new. Thus renewal of a 'licence' means a new licence granted by way of renewal". There are various decisions of Supreme Court where the apex court has, multiple times, passed decisions underlining that renewal of a licence is not a vested right but a privilege subject to fulfilment of conditions and that the public authority may refuse renewal if it is detrimental to public. While it was discussed and agreed that requirements for renewal should not be diluted, there is no necessity to call for the same set of information again. However, the information already provided needs to be updated.
- 1.4. The WG debated on whether the current system of licensing should continue or ought to be replaced by 'Registration'. It was pointed out that the KP Narasimhan Committee had deliberated on dispensing with the licensing of surveyors. The WG unanimously felt that Registration was a better option Registration with a system of payment of annual fee was discussed. In terms of the current provisions of law, however, the current system of licensing will have to continue till suitable amendments are made to the law.

1.5. Recommendation:

Licensing system may be replaced by Registration with a provision of payment of annual fee. Registration does not involve 'renewal' and therefore issuance of fresh certificates does not arise. The initial certificate issued on registration

will hold good unless it is suspended or cancelled for any reason. The Registration will remain valid as long as the registration fee is paid regularly. To enable registration, an amendment would be required to Section 64 UM of the Insurance Act, 1938.

2. Procedure and Documentation:

- 2.1. The Working Group observed that the detailed documentation requirements during licensing and renewal were cumbersome and time-consuming. It was noted that around 14 documents were required for individual licence and 19 for corporate licence. The WG deliberated on reducing the documentation requirements so as to expedite the licensing process.
- 2.2. The WG went through the forms for licensing and felt that some changes were required to simplify it. For fresh applications, the WG felt that it was redundant to mention the requirement of quarterly reports. If WG's recommendation regarding doing away with training is accepted, the requirement of training completion certificate will also not arise. For renewals, it was decided that the renewal application form should not be calling for the basic information, already provided earlier. The renewal should only have a provision for updation of information relating to address, qualification etc, wherever required, apart from calling for the following minimum documents: (1).Copy of existing Licence (2) Affidavit ; (3) Certificate of Qualification upgradation if any. (4) Recent photo (5) IISLA membership certificate (may be verified online as well from IISLA Website). (6) Renewal Fees.
- 2.3. The WG felt that surveyors should be in a position to contact IRDAI for surveyors who have queries regarding the status of their applications.

2.4. Recommendation:

References to training period and categorization may be removed from the application forms as per the recommendations at 1.6.1 and 3.1 in Chapter 2 of this report. Also, application forms for fresh registration and renewal of surveyors may separately capture data pertaining to the class of 'employee surveyors'. The application formats for fresh registration and renewal being recommended are placed as Annexure 1 and Annexure 2 to this Chapter.

3. MOA/AOA of IISLA

- 3.1. The WG discussed the need to harmonize IISLA's MoA and AoA with the IRDAI Regulations.
- 3.2. In the AOA "independent" word should be removed and replaced with the word "individual" so that employee surveyor of insurance company and corporate surveyor will also get equal opportunity and allowed IISLA membership. Currently the word 'independent' is being cited by IISLA to deny membership to employee surveyors.
- 3.3. The WG discussed the issue of IISLA and felt that it should remain but this membership should not be the criteria for Licensing. Once the licence is issued by IRDAI, the surveyor would automatically be made a member of IISLA subject to payment of the required fees. IISLA would have no prerogative to deny membership.

3.4. Recommendation:

The WG recommends that the MOA/AOA of IISLA needs to be harmonized with the Regulations. It further recommends that membership of IISLA would be automatic once the licence is issued by IRDAI provided the necessary fee is paid to IISLA. The payment modalities should be electronic, facilitating immediate transfer of money. Membership of IISLA being automatic on the issuance of licence, there will be no intervention of IISLA when it comes to the procedure for payment of fee.

Form IRDAI-1-AF

**APPLICATION FOR A LICENCE TO ACT AS SURVEYOR AND LOSS ASSESSOR
(INDIVIDUAL/EMPLOYEE)**

Checklist

Please ensure the following:

- 1) To make online payment of fees (as mentioned in the Regulations) through “NET BANKING /DEMAND DRAFT/ NEFT/ RTGS” during application submission.
- 2) To attach scanned copy of Degree/ Diploma attested by Notary/ Magistrate.
- 3) To attach scanned copy of affidavit duly Notarized against S. No. 2 of the application form.
- 4) To enclose attested and scanned documents in response to Q. No.’s 4, 9, 10 & 11. The answers to which are a must.
- 5) To attach a recent scanned copy of passport size photograph along with the application form.
- 6) To attach Fit and Proper statement as mentioned in Regulation 3 in prescribed format.

Notes: Read with Regulation 3

- 1) The attention of the applicant is drawn to Section 102(a) of the Insurance Act 1938 relating to penalty regarding failure to furnish any document, statement, account, return or report to the Authority.
- 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 initialled by the applicant.
- 4) An applicant must be at least 18 (eighteen) years of age on the date of submission of the application. In the case of any applicant declaring his age as 18 years, the exact date of birth should be stated against item no 6 of the application. If required, the applicant shall furnish proof of 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 in bilingual form.

Form-IRDAI-1-AF

1. I, (name), having qualified the examinations for the following departments, request that a licence to act as a surveyor and Loss Assessor may be granted to me.

Dept.	Fire	Marine Cargo	Marine Hull	Engg	Motor	Misc	Crop	LOP	Aviation	Cyber
Please tick										

2. I hereby declare that

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

- 2) 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.
- 3) 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 insurer.
- 4) I shall not violate the code of conduct specified by the Regulations made by the Authority.
- 5) I possess the requisite qualifications as specified by the Regulations made by the Authority.
- 6) 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:

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

2) Father/Husband's Name

3) Present address [in English & Hindi]

Address1.....

Address2.....

Address3.....

City/Town/Village.....

District.....

State.....

Country.....

Pin code.....

4) Permanent address

Address1.....

Address2.....

Address3.....

City/Town/Village.....

District

State.....

Country.....

Pin code.....

4. Qualification

1) Academic/Professional.....

2) Insurance.....

(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. Whether the applicant is an Employee Surveyor? Yes/No.....

If Yes

Name of the Insurer	Designation	Date of Joining

9. If No to 8 above, whether applicant is currently employed elsewhere (other than any Insurance company)? Yes/No....

If Yes, provide details below and attach scanned copy of NOC from employer

Name of Employer	Nature of Organization	Nature of work	Period of employment	
			From Date	To Date
	(Govt./Semi-Govt/Private Firm, Surveyor Firm, PSU, Others)	(Insurance survey related, Others)		

10. Details of any other business/profession carried out:

Name of Firm	Designation	Nature of Business

11. Have you ever held a licence to act as a Surveyor and Loss Assessor?

If Yes, please provide details:

Licence No.

Date of Issue

Expiry Date

12. Fee Payment: NET BANKING/DEMAND DRAFT

Fee applicable for Fresh Licence: Rs. 1000/- plus applicable service tax as prescribed by Central Govt from time to time.

13. Declaration:

I solemnly declare that the particulars given above are true to the best of my knowledge and belief.

Signature of applicant.....

FORM - IRDAI - 5 AF

APPLICATION FOR RENEWAL OF A LICENCE TO ACT AS SURVEYOR AND LOSS ASSESSOR (INDIVIDUAL/EMPLOYEE)

Checklist

Please ensure the following:

1. To attach scanned copy of previous licence.
2. To attach scanned copies of upgradation in qualifications and employment status, if any, duly attested by notary.
3. To attach scanned copy of affidavit duly notarised against S. No. 2 of the application form.
4. To attach a recent scanned copy of passport size photograph along with the application form.

Notes: Read with Regulation 6

1. All licenced surveyors shall apply online 30 days before the expiry of the licence.
2. Any correction or alteration made in answer to the questions in the application should be initialled by the applicant.
3. An affidavit of Rs. 10/- duly notarized on non-judicial stamp paper is required to be scanned and attached for renewal of licence in the form of a declaration as contained against S. No. 2 of the application form.
4. An email notification will be sent to the applicant on successful submission of the application form.
5. Any change in the information submitted to the authority must be informed to the authority within 15 days from date of the change for grant of modified licence by the authority.

FORM - IRDAI - 5 AF

1. I request that the below licence be renewed for a further period of three years.

(1) Current Licence Details

(a) SLA No. (mandatory)

(b) Licence Effective Date

(c) Date of Expiry

(2) Membership details of Institute:

(a) Membership/ID card No

(b) Date of Issue of ID card

(3) Name of Surveyor and Loss Assessor

(4) Whether there is any change in Address of Correspondence? Yes/No

If Yes, New Address of Correspondence.....

