

Duties and Responsibilities of a Surveyor and Loss Assessor

Reference: F. No. IRDAI/REG/18/108/2015, CHAPTER IV, and (Amendment) Regulations, 2020 F. No. IRDAI/Reg/4/170/2020.

Insurance Regulatory and Development Authority of India (Insurance Surveyors and Loss Assessors) Regulations, 2015 and Amendment, 2020

It shall be the duty of every Licensed Surveyor and Loss Assessor to investigate, manage, quantify, validate and deal with losses (whether insured or not) arising from any contingency, and report thereon to the insurer or insured, as the case may be., All Licensed Surveyors and Loss Assessors shall carry out the said work with competence, objectivity and professional integrity and strictly adhere to the code of conduct as stipulated in these Regulations.

(1) The following, shall, inter alia, be the duties and responsibilities of a Surveyor and Loss Assessor:-

- (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 Subsection (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 license, within a period not exceeding fifteen days from the date of occurrence of such change, that has a bearing on the license granted by the Authority
- (c) maintaining confidentiality and neutrality without jeopardising 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 minimisation, loss control, security and safety measures, wherever appropriate, to avoid further losses;
- (i) commenting on the admissibility of the claim and assessing the liability of the insurer as per the policy terms and conditions. (change as per amendment in regulation dated 24th November 2020)
- (j) surveying and assessing the loss on behalf of insurer or insured;
- (k) omitted as per Amendment in regulation Dated 24th November 2020
- (l) omitted as per Amendment in regulation Dated 24th November 2020
- (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.
 - (r) any licensed surveyor and loss assessor appointed as director / partner of a company / firm seeking application for grant of corporate surveyor licence, shall undertake survey jobs and issue survey reports only in the capacity of director / partner of the applicant company / firm.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

Reference: Ministry of Corporate Affairs Notification, New Delhi, the 31 March, 2014 G.S.R 238 (E)

“Relative”, with reference to any person, means anyone who is related to another, if—

- (i) they are members of a Hindu Undivided Family;
- (ii) they are husband and wife; or
- (iii) one person is related to the other in such manner as may be prescribed;

Rule 4 of the Companies (Specification of definitions details) Rules, 2014 reads as follows

List of relatives in terms of clause (77) of section 2.- A person shall be deemed to be the relative of another, if he or she is related to another in the following manner, namely:-

- (1) Father:
Provided that the term “Father” includes step-father.
- (2) Mother:
Provided that the term “Mother” includes step-mother.
- (3) Son:
Provided that the term “Son” includes step-son.
- (4) Son's Wife.
- (5) Daughter.
- (6) Daughter's husband.
- (7) Brother:
Provided that the term “Brother” includes step-brother.
- (8) Sister:
Provided that the term “Sister” includes step-sister.