GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF FINANCIAL SERVICES

RAJYA SABHA
UNSTARRED QUESTION No. 1827
ANSWERED ON TUESDAY, 4 AUGUST, 2026/ 13 SHRAVANA, 1948 (SAKA)

IRDAI REGULATIONS AND THE STATUTORY ROLE OF IIISLA

1827 SHRI SANJAY SINGH:

Will the Minister of Finance be pleased to state:

(a) whether IRDAI is empowered under any specific provision of Insurance Act, 1938/IRDA Act, 1999 wherein IRDAI claims power to dispense with/deem compliance with membership requirement mandated directly by Parliament under Section 64UM(1)(b) of the Insurance Act, 1938; and

(b) whether Government/IRDAI is aware that Section 114A(2)(x) and (xa) of Insurance Act, 1938 confine IRDAI's regulation-making power, in so far as Surveyors and Loss Assessors are concerned, to academic qualifications, code of conduct, and period for which a person may act as a Surveyor or Loss Assessor, and whether the proposed Regulation 15(4) falls within this delegated power?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI PANKAJ CHAUDHARY)

(a) and (b): Insurance Regulatory and Development Authority of India (IRDAI) is a statutory body constituted under the provisions of Insurance Regulatory and Development Authority Act, 1999 (IRDA Act), to protect the interests of holders of insurance policies, promoting efficiency in the conduct of insurance business and to regulate, promote and ensure orderly growth of the insurance industry. Hence, IRDAI is empowered to frame regulations under Section 14 and Section 26 of IRDA Act and Section 114A of Insurance Act,1938, consistent with the provisions of the said Acts, to carry out the purposes thereof.

Section 14(2)(f) empowers IRDAI for promoting and regulating professional organisations connected with the insurance and re-insurance business signifying that the regulations framed in exercise of powers provided under the Insurance Act and/or IRDA Act shall be binding on any Institute or Organisation promoted and regulated by the IRDAI. Insurance Regulatory and Development Authority of India (Insurance Surveyors and Loss Assessors) Regulations, 2015 have been issued inter alia in exercise of powers under Section 14 and Section 26 of IRDA Act and Section 114A of Insurance Act,1938. Regulation 15 is regarding membership of IIISLA which inter alia stipulates that if Institute declines membership to the Surveyor and Loss, the person can appeal to the Authority who shall consider the application and communicate its decision thereon to the person and Institute. Regulation 15(4) states that if the Institute does not comply with the decision of the Authority, the Authority may issue the license to the applicant on merits of the case without the accompanying membership of the Institute, and such decision would be binding on the Institute. As per the Gazette notification dated

30.07.2026 by IRDAI, which has come into force on the date of publication, no amendment has been made by the Authority post public consultation, to the existing provisions of Regulation 15(4) of the aforesaid regulations.

Under the provisions of Section 114(3) of insurance Act,1938 every regulation notified by IRDAI in the Gazette of India are subject to modification/ annulment by the Parliament. Accordingly, each regulation is required to be laid immediately after it is notified, before the Table of both the Houses of Parliament, and the regulations made are subject to review/ modification/ annulment by the House.

*****