(If change in address, please upload proof of address)

2. I declare that since the date of my last application for licence:

- (1) I have not been found to be unsound mind by a Court of competent jurisdiction.
- (2) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery of an abetment of or attempt to commit any such Offence by a Court of Competent jurisdiction, and
- (3) I have not been found guilty of or to have knowingly participated in or connived at any fraud/dishonesty or made any misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to a policy of insurance or the winding up of any investigation of the affairs of an insurer, and
- (4) My licence has not been cancelled at any time by the Controller of Insurance/ Insurance Regulatory and Development Authority of India.
- (5) I declare that I continue to hold the qualification on the basis of which my licence mentioned above was issued.
- (6) In addition to surveyor's work, I am also engaged on other occupations, the details of which are given below: Or I am not engaged in any other occupation.
- (7) I have not been disqualified for any of the provisions of IRDAI (Insurance Surveyors and Loss Assessors) Regulations 2015 neither attracted the disqualification stated in section 42D of the Insurance Act, 1938.

3. Whether the applicant has been in practice as a Surveyor and Loss Assessor on the 31st May, 1970? If answer is in YES and the applicant does not possess any of the qualifications stated in Insurance Act, 1938 and rules and regulations made there under the applicant must make a declaration and duly sworn before a Magistrate or a Notary Public.

4. Fee Payment; NET BANKING/ DEMAND DRAFT/ NEFT/ RTGS

A fee of Rs. 100/- plus applicable service tax as prescribed by Central Government from time to time.

5. In case licence is submitted after expiry upto a maximum period of six months, the licence fee will be Rs. 100/- + penalty of Rs. 750/- plus applicable service tax as prescribed by Central Government from time to time (also attach notarized copy of qualification).

6. Declaration

I solemnly declare and confirm that the particulars given above are true to the best of my knowledge and belief.

Signature of Applicant.....

Chapter 4

Duties and Responsibilities of Surveyors/Obligations of Insurers and Code of Conduct for Surveyors

A. Duties and Responsibilities of Surveyors

1. Current provisions:

1.1. Currently, these are enunciated under Regulation 13 (Chapter IV) of the Regulations. The Duties and Responsibilities are as follows:

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

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

- b. bringing to the notice of the Authority, any change in the information or particulars furnished at the time of issuance of licence, within a period not exceeding fifteen days from the date of occurrence of such change, that has a bearing on the licence granted by the Authority;
- c. maintaining confidentiality and neutrality without jeopardizing the liability of the insurer and claim of the insured;
- d. conducting inspection and re-inspection of the property in question suffering a loss;
- e. 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;
- f. conducting spot and final surveys, as and when necessary and comment upon franchise, excess/under insurance and any other related matter;
- g. estimating, measuring and determining the quantum and description of the subject under loss;
- h. advising the insurer and the insured about loss minimization, loss control, security and safety measures, wherever appropriate, to avoid further losses;
- i. commenting on the admissibility of the loss as also observance of warranty, conditions under the policy contract;

- j. surveying and assessing the loss on behalf of insurer or insured;
- k. assessing liability under the contract of insurance;
- l. pointing out discrepancy, if any, in the policy wordings;
- m. satisfying queries of the insured/insurer and of persons connected thereto in respect of the claim/loss;
- n. recommending applicability of depreciation, percentage and quantum of depreciation;
- o. giving reasons for repudiation of claim, in case the claim is not covered by policy terms and conditions;
- p. taking expert opinion, wherever required;
- q. commenting on salvage and its disposal, wherever necessary;

1.2. The WG while examining the existing provisions in the Duties and Responsibilities of Surveyors, felt the need to make certain modifications. The recommendations in this regard are as follows :

1.3. Scope for modifications/Recommendations:

1.3.1 The WG discussed the scope for modifications and felt that the following additional aspects should find a mention in the Duties and Responsibilities of Surveyors:

1.3.2 Wherever the possibility of recoveries from third parties is observed, to immediately notify insurance companies to commence recovery efforts.

1.3.3 Ensure no survey report is shared with third parties without written permission of insurance company.

1.3.4 Make full and prompt disclosure to the insurance company of all policy violations, any evidence of fraud, misrepresentation, non-disclosure, falsification of facts or records, attempts to improperly influence claim process.

1.3.5 In case of corporate surveyors, directors/partners must exercise reasonable and prudent oversight on all actions of surveyors employed by the firm.

1.3.6 Surveyors must examine, enquire into, verify, check and investigate upon the causes and circumstances of the loss in question including extent of loss, nature of ownership and insurable interest and genuineness of the claim, supported by appropriate documents [Motor theft claims shall be exempt from investigation/assessment/survey work by surveyors].

1.3.7 It was pointed out that Regulation 13 (1) (I) of the IRDAI (Insurance Surveyors and Loss Assessors) Regulations 2015 mentions “*pointing out discrepancy, if any, in the policy wordings*” as a duty and responsibility of a surveyor. This was seen not to be a matter which a surveyor needed to be concerned with and hence it was suggested that this may be removed from the Regulations. The WG proposed that Regulation 13(1)(I) which mandates the surveyor to point out discrepancy, if any, in the policy wording, may be removed, as it places the surveyor in the predicament of having to offer a judgmental perspective on the policy wordings. It could also be misused where surveyors could be pressurized into giving a particular view or opinion. Further, the WG observed that the onus of resolving any issues related to the interpretation of the policy terms and conditions should lie on the insurer. Hence, removal of the aforesaid regulation is necessary. With regard to i) j) and k) under 1.1 above, the same may be deleted and replaced by a single clause to read as follows “comment on the admissibility of the claim and determine the liability of the insurer as per the policy terms and conditions.”

2 Timeline for submission of report: Currently, Regulations 13(2)& (3) provide as follows:

A surveyor or loss assessor whether appointed by insurer or insured, shall submit his report to the insurer as expeditiously as possible, but not later than 30 days of his appointment, with a copy of the report to the insured giving his comments on the insured’s consent or otherwise on the assessment of loss. Where in special

circumstances of the case, either due to its special and complicated nature, the surveyor shall under intimation to the insured, seek an extension, in any case not exceeding six months from the insurer for submission of his report.

In cases where the Survey report is pending due to non-completion of documents, the surveyor may issue the final survey report independently, based on the available documents on record, giving minimum three reminders in writing to the insured.

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. 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.

2.1 In this regard, sub-regulation 5 of Regulation 15, (Claims procedure in respect of a General Insurance Policy) of the IRDAI (Protection of Policyholders' Interests) Regulations, 2017 states that:

1. An insured or the claimant shall give notice to the insurer of any loss arising under the contract of insurance at the earliest or within such extended time as may be allowed by the insurer. On receipt of such a communication, a general insurer shall respond immediately and give clear information to the insured on the procedures that he should follow. In cases where a surveyor has to be appointed for assessing a loss/claim, it shall do so immediately, in any case, within 72 hours of the receipt of intimation from the insured. Insurer shall communicate the details of the appointment of surveyor, including the role, duties and responsibilities of the surveyor to the insured by letter, e-mail or any other electronic form immediately after the appointment of the surveyor.

2. The insurer / surveyor shall within 7 days of the claim intimation, inform the insured / claimant of the essential documents and other requirements that the claimant should submit in support of the claim. Where documents are available in public domain or with a public authority, the surveyor/insurer shall obtain them.
3. The surveyor shall start the survey immediately unless there is a contingency that delays immediate survey, in any case within 48 hours of his appointment. Interim report of the physical details of the loss shall be recorded and uploaded/forwarded to the insurer within the shortest time but not later than 15 days from the date of first visit of the surveyor. A copy of the interim report shall be furnished by the insurer to the insured/claimant, if he so desires.
4. Where the insured is unable to furnish all the particulars required by the surveyor or where the surveyor does not receive the full cooperation of the insured, the insurer or the surveyor, as the case may be, shall inform in writing to the insured under information to the insurer about the consequent delay that may result in the assessment of the claim. It shall be the duty equally of the insurer and the surveyor to follow up with the insured for pending information/documents guiding the insured with regard to submissions to be made. The insurer and/or surveyor shall not call for any information/document that is not relevant for the claim.
5. (i) The surveyor shall, subject to sub-regulation 4 above, submit his final report to the insurer within 30 days of his appointment. A copy of the surveyor's report shall be furnished by the insurer to the insured/claimant, if he so desires. Notwithstanding anything mentioned herein, in case of claims made in respect of commercial and large risks the surveyor shall submit the final report to the insurer within 90 days of his appointment. However, such claims shall be settled by the insurer within 30 days of receipt of final survey report and/or the last relevant and necessary document as the case may be.

(ii) Where special circumstances exist in respect of a claim either due to its special / complicated nature, or due to difficulties associated with

replacement/reinstatement, the surveyor shall, seek an extension from the insurer for submission of his report. In such an event, the insurer shall give the status to the insured/claimant fortnightly wherever warranted. The insurer may make provisional/ on account payment based on the admitted claim liability.

6. 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/claimant; to furnish an additional report on certain specific issues as may be required by the insurer. Such a request may be made by the insurer within 15 days of receipt of the final 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.

7. The surveyor, on receipt of this communication, shall furnish an additional report within three weeks from the date of receipt of communication from the insurer.
8. On receipt of the final survey report or the additional survey report, as the case may be, and on receipt of all required information/documents that are relevant and necessary for the claim, an insurer shall, within a period of 30 days offer a settlement of the claim to the insured/claimant. If the insurer, for any reasons to be recorded in writing and communicated to the insured/claimant, decides to reject a claim under the policy, it shall do so within a period of 30 days from the receipt of the final survey report and/or additional information/documents or the additional survey report, as the case may be.
9. In case the amount admitted is less than the amount claimed, then the insurer shall inform the insured/claimant in writing about the basis of settlement in particular, where the claim is rejected, the insurer shall give the reasons for the same in writing drawing reference to the specific terms and conditions of the policy document.
10. In the event the claim is not settled within 30 days as stipulated above, the insurer shall be liable to pay interest at a rate, which is 2% above the bank rate from the date of receipt of last relevant and necessary document from the insured/claimant by insurer till the date of actual payment.

- 2.2 Recommendations relating to time-lines: The WG discussed the timelines currently set out and makes the following recommendations:**
- 2.1.1 Within 7 working days of the claim intimation, inform insurer/claimant of the essential documents and other requirements that the claimant should submit in support of the claim. Where documents are available in public domain or with a public authority, the surveyor shall obtain them.**
 - 2.1.2 Start the survey immediately unless there is a contingency that delays immediate survey, in any case within 48 hours of his appointment.**
 - 2.1.3 Submit Interim report of the physical details of the loss within 15 days from the date of first visit.**
 - 2.1.4 Submit final survey report to the insurer within 30 working days from date of submission of last relevant and necessary document by the insured.**
 - 2.1.5 Where special circumstances exist in respect of a claim, either due to its special / complicated nature, or due to difficulties associated with replacement/ reinstatement, the surveyor shall seek an extension from the insurer for submission of his report.**
 - 2.1.6 WG discussed whether the 30-day timeline for submission of survey report was practical in the case of high value property claims or specialized segments like marine claims. It was mentioned that certain policies allow a 12-month period to commence reinstatement of damaged property which in itself is incompatible with the 30-day timeline for surveyors. It was pointed out that this aspect had been taken care of in the latest regulations on policyholder protection enunciated by IRDAI. The provisions in the surveyors' regulations need to be aligned to those.**

B. Code of Conduct for Surveyors

1. Current provisions:

Every Surveyor and Loss Assessor shall –

- (1). behave ethically and with integrity in the professional pursuit. Integrity implies not only honesty but also fair dealings and truthfulness.

- (2). strive for objectivity in professional and business judgment
- (3). act impartially when acting on instructions from insurer in relation to a policy holder's claim under a policy issued by that insurer.
- (4). conduct himself with courtesy and consideration to all people with whom he comes into contact during the course of his work
- (5). not accept or perform survey 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 obtains some advice and assistance, as will enable him to carry out the work competently;
- (7). Carry out his professional work with due diligence, care, 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 the work done by him and comply with all relevant laws;
- (10). Assist and encourage his colleagues to obtain professional qualifications and in this behalf, provide free articleship and/or practical training for a period of twelve months;
- (11). work only as Surveyor and Loss Assessor in insurance business and not undertake any business advisory or consultancy service or work which could give rise to conflict of interest.
- (12). not perform any outsourced activity other than those permitted by the Authority's Outsourcing Guidelines.
- (13). maintain a register of survey work as specified in FORM- IRDAI-11, and shall keep important records of survey report, photographs and other important documents for a period of 3 years and furnish the same and other specified returns, as and when called by the authority or by any investigating authority or the insurer. However, in case of litigation involving above

information/records/ documents/ photographs etc., the same shall be maintained till the conclusion of the litigation.

- (14). acknowledge receipt of all monies received in connection with fees or remuneration received for carrying out survey work.
- (15). disclose to all parties concerned his appointment, where the acceptance or continuance of such an engagement may materially prejudice, or could be seen to materially affect the interests of any interested party. As soon as a conflict of interest is foreseen, every Surveyor and Loss Assessor shall notify all interested party immediately and seek instructions for his continuance.
- (16). not disclose any information, pertaining to 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 legal right or duty enjoined upon him to disclose.
- (17). neither use nor appear to use, any confidential information acquired or received by him in the course of his professional work, to his personal advantage or for the advantage of a third party.
- (18). Undertake survey work in an insurance company and Loss Assessor firm only as an employee and as an employee/director/partner respectively.
- (19). in case surveyor and loss assessor is an employee of an insurer shall only survey and assess the loss and not involve himself in settlement of claim where he has assessed the loss.
- (20). Comply with the provisions of AOA, regulations, and Code of Ethics framed by the Institute from time to time.
- (21). Comply with all the provisions of the Act, the IRDA Act, the Rules and Regulations made thereunder and other orders, directions and guidelines issued by the Authority from time to time.

- 1.1. The WG, while examining the existing provisions in the Duties and Responsibilities of Surveyors, felt the need to make certain modifications. The recommendations in this regard are as below.

2. Recommendations:

- 2.1. 1 (19) above shall be modified as “In case the surveyor is an employee of an insurer, the surveyor shall only survey and assess the loss and not involve himself in settlement of claim where he/she assessed the loss. There has to be a clear demarcation of authority for assessment of loss and settlement of claim.”**

Also, the following additions are being recommended as far as Code of Conduct for Surveyors is concerned:

- 2.1 The surveyor shall not obtain any direct or indirect interests other than the fee agreed upon for loss assessment.**
- 2.2 It would be the joint responsibility of the surveyor/insurer to communicate to the insured the requirements of the claim.**
- 2.3 Corporate Surveyors (directors/partners) must exercise reasonable and prudent oversight on all actions of surveyors employed by the company/firm.**
- 2.4 Onus to be on insurer to conduct enquiry in case of violation of Code of Conduct by the employee surveyor.**
- 2.5 Only a surveyor duly licensed shall conduct survey work- both interim and final assessment.**
- 2.6 In case of employee surveyors, the insurer must exercise reasonable and prudent oversight on all actions of surveyors employed by the firm.**
- 2.7 An employee surveyor shall carry out the task of survey and loss assessment in an unbiased manner. The onus of ensuring that the interests of policyholders are not jeopardized through any conflict of interest situation would lie jointly on the employee surveyor and insurer.**
- 2.8 Apart from the above additions, the WG recommends deleting 1 (4), 1 (6), 1 (10) and 1 (20) above as they are redundant.**

3 Obligations of Insurers:

The WG is of the view that certain obligations of the Insurers need to be set out clearly in the Regulations. In this regard, it makes the following recommendations:

- 3.1 Each insurer must file with the Authority a Board approved policy with regard to appointment, utilization and management of different classes of surveyors (employee/individual/corporate), timeframes for payment of survey fee payable for both individual and corporate surveyors. The time-frame for payment of survey shall be reasonable.**
- 3.2 Each insurer shall monitor the performance of surveyors, including compliance with the Code of Conduct and the Duties and Responsibilities laid down in the regulations. It shall be the responsibility of the insurer to enquire into cases of violation of code of conduct brought to its notice, conduct the necessary enquiry and investigation and report cases where violation is established, to the Authority.**
- 3.3 Each insurer shall file returns/reports regarding appointment, utilization and management of surveyors, including adherence of timelines for submission of report, time-frames for payment of survey fee applicable for both individual and corporate surveyors, as and when required by the Authority.**
- 3.4 Each insurer shall maintain the details of surveyors appointed by the insurers and such records shall be maintained for a period of at least three years.**

Chapter 5

Returns and Reports to be submitted by insurers and surveyors & aspects related to Surveyors Software

1. Returns and Reports:

1.1. Current provision/s relating to returns:

Currently, certain periodical data in Form-IRDAI-12 that is provided for under Regulation 20 is being submitted to IRDAI.

1.2. Monitoring of surveyors' performance:

1.2.1. The WG discussed the aspect of monitoring of surveyors and was of the view that primarily, surveyors' performance ought to be monitored by the insurers.

1.2.2. Recommendation:

The insurers should be required to maintain certain minimum information relating to utilization of surveyors. The WG was of the view that at the minimum, the following should be maintained and carried out by insurers and surveyors respectively:

1.2.2.1. Insurers:

- a) Details of utilization of surveyors including the departments they have been used for, along with the estimated claim amount on the basis of which a surveyor has been appointed
- b) Details of timelines of submission of reports by surveyors
- c) Details of complaints, if any, against surveyors and details of disposal of the same
- d) Details of action against surveyors, if any
- e) Details of survey fee pending beyond the due date (in line with the time-line laid down in the Board approved policy relating to payment of survey fee)
- f) Details of monitoring the performance of surveyors in terms of quality etc

- g) The details given above need to be maintained separately for Individual Surveyors, Corporate Surveyors and Employee Surveyors and shall be maintained for a minimum of five years unless there is litigation involved in which case it shall be maintained as long as required.
- h) The data capture as well as generation of reports, queries as may be required shall be automated to ensure speed and transparency in submission for onsite and/or off-site examination whenever called for by IRDAI
- i) Any other relevant aspect, as may be prescribed by IRDAI from time to time.

1.2.2.2 Surveyors:

- a) Insurer-wise and department-wise details of survey work carried out
- b) Details of time-lines followed for submission of report
- c) Details of complaints, if any, received from policyholders directly as well as through insurers
- d) Details of survey fee bills pending with insurers, insurer-wise
- e) Details of communications from insurers, if any, on the quality of work carried out by surveyors
- f) Details of action, if any, taken against surveyors by insurers
- g) The above information shall be maintained for a minimum of 5 years unless litigation is involved in which case it shall be maintained as long as required.

2. Aspects related to Surveyors' software

- 2.1. Currently, the surveyors are facing difficulty in all aspects of the IRDAI software – whether it relates to Fresh Licensing, Licence Renewal, Data Submission etc.
- 2.2. It is, therefore, necessary to **revisit at the existing software** and undertake an exercise to **port it to a newer & more user-friendly technology**.

- 2.3. While doing so, a number of **missing features can also be incorporated** in the new system, such as:
- Display of Step-by-step Licensing Procedure, with defined timelines
 - Stage-wise Progress of application
 - Reasons of delay, if any
 - Escalation Matrix
- 2.4 One of the other major problems that surveyors face is that fresh as well as renewal of IISLA membership which is supposed to have been through an online software in a very transparent manner. This has to be rectified to ensure that there are no issues when it comes to obtaining membership of IISLA. Option of online transfer of IISLA fees on IRDAI portal to be made available for both fresh as well as renewal of IISLA membership. Since automatic membership of IISLA is being proposed, mere deposit of membership fees through online transfer on IRDAI portal will suffice to prove IISLA membership with details of members as submitted to IRDAI to be auto populated in IISLA.
- 2.5 It is important to ensure that IRDAI's system and IISLAs system have a seamless and smooth interface that can populated the details of licences (or registration as suggested for the future) for the purpose of membership in IISLA. Similarly, IRDAI should be able to access necessary information in IISLA's software.

2.6 Recommendation:

Software of both IRDAI and IISLA need to not only be improved but also designed to talk to each other seamlessly as required. It is noted that a separate committee was formed to look into IT related issues concerning surveyors. In this regard, it is recommended that the improvements required in the software for surveyor licensing be carried out expeditiously, bearing in mind the aspects pointed out at 2.1 to 2.5 above.

Chapter 6

Framework and Practices relating to Survey and Loss Assessment in other Jurisdiction

1. Introduction:

- 1.1. The growth and development of non-life/general insurance market is closely inter-linked with the role played by Surveyors and Loss Adjustors. The Cambridge Business English Dictionary defines a *Claims Adjuster* as *a person whose job is to get information for an insurance company, in order to decide how much money, it should pay for a claim of damage or loss*. The system of licensing of surveyors by the Insurance Regulator as it exists presently in India does not exist in most other countries and even in India, it did not exist prior to 1968. Insurance Core Principle (ICP) 18 regarding Intermediaries, prescribed by the International Association of Insurance Supervisors (IAIS) stipulates that Insurance intermediaries may also perform functions supplemental to intermediation, which may include underwriting, premium collection, administration, management of insurance claims, loss adjusting and claims appraisal. These functions are excluded from the IAIS definition of insurance intermediation but may be subject to other ICPs and standards relating to business conduct. However, it is indicated therein that in some jurisdictions these supplemental functions are included in the definition of intermediation.
- 1.2. Typically, a loss adjuster works on behalf of an insurance company, either as an employee or a third party contracted by the company, though a Loss adjuster may also assist customers with the preparation of claims. Public loss adjusters, hired by the customer/policy holder, work on behalf of the policyholder, not insurance companies.
- 1.3. Generally, property loss adjusters may be classified into three categories.
 - (a). **Company adjusters** who are employees of an insurance company and represent the interest of the insurance company whose remuneration is paid by the insurance company.
 - (b). **Independent adjusters** who are independent adjusters hired on a contract basis by an insurance company to represent the insurance company's interest in settlement of the claim. They are also paid by the insurance company.

(c). **Public adjusters** who represent interest of the insured. The public adjuster represents the property owner in the claim against the insurance company. The policyholder hires the Public adjuster for a fee or commission as may be agreed by them.

In most of the jurisdictions, the Company Adjuster is not required to be licenced, but the onus lies on the insurer to comply with the rules of business conduct. This chapter delves in to some of the international practices related to Surveyors/loss assessors/Public adjustors as they may be called in the respective jurisdictions.

2. Licensing requirements in various jurisdictions:

2.1. Australia

- 2.1.1 The Australasian Institute of Chartered Loss Adjusters of Australasia which was formed as a result of the merger of all three major Institutes in Australia and New Zealand provides the framework of recognized and respected educational standards, courses and qualifications for loss adjustors in the region. The Members are subject to a framework of qualifications and bound by a strict code of conduct designed to ensure a high standard of knowledge, efficiency and integrity in their dealings with the Industry and the Public.
- 2.1.2 AICLA has different levels of membership namely Provisional Membership, Affiliate Membership, Associate Membership and Fellow Membership, and has prescribed qualification requirements of each such level. Attaining a particular level of membership or upgrading to the next higher level of membership requires the candidate to successfully complete certain modules/ pass certain examinations of the Australian and New Zealand Institute of Insurance and Finance's (ANZIIF) Diploma of Loss Adjusting and also to comply with requirements of the prescribed Continuing Professional Development (CPD). Elevation to a higher level of membership may also require certain number of years of experience as a practicing loss adjustor or as a member of AICLA.
- 2.1.3 Membership of AICLA may also be granted if the candidate satisfies the conditions to be awarded the Diploma of Loss Adjusting by Recognition of Prior Learning (RPL) provided that he/she has been practicing as a loss adjustor for a certain minimum number of years and complies with the CPD requirements.

- 2.1.4 An alternate way of attaining membership of AICLA is if the candidate has a minimum of a degree in Law, Engineering, Accountancy or other specialized discipline to a standard of which the Board of AICLA is satisfied, provided that he/she has a certain minimum number of years of experience as a loss adjustor and he/she provides written recommendation from the accredited loss adjusting professional body in his/her country.
- 2.1.5 AICLA has also laid down the rights of different classes of membership. While Provisional Members may state on business cards and letterhead “Provisional member of AICLA” and will be eligible for a reduced subscription, they are not eligible to vote in any matter concerning AICLA or hold positions on a division council or the board of AICLA. Provisional Members cannot use post nominal and also do not receive a certificate from the Institute. Membership levels of Affiliate and above are allowed to use post nominal (i.e, AICLA (Aff), ACLA and FCLA for Affiliate, Associate and Fellow respectively) and are eligible to vote in general matters concerning the Institute and hold positions on a Division Council or the Board. Associate and Fellow members may also use the term “Chartered Loss Adjuster”, if CPD accreditation is achieved. Apart from the above, there are other categories of membership such as Life Members, Honorary Members and Retired Members in AICLA.
- 2.1.6 Code of Conduct:** Australian General Insurance Code of Practice of 2014 is applicable for insurers i.e. Members of the Insurance Council of Australia (ICA) offering all general insurance products except reinsurance and certain categories of products which come under separate rules. This code also applies differently to Retail Insurance and Wholesale Insurance. In terms of the above code, insurers’ arrangements with Service Suppliers such as Loss Assessor or Loss Adjuster must reflect the standards of the Code.

2.2 Canada

- 2.2.1 In Canada, the supervision of federally regulated financial institutions is conducted by the Office of the Superintendent of Financial Institutions (OSFI). OSFI supervises and regulates federally registered insurers and conducts prudential reviews of the federally regulated insurers to determine their financial soundness, while the provinces regulate the licensing of insurers operating within their jurisdictions as well as the marketing of insurance products. Insurance adjustors are being licenced by

respective provinces but the most of the qualification standards are uniform across the provinces.

- 2.2.2 In one of the provinces viz. British Columbia, there are defined classes of licences issued by the Insurance Council of British Columbia for Insurance Adjusters depending on the level of education as well as experience and nature of ownership. However, a staff adjuster does not require a licence. The different classes of licences issued by the Insurance Council of British Columbia for Insurance Adjusters are (i) Level 1 (ii) Level 2 (iii) Level 3 (iv) Corporate or Partnership.
- 2.2.3 Attaining level 1 of licence requires the candidate to have successfully completed certain courses approved by Insurance Council of British Columbia and administered by the Insurance Institute of Canada, not more than 1 year preceding the application date. Level 2 licence, additionally requires the candidate to have 2 years licenced adjusting experience. Further, Level 3 requires the candidate to have been consecutively licenced as an insurance adjuster for 5 of the 7 years preceding the application date, with at least 3 of those years as a licenced level 2 insurance adjuster.
- 2.2.4 As far as Level 1 insurance adjuster licence is concerned, the licensee must not make any adjustment or settlement of loss except under the direct supervision of a level 2 or level 3 insurance adjuster licensee; and he/she must not report in relation to the adjustment of claims except by a report approved and countersigned by a level 2 or level 3 insurance adjuster licensee.
- 2.2.5 It is also noteworthy that in the event of a catastrophe or disaster, the Council may issue a temporary insurance adjuster licence to an individual to adjust a specific loss on behalf of an insurer.
- 2.2.6 The Council also exercises its authority to discipline licensees in order to deter and penalize misconduct, educate stakeholders on requirements, and maintain the public's confidence in Council as a regulator.
- 2.2.7 Some excerpts from the Code of Conduct for licensees in Saskatchewan province is given below:
- a) Licensees must have the appropriate qualifications and adequate knowledge to handle the claims which they undertake, and only adjust claims for which they are competent.

- b) Licencees must place the interests of principals and claimants before their own. This means looking out for consumers' needs, even when the consumers may not know what those needs are. Licencees must identify any conflicts of interest with consumers or insurers, avoiding them or disclosing them fully in writing before or when they occur.
- c) Licencees must make adequate inquiries into a claim situation, applicable coverage and the role of third parties in order to provide recommendations and explanation of options. Clients and principals must receive fair, full and accurate information and explanations of limitations or exclusions in coverage, in order to make informed decisions. Licencees must document claims service. Responses and services should be provided promptly and efficiently with courtesy and respect. The interests of the client must be paramount at all times.
- d) Licencees must treat fellow licencees with honesty, courtesy, and respect. If a licencee is aware of misconduct by a fellow licencee, the licencee has a duty to report to Council to protect consumers and the reputation of the insurance industry.
- e) Licencees **must not**:
 - i. make untrue representation or conceal facts from a client, insurer, Council, other regulators or other parties.
 - ii. deal dishonestly with money, property or claim payments, or commit acts involving theft or fraud.
 - iii. make improper use of their knowledge or position as licencees.
 - iv. make or assist anyone to make a false insurance claim.
 - v. make or assist anyone to make a false declaration to an insurer.
 - vi. make representations to insurers or clients without reasonable steps to verify that what they are saying is accurate and truthful.
 - vii. counsel a client to misrepresent information or knowingly transmit information which they have reason to believe is not true.
 - viii. take advantage of a client's inexperience, ill-health, lack of sophistication or difficulties with language or reading.
 - ix. engage in conduct, within or outside the insurance profession, which causes consumers or clients to lose trust in the licencee in particular or the insurance industry in general.

2.3 USA

- 2.3.1 The National Association of Insurance Commissioners in the U.S. is the standard-setting and regulatory support organization created and governed by the chief insurance regulators from the 50 states, the District of Columbia and five U.S. territories. Licensing requirements for Insurance Adjusters, Examiners, and Investigators vary by state. Some States have few requirements, and others require either completing pre-licensing education, a satisfactory score on a licensing exam, or both. In some states, claims adjusters employed by insurance companies can work under the company licence and need not become licenced themselves.
- 2.3.2 Statutory and/or regulatory scheme in place in most of the states (and district of Columbia) for licensing public adjusters and the licensing is done by respective States. Public Adjuster Licence is to be obtained from the Insurance Commissioner and there is a Public Adjuster Licensing Model Act (MDL-228) adopted by National Association of Insurance Commissioners (NAIC). According to "Public **Adjusters' Licensing Act in New Jersey**: "Public adjuster" or "adjuster" means any individual, firm, association or corporation who, or which, for money, commission or any other thing of value, acts or aids in any manner on behalf of an insured in negotiating for, or effecting, the settlement of claims for loss of damage caused by, or resulting from, any accident, incident, or occurrence covered under a property insurance policy, including, but not limited to, a flood, transit, inland marine or ocean marine policy; or who, or which, advertises for, or solicits employment as an adjuster of those claims. The term "public adjuster" shall also include any individual who, for money, commission or any other thing of value, solicits or adjusts those claims on behalf of any public adjuster.
- 2.3.3 Every individual applicant and each sub-licencee is required to take and pass a written examination to the satisfaction of State jurisdiction, except in the case of a renewal licence.
- 2.3.4 There are the Claims Adjusters / Public adjusters (employed by the policyholder) as well as Staff adjusters (employed by an insurance company or self-insured entity) / Company Adjusters in the USA market.
- 2.4 Japan:** Automobile Insurance Adjusters, Property Loss Assessors are required to be registered with the General Insurance Association of Japan (GIAJ). GIAJ ranks the

skill of each claim specialist from Level 1 to 3 and gives them chances for promotion when they pass a designated exam.

2.5 China

2.5.1 In China, the China Insurance Regulatory Commission (CIRC) regulates insurance companies and intermediaries, including agents, brokers, loss adjustors and their business operations. According to the Provisions on the Supervision and Administration of Loss Adjusters (2015 Amendment) “loss adjusters” means institutions which specially engage in the assessment, survey, identification, and loss adjustment, among others, of the subject matters of insurance or the insured events as authorized by clients and receive remuneration as agreed on. To become a Loss Adjuster, Loss adjustment practitioner (employee of the loss adjustment firm), Loss adjustment business permit is to be obtained from China Insurance Regulatory Commission (CIRC) which is valid for 3 years.

2.5.2 Accordingly, a loss adjuster may engage in the following business:

- i. The inspection, valuation, and risk assessment of the subject matter of insurance before and after insurance is underwritten.
- ii. The survey, inspection, and loss adjustment of the subject matter of insurance after an insured event occurs and the handling of the residue value of the subject matter of insurance.
- iii. Risk management consulting.
- iv. Other business approved by the CIRC

2.5.3 The CIRC also conducts on-site inspections of loss adjusters or any branch office thereof according to the law to ensure:

- i. Whether the formation or modification of the institution or branch office has been approved or whether the obligation to report the same has been performed according to the law.
- ii. Whether its operations are lawful.
- iii. Whether it is in good financial condition.
- iv. Whether the reports, statements, and materials submitted to the CIRC are timely, complete, and true.
- v. Whether its internal control rules are adequate and effectively implemented.
- vi. Whether the appointment of its chairman of the board of directors or executive director and senior executives complies with the relevant provisions.

- vii. Whether it has effectively performed the duty of managing its practitioners.
- viii. Whether its announcements are published in a timely and true manner.
- ix. Whether its computer equipment and information systems are in good operating condition.

2.6 Turkey

2.6.1 REGULATION ON LOSS ADJUSTERS, Turkey, provides the principles and procedures regarding the qualifications, foundations, activities, certificates and registrations of loss adjusters as well as all activities they are not allowed to undertake. Loss adjusters licence is granted by the Under secretariat of treasury. As per the regulations, the different loss adjusting branches for which licences are issued separately are:

- a) Land vehicles,
- b) Aircraft, ships and railway rolling stock,
- c) Goods on transit,
- ç) Fire, natural forces, accident and theft,
- d) Engineering,
- e) Suretyship, legal expenses and assistance,
- f) Health, sickness and personal accident,
- g) Agriculture and livestock.

2.6.2 The dates and schedule for registration across various provinces are published and accordingly examinations are conducted on the basis of the different loss adjusting branches. Candidates who successfully complete the loss adjusting courses and exam may apply to the Executive Committee for internship within three years from the date the exam results are announced by SEGEM, i.e., Insurance Training Centre founded under the Insurance Law. Loss adjusting internship shall be performed for a period of six months with loss adjusters who hold loss adjusting licences in the branch applied for, who have actively performed loss adjusting activities for a period of at least five years. No internship shall be required for those who are on the payroll of loss adjusters as employees. Intern loss adjusters may not perform loss adjusting on their own and Loss adjusters shall exercise maximum efforts to ensure that the intern loss adjusters accompany them during their loss adjusting activities. Upon receiving the conclusion reports of the loss adjusters on the status of the intern loss adjusters, the Executive Committee shall provide a written opinion to the

Undersecretariat on the issuance of licences to intern loss adjusters, or extension of their internship periods, or necessity for them to go through another internship period with another loss adjuster, or the fact that the intern cannot become a loss adjuster, taking into account the interim reports as well.

2.7 South Africa

2.7.1 Financial Services Board, is the supervisor that sets and enforces requirements for the conduct of insurance companies to ensure that they conduct business in a professional and transparent manner.

2.7.2 The code of ethics for loss adjusters includes the following:

- i. A Loss Adjuster must not take or receive any incentive, whether in cash or kind, from any person with whom he is dealing or who may be involved in any matter in which the Loss Adjuster is involved.
- ii. A Loss Adjuster must ensure that he only accepts a mandate where the performance of the mandated function matches his expertise.
- iii. The acquisition of any information by the Loss Adjuster must be in accordance with any privacy and protection of information legislation that may be in force.
- iv. In the Code of Ethics, members strive to constantly improve their own adjusting expertise, knowledge and competence and that of others in the industries that they serve and observe the confidentiality of all information they obtain by way of the services they render to policyholders and principals, unless a legal obligation to disclose such information appropriately exists or should arise. Information obtained as a result of an appointment shall not be used for personal or company gain other than that fully disclosed to and agreed upon by principals and/or their policyholders;

2.8 United Kingdom

2.8.1 Insurance companies that do business in the UK are regulated by the Prudential Regulation Authority (PRA) and the Financial Conduct Authority (FCA). A regulated insurance company must ensure that any supplier they appoint in relation to a claim, such as a loss adjuster, adheres to the rules set out by the FCA.

- 2.8.2 The role of a loss adjuster is to provide support and guidance in the event of an insurance claim. To do this there is a need for expert knowledge and skills, along with a full understanding of the insurance cover and the circumstances of the claim. Loss Adjusters are employed by the insurance company but they are supposed to remain independent. The Loss Adjuster's fee is paid by the insurance company who instructs them. Their fees are paid as part of the insurance claim.
- 2.8.3 Loss Assessors work for the policyholder. They are independent professionals who are employed by the policyholders to protect their interests. By law, a Loss Assessor must be 'Authorised' by the Financial Conduct Authority (FCA). This means they have met the stringent standards required to manage an insurance claim on behalf of a policyholder. This means that when they are appointed by policyholders, the loss adjuster will be directly subject to regulation.
- 2.8.4 There is Chartered Institute of Loss Adjusters, London (CILA) set out the standards of professionalism that are expected of members. Members of the CILA are expected to behave in accordance with the guide to Professional Conduct. The Chartered Institute of Loss Adjusters (CILA) runs an Accreditation for Chartered Status scheme. To register as an Ordinary member with the CILA, one needs to be working for an independent loss adjusting company. People working in insurance claims, other than for independent loss adjusting companies, can apply for Student membership. Before being eligible to sit the CILA Associate exams, the applicant needs to be working in a firm of chartered loss adjusters or in insurance claims and have an approved entry qualification. The CILA guide describes the professional and ethical standards that should be adopted by its members. There is the Institute of Risk Management (IRM), London which offers both the International Certificate and Diploma in Risk Management that are also recognised for the accreditation.
- 2.9 Cambodia:** In Cambodia, Insurance loss adjusters must be licenced by the regulator and there is a minimum capital requirement of KHR20 million at par with Insurance agent.
- 2.10 Malaysia:** The licensing of Loss Adjusters is similar to India in Malaysia. The Adjusters must be registered with Bank Negara Malaysia (BNM) and members of the Association of Malaysian Loss Adjusters. There is a Minimum paid-up capital of RM150,000 and GI/takaful players have to settle claims in a few key GI segments within BNM's regulated timeline, which could take 90 to 180 days.

Chapter 7

Changes required in the Legal Framework and Miscellaneous matters

1. Alignment with provisions of Section 42D of the Insurance Act.

- 1.1. Section 2(f) of the IRDAI Act, 1999 defines the term 'intermediaries' to include Surveyors and Loss assessors. In terms of the Insurance Act 1938, Section 42 D is the applicable provision for registration of surveyors and loss assessors. Further, Section 64UM of the Insurance Act prescribes the qualification and other conditions to act as a surveyor or loss assessors.
- 1.2. As per Section 42 D of the Insurance Act, 1938, a person who desires to act as a Surveyor or Loss Assessor shall be given the 'registration' to act as the same if he/she fulfills the conditions set out by the Regulations, on the payment of fees specified in the Regulations and does not suffer from any of the disqualifications prescribed in Sub-Section 5 of Section 42D. However, IRDAI (Insurance Surveyors and loss Assessors) Regulations 2015 talks about licence and not about registration. The Regulations may be aligned with Section 42D of the Insurance Act as the Act provides for registration for all the intermediaries including Surveyors as recommended by the WG at 1.5 in Chapter 3 of this Report. Sub section 4 of Section 64UM may also require an amendment as it states that..... *from a person who holds a licence issued under this Section to act as a surveyors or loss assessors*
- 1.3. Thus, the Working Group is of the view that renewal of licence should be done away with and only an Annual fee needs to be charged from the surveyors. As long as the Annual Fee is paid, his/her registration would be live unless suspended or cancelled by IRDAI. Any material change which has a bearing on the licence/ registration would need to be informed to the Authority within a given time-frame so that the changes are noted and incorporated in the database.

2. Mandatory membership of IISLA:

- 2.1 Section 64UM of the Insurance Act, 1938 states that

(1) Save as otherwise provided in this section, no person shall act as a surveyor or loss assessor in respect of general insurance business after the expiry of a period of one year from the commencement of the Insurance Laws (Amendment) Act, 2015, unless he—

(a) possesses such academic qualifications as may be specified by the regulations made under this Act; and

(b) is a member of a professional body of surveyors and loss assessors, namely, the Indian Institute of Insurance Surveyors and Loss Assessors:

However, the WG of the view that membership of IISLA has to be automatic once the licence is issued by IRDAI provided the necessary fee is paid to IISLA. The payment modalities should be electronic, facilitating immediate transfer of money. If Membership of IISLA is made automatic on the issuance of licence, there will be no intervention of IISLA when it comes to the procedure for payment of fee.

3. Amendment to MoA of IISLA

3.1. IISLA has to amend the MOA in compliance with the Act and Regulations. Eg; clause 3 of the MOA of IISLA states that only those who hold the valid insurance and loss assessors licence shall be eligible for admission as members of the Institute. Though IISLA has amended their MOA in 2017, it did not carry out the amendment, consistent with the Act/Regulations. This is required to be done by IISLA. It is noted that another committee has been constituted to specifically look into matters concerning IISLA. With respect to matters relating to the functional aspects of IISLA, the recommendations of that Committee may be examined and operational issues that are required to be addressed may be carried out.

4. Penalty for Violation/Non-compliance by Surveyors

The Working Group discussed regarding regulatory violations committed by the surveyors and unanimously was of the view that the penalty imposed under section 102 of Insurance Act 1938 is exorbitant and not in proportion to the violation committed by the surveyors. As the regulator does not have discretion in the quantum of penalty to be imposed, for mere procedural non-compliance also Rupees one lakh per day is imposed to a maximum of rupees one cr. The WG was of the view that it is highly unreasonable to not distinguish between surveyors, especially individual surveyors, and other regulated entities when it comes to penalties. The Working Group unanimously agreed that the penalty for any regulatory violation should be proportionate to the violation committed by the surveyors. Before imposing any penalty, it would be necessary to determine the nature and seriousness of the

violation committed by the person including whether the same is deliberately/intentionally carried out or out of negligence or recklessness. However, in the present statutory frame work this is not possible and discretion in imposing penalty requires an amendment in section 102 of the Insurance Act or a differential penalty clause can be incorporated in the 64 UM for surveyors.

5. Induction of young professionals in the field of survey and loss assessment:

There is a dearth of young professionals in the field of survey and loss assessment. This needs to be rectified by spreading awareness among educational institutions and educating their students regarding the opportunities in this profession. IISLA may be tasked with creating the required awareness.

6. Role of Technology in settlement of claims:

- 6.1. Technology that helps accurate and speedy assessment should be encouraged. However, this does not mean manual interaction with the policy holder should be replaced as it is necessary to build the confidence of the policyholder in the instrument of 'insurance' and often this happens only with appropriate interaction with the policy holder. Technology can be widely used for data compilation, spread of knowledge, peer consultation etc.

7. Catastrophe/Disaster situations

- 7.1 At times of catastrophe/disasters, the industry finds itself in certain difficult situations such as having a shortage of surveyors etc. In order to meet the demands of such situations, the Authority might need to relax certain provisions such as the minimum limits laid down for survey etc. It is suggested that the Regulations have a facilitating provision that empowers the competent authority in IRDAI to carry out necessary modifications for the specific event in question.

8. Recommendations

- 8.1 **“Surveyors and Loss Assessors” may be removed from the definition of intermediaries” under section 2(f) of the IRDAI Act and may be defined as a separate regulated entity.**

- 8.2 **Section 64UM may be amended to include**

- 8.2.1 registration qualification and other eligibility criteria for the registration, disqualification, etc of the surveyors**
- 8.2.2 A SLA should continue to be registered as long as he/she pays the Annual Fee, unless the SLA registration is suspended or cancelled.**
- 8.2.3 Penalty for non-compliance of the provision of the insurance act, may be prescribed in section 64UM separately using the ‘principle of proportionality’.**
- 8.3 Membership of IISLA should be automatic once the licence is issued by IRDAI provided the necessary fee is paid to IISLA. The payment modalities should be electronic, facilitating immediate transfer of money. Membership of IISLA being automatic on the issuance of licence, there will be no intervention of IISLA when it comes to the procedure for payment of fee.**
- 8.4 IISLA may be mandated to amend their MOA and AOA consistent with Act and Regulations.**
- 8.5 There is a dearth of young professionals in the field of survey and loss assessment. This needs to be rectified by IISLA may take necessary steps to spread awareness among educational institutions and educating their students regarding the opportunities in the profession of survey and loss assessment in order to facilitate the entry of young professionals.**
- 8.6 A facilitating provision may be added in the Surveyor and Loss Assessor Regulations which empowers the competent authority in IRDAI to carry out necessary modifications to the Regulations at times of catastrophe/disaster events, where situations such as having a shortage of surveyors, etc.may arise.**

Chapter 8

Summary of Recommendations

1. Classification of Surveyors

Short Term Recommendations

The WG is of the view that the regulations shall not stipulate categorization of surveyors. Those appointing the surveyors can take a call regarding the suitability of a surveyor for a particular job. In other words, there should be no categorization of surveyors as Licentiate, Associate or Fellow.

However, while there is no need to have categorization for surveyors, for the purpose of assigning survey and loss assessment jobs there is a need to classify surveyors in the following manner:

- (1). Individual Surveyors
- (2). Corporate Surveyors
- (3). Employee Surveyors, and
- (4). Students.

As far as Individual Surveyors and Corporate surveyors are concerned, there already an understanding/definition provided for in the current framework.

The WG recommends that an Employee Surveyor may be defined to mean an individual who is an employee of an insurance company and holding a valid licence to act as surveyor.

Further the WG recommends that a 'Student' shall mean an individual who is a final year student of 'recognized professional qualification who is eligible to appear for the examination for the purpose of obtaining a SLA licence.

2. Training/Examination

Short Term Recommendations

The requirement of practical training may be done away with as it does not seem to serve the purpose that was envisaged. It is recommended that instead of training requirements, examination of high quality based on relevant syllabus with proper

testing that has a quantitative and practical orientation that will ensure that surveyors have the required wherewithal to carry out survey and loss assessment.

The Working Group has proposed a two-level examination system that will have the following components:

Level 1: A mandatory general paper that tests knowledge of the principles and practices of General Insurance.

Level 2: This will be the subject paper and would be offered for each of the subjects listed in para 4.6.1 (ii) of Chapter 2. Passing this level will enable the surveyor to carry out survey and loss assessment in that segment.

A candidate can appear for any or all of the segments provided that he/she is eligible to take any or all of the exams in the various segments and the qualification criterion is fulfilled.

The WG members felt that there were not many takers for the profession of survey and loss assessment. In this regard, it was suggested that final year students of recognized qualifications should be allowed to take the Surveyor and Loss Assessor exams. Such individuals would fall under the classification of 'Students'.

3. Qualification criteria

Short Term Recommendations

The WG makes the following recommendation relating to qualification:

- Only full-time courses would be recognized.

The following qualifications are recommended to be added to the existing criteria

- The WG recommends recognizing diploma of three years for fire and marine cargo departments
- The WG recommends that in respect of crop insurance, the recognized qualifications may be expanded to include graduation with at least one subject being agricultural science from a recognized university. However, Govt. schemes may be exempted from this. They shall follow the provisions as notified by the Govt.
- For LOP, B.Tech/B.E may also be recognized.

- Aviation may be identified as a separate department and qualifications as recommended in the table at 4.6.1 (ii) of Chapter 2 may be recognized.
- Cyber risks may be identified separately for which the recognized qualification would be B.Tech Computer Science/B.Tech IT with experience in IT Forensic science.

The syllabi for Level 1 and Level 2 may be prepared by the Institute/s recognized for the purpose and the approval of IRDAI obtained.

Post-licence training may be given by IISLA with different modules of training being offered for various departments. This is towards upgradation of knowledge and skills and is not a pre-requisite. The feasibility of offering Online Training through E-learning Mode could also be looked into by IISLA.

4. Licensing/Registration of Surveyors

Long Term Recommendation

Licensing system may be replaced by Registration with a provision of payment of annual fee. Registration does not involve 'renewal' and therefore issuance of fresh certificates does not arise. The initial certificate issued on registration will hold good unless it is suspended or cancelled for any reason. The Registration will remain valid as long as the registration fee is paid regularly. To enable registration, an amendment would be required to Section 64 UM of the Insurance Act, 1938.

5. Application forms

Short Term Recommendation

References to training period and categorization may be removed from the application forms as per the recommendations at 1.6.1 and 3.1 in Chapter 2 of this report. Also, application forms for fresh registration and renewal of surveyors may separately capture data pertaining to the class of employee surveyors.

6. IISLA Membership

Short Term Recommendation

The WG recommends that the MOA/AOA of IISLA needs to be harmonized with the Regulations. It further recommends that membership of IISLA would be automatic once the licence is issued by IRDAI provided the necessary fee is paid to IISLA. The

payment modalities should be electronic, facilitating immediate transfer of money. Membership of IISLA being automatic on the issuance of licence, there will be no intervention of IISLA when it comes to the procedure for payment of fee.

7. Duties and Responsibilities of Surveyors

Short Term Recommendation

The WG discussed the scope for modifications and felt that the following additional aspects should find a mention in the Duties and Responsibilities of Surveyors:

- Wherever the possibility of recoveries from third parties is observed, to immediately notify insurance companies to commence recovery efforts.
- ensure no survey report is shared with third parties without written permission of insurance company.
- make full and prompt disclosure to the insurance company of all policy violations, any evidence of fraud, misrepresentation, non-disclosure, falsification of facts or records, attempts to improperly influence claim process.
- in case of corporate surveyors, directors/partners must exercise reasonable and prudent oversight on all actions of surveyors employed by the firm.
- Surveyors must examine, enquire into, verify, check and investigate upon the causes and circumstances of the loss in question including extent of loss, nature of ownership and insurable interest and genuineness of the claim, supported by appropriate documents [Motor theft claims shall be exempt from investigation/assessment/survey work by surveyors].
- It was pointed out that Regulation 13 (1) (I) of the IRDAI (Insurance Surveyors and Loss Assessors) Regulations 2015 mentions “*pointing out discrepancy, if any, in the policy wordings*” as a duty and responsibility of a surveyor. This was seen not to be a matter which a surveyor needed to be concerned with and hence it was suggested that this may be removed from the Regulations. The WG proposed that Regulation 13(1)(I) which mandates the surveyor to point out discrepancy, if any, in the policy wording, may be removed, as it places the surveyor in the predicament of having to offer a judgmental perspective on the policy wordings. It could also be misused where surveyors could be pressurized into giving a particular view or opinion. Further, the WG observed that the onus of

resolving any issues related to the interpretation of the policy terms and conditions should lie on the insurer. Hence, removal of the aforesaid regulation is necessary.

- With regard to i) j) and k) under 1.1 above, the same may be deleted and replaced by a single clause to read as follows “comment on the admissibility of the claim and determine the liability of the insurer as per the policy terms and conditions.”

8. **Time-lines for submission of survey report**

Short Term Recommendations

The WG discussed the timelines currently set out and makes the following recommendations:

- Within 7 working days of the claim intimation, inform insurer/claimant of the essential documents and other requirements that the claimant should submit in support of the claim. Where documents are available in public domain or with a public authority, the surveyor shall obtain them.
- Start the survey immediately unless there is a contingency that delays immediate survey, in any case within 48 hours of his appointment.
- Submit Interim report of the physical details of the loss within 15 days from the date of first visit.
- Submit final survey report to the insurer within 30 working days from date of submission of last relevant and necessary document by the insured.
- Where special circumstances exist in respect of a claim, either due to its special / complicated nature, or due to difficulties associated with replacement/reinstatement, the surveyor shall seek an extension from the insurer for submission of his report.
- WG discussed whether the 30-day timeline for submission of survey report was practical in the case of high value property claims or specialized segments like marine claims. It was mentioned that certain policies allow a 12-month period to commence reinstatement of damaged property which in itself is incompatible with the 30-day timeline for surveyors. It was pointed out that this aspect had been

taken care of in the latest regulations on policyholder protection enunciated by IRDAI. The provisions in the surveyors' regulations need to be aligned to those.

9. **Code of Conduct for surveyors**

Short Term Recommendations

- 1 (19) in Chapter 4 shall be modified as “In case the surveyor is an employee of an insurer, the surveyor shall only survey and assess the loss and not involve himself in settlement of claim where he/she assessed the loss. There has to be a clear demarcation of authority for assessment of loss and settlement of claim.”

Also, the following additions are being recommended as far as Code of Conduct for surveyors is concerned:

- The surveyor shall not obtain any direct or indirect interests other than the fee agreed upon for loss assessment.
- It would be the joint responsibility of the surveyor/insurer to communicate to the insured the requirements of the claim.
- Corporate Surveyors (directors/partners) must exercise reasonable and prudent oversight on all actions of surveyors employed by the company/firm.
- Onus to be on insurer to conduct enquiry in case of violation of Code of Conduct by the employee surveyor.
- Only a surveyor duly licensed shall conduct survey work- both interim and final assessment.
- In case of employee surveyors, the insurer must exercise reasonable and prudent oversight on all actions of surveyors employed by the firm.
- An employee surveyor shall carry out the task of survey and loss assessment in an unbiased manner. The onus of ensuring that the interests of policyholders are not jeopardized through any conflict of interest situation would lie jointly on the employee surveyor and insurer.
- Apart from the above additions, the WG recommends deleting 1 (4), 1 (6), 1 (10) and 1 (20) above as they are redundant.

10. **Obligations of Insurers**

Short Term Recommendations

The WG is of the view that certain obligations of the Insurers need to be set out clearly in the Regulations. In this regard, it makes the following recommendations:

- Each insurer must file with the Authority a Board approved policy with regard to appointment, utilization and management of different c of surveyors (employee/individual/corporate), timeframes for payment of survey fee payable for both individual and corporate surveyors. The time-frame for payment of survey shall be reasonable.
- Each insurer shall monitor the performance of surveyors, including compliance with the code of conduct and the duties and responsibilities laid down in the regulations. It shall be the responsibility of the insurer to enquire into case of violation of code of conduct brought to its notice, conduct the necessary enquiry and investigation and report cases of wherever violation is established to the Authority.
- Each insurer shall file returns/reports regarding appointment, utilization and management of surveyors, time-frames for payment of survey fee applicable for both individual and corporate surveyors, as and when required by the Authority.
- Each insurer shall maintain the details of surveyors appointed by the insurers and such records shall be maintained for a period of at least three years.

11. **Returns and Reports**

Short Term Recommendations

The insurers should be required to maintain certain minimum information relating to utilization of surveyors. The WG was of the view that at the minimum, the following should be maintained and carried out by insurers and surveyors respectively:

Insurers:

- Details of utilization of surveyors including the departments they have been used for, along with the estimated claim amount on the basis of which a surveyor has been appointed.
- Details of timelines of submission of reports by surveyors.

- Details of complaints, if any, against surveyors and details of disposal of the same.
- Details of action against surveyors, if any.
- Details of survey fee pending beyond the due date (in line with the time-line laid down in the Board approved policy relating to payment of survey fee).
- Details of monitoring the performance of surveyors in terms of quality etc.
- The details given above need to be maintained separately for Individual Surveyors, Corporate Surveyors and Employee Surveyors and shall be maintained for a minimum of five years unless there is litigation involved in which case it shall be maintained as long as required.
- The data capture as well as generation of reports, queries as may be required shall be automated to ensure speed and transparency in submission for onsite and/or off-site examination whenever called for by IRDAI.
- Any other relevant aspect, as may be prescribed by IRDAI from time to time.

Surveyors:

- Insurer-wise and department-wise details of survey work carried out.
- Details of time-lines followed for submission of report.
- Details of complaints, if any, received from policyholders directly as well as through insurers.
- Details of survey fee bills pending with insurers, insurer-wise.
- Details of communications from insurers, if any, on the quality of work carried out by surveyors.
- Details of action, if any, taken against surveyors by insurers.
- The above information shall be maintained for a minimum of 5 years unless litigation is involved in which case it shall be maintained as long as required.

12. **Aspects related to surveyors software**

Short Term Recommendations

Software of both IRDAI and IISLA need to not only be improved but also designed to talk to each other seamlessly as required. It is noted that a separate committee was formed to look into IT related issues concerning surveyors. In this regard, it is recommended that the improvements required in the software for surveyor licensing be carried out expeditiously, bearing in mind the aspects pointed out at 2.1 to 2.5 in Chapter 5.

13. **Changes required in the framework**

Long Term Recommendations

- “Surveyors and Loss Assessors” may be removed from the definition of intermediaries under section 2(f) of the IRDAI Act and may be defined as a separate regulated entity.
- Section 64UM may be amended to include
 - ✓ registration qualification and other eligibility criteria for the registration, disqualification, etc of the surveyors
 - ✓ A SLA should continue to be registered as long as he/she pays the Annual Fee, unless the SLA registration is suspended or cancelled.
 - ✓ Penalty for non-compliance of the provision of the insurance act, may be prescribed in section 64UM separately using the ‘principle of proportionality’.

Short Term Recommendations

- Membership of IISLA should be automatic once the licence is issued by IRDAI provided the necessary fee is paid to IISLA. The payment modalities should be electronic, facilitating immediate transfer of money. Membership of IISLA being automatic on the issuance of licence, there will be no intervention of IISLA when it comes to the procedure for payment of fee.
- IISLA may be mandated to amend their MOA and AOA consistent with Act and Regulations.

- There is a dearth of young professionals in the field of survey and loss assessment. This needs to be rectified by IISLA may take necessary steps to spread awareness among educational institutions and educating their students regarding the opportunities in the profession of survey and loss assessment in order to facilitate the entry of young professionals.
- A facilitating provision may be added in the Surveyor and Loss Assessor Regulations which empowers the competent authority in IRDAI to carry out necessary modifications to the Regulations at times of catastrophe/disaster events, where situations such as having a shortage of surveyors, etc. may arise.

IRDAI Order dated 09/08/2018 constituting the Working Group for Revisiting the Surveyor Regulations



Re: IRDAI/SURV/ORD/MISC/J-1/08/2018

09th August, 2018

ORDER

Re: Constitution of Working Group for revisiting the Surveyor Regulations

This has reference to the seminar conducted by the Authority for Corporate Surveyors on 27.03.2018 and the meeting had with Hon'ble Chairman on 28.05.2018. During the aforesaid discussions, various issues pertaining to licensing, renewal and IIISLA Membership, in the context of the existing regulatory framework for Surveyors and Loss Assessors have been raised and deliberated.

In view of the above, a working group is, hereby, constituted to revisit the existing IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015 and subsequent IRDAI (Insurance Surveyors and Loss Assessors) (first amendment) Regulations 2017 for improvement or amendment, if any required, in order to ensure alignment and clarity of the regulatory framework in relevance with the dynamics of the profession of Surveying and Loss Assessment vis-à-vis the Indian insurance sector. The working group will be comprising of the following members:

1. Smt.Yagna Priya Bharat-CGM-Nonlife Dept-Chairman,
2. Smt.A.Sageena, AGM-Legal Dept,
3. Shri.Sunil Singh-Chief Manager, M/s.New India Assurance Company Limited (HO),
4. Shri.Sanjay Saxena – Vertical Head, Motor Claims (OD & TP), Bajaj Allianz,
5. Shri.Vikram Johar, Corporate Surveyor,
6. Shri. Tanmoy Sarker-IIISLA,
7. Smt. Nimisha Srivastava, DGM, Member-convenor.

The Working group may invite any other persons to the meeting(s) as special invitees as may be required.

The terms of reference for the proposed Working Group shall be: -

- i. Holistic Analysis of the existing regulatory framework in view of the requirements of the industry.
- ii. Studying the MoA & AoA of IIISLA and make recommendations to bring about alignment with the Surveyor Regulations.
- iii. Addressing the IIISLA membership related issues.
- iv. Making recommendations in order to bring in more clarity vis-à-vis the areas of ambiguity in the Surveyor regulations.

It is advised that the working group may hold meetings as and when needed and submit a report with recommendations within Six weeks from the date of this Order



Sujay Banarji
Member (Distribution)

Addendum Order dated 28/08/2018




Ref: IRDA/SURV/MISC/ADD/8/2018

28th August, 2018

Addendum

Further to the Office Order No. IRDAI/SURV/SURV/ORD/MISC/121/08/2018 dated 9th August 2018 in respect of constitution of working group for revisiting the Surveyor Regulations, it has been decided by the competent authority to include Smt. KGPL Ramadevi, GM, IRDAI as member-convener in the committee.

Smt. Nimisha Srivastava who was nominated as member-convener of the committee in the aforementioned order shall remain a member of the committee. The term of the committee is hereby revised to be seven weeks from the date of this addendum.



Sujay Banarji
Member(Distribution)

List of References

The Insurance Act, 1938

The IRDA Act, 1999

The Insurance Laws (Amendment) Act, 2015

IRDAI (Insurance Surveyors and Loss Assessors) Regulations, 2015

IRDAI (Protection of Policy Holders' Interests) Regulations, 2017

Reports

- Malhotra Committee Report, 1994
- Bhandari Committee Report, 2002
- K P Narasimhan Committee Report, 2005

Websites

- www.iaisweb.org/
- www.aicla.org/
- www.anziif.com/
- www.codeofpractice.com.au
- <http://www.osfi-bsif.gc.ca>
- www.insurancecouncilofbc.com
- www.circ.gov.cn
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- <https://www.fca.org.uk/>
- www.nortonrosefulbright.com

Report of the Working Group for Revisiting the Surveyor Regulations

Name (Smt/Shri)	Designation	Signature
Alamelu T. Lakshmanachari (Permanent Invitee)	CMD – AICL	<i>[Signature]</i> 8/1/19
Yegnepriya Bharath,	CGM - Non Life, IRDAI - Chairman	<i>[Signature]</i> 8/1/19
KGPL Ramadevi,	GM, IRDAI –Member Convenor	<i>[Signature]</i>
Vikram Johar,	Corporate Surveyor, Member	<i>[Signature]</i> 28/Jan/2019
Nimisha Srivastava,	DGM, IRDAI, Member	<i>[Signature]</i> 2/1/19
Sageena A	AGM, IRDAI, Member	<i>[Signature]</i> 2/1/19
Sunil Singh,	Chief Manager, M/s New India Assurance Co. Ltd. (HO), Member	<i>[Signature]</i> 2/1/2019
Tanmoy Sarkar,	Secretary – IIISLA, Member	<i>[Signature]</i>
Sanjay Saxena,	Vertical Head, Motor Claims (OD & TP), M/s Bajaj Allianz General Insurance Co. Ltd., Member	<i>[Signature]</i> 18/1/19