

Item No.

Insurance Regulatory and Development Authority of India Staff (Officers and other Employees) Regulations, 2016

The Authority in its 83rd meeting approved the proposal for undertaking an exercise for replacement of IRDA (Conditions of service of Officers and other Employees) Regulations, 2000. In pursuance thereof, the proposal of the IRDAI Staff (Officers and other Employees) Regulations, 2016 was submitted to the IAC in its 30th meeting held on 8.2.2016 and Authority in its 92nd meeting held on 11th March, 2016.

2. Discussion on draft Regulations and suggestions by members of IAC and Authority and action taken thereon are as under:

(a) The queries raised in the 29th Meeting of the Insurance Advisory Committee held on 8-02-2016 and the action taken thereon are as under:

Sl. No	Query raised by	Query	Action taken
1	Shri Alok Tandon, JS, DFS, MoF	1. Zone of consideration for promotion could be considered for alignment with similar provisions in Government.	Unlike the promotions in the Government, the promotions in IRDAI are based on written test and interview upto first five levels grades and interview starting from Assistant, for the remaining senior grades as per weightage approved by the Authority for Written Test, Interview, Seniority, ACR, Qualifications (and leave record now being proposed). The zone of consideration at 1:3 for selections up to DD level based on written test + interview and at 1:2 for selections for posts JD and above based only on interview. In view of the above, the zone of consideration as per GOI may not be strictly be applied for IRDAI.
		2. Discretions provided in	2. Discretionary powers have

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		some matters could be reviewed	<p>been examined afresh and some modifications deemed appropriate were incorporated in the draft regulations and the following deleted.</p> <p>Reg. 3 z(iv) – Pay – Chairperson to declare any allowance as pay.</p> <p>Reg. 17 (1) – Pay and allowances.</p> <p>Para 10 (ii) Schedule VI – Power to override the interview committee recommendations</p> <p>Para 12 Schedule VI – Relaxation of provisions</p>
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(b) The queries raised in the 92nd meeting of the Authority held on 11-03-2016 and action thereon are as under:

Sl. No	Query raised by	Query	Action taken
1	Shri M. Devraja Reddy, Part Time Member	At least one month's time be give to study the draft Regulations	Time given. However, it may be mentioned that the agenda is required to be circulated before seven days.
2	Shri Alok Tandon, JS, DFS, MoF	<p>1. Some more time could be provided</p> <p>2. Changes made after IAC meeting might be supplied</p>	<p>--Do--</p> <p>Summary of draft Regulations with changes made are enclosed.</p>
3	Shri D.D. Singh, Member (Dist.)	1. The posts should not be created retrospectively and also appointments should not be made in anticipation of creation of posts.	There was no provision in the Regulations to create posts or promotions with retrospective effect. Further, it is also provided in the Reg. that all recruitments/promotions shall be within the sanctioned strength.

		2. Promotions should not be effective from a retrospective date.	There is no provision in the Reg. to effect promotions from a retrospective date.
		3. The service rules should be commenced and enforced from the date of their publication.	Reg. 1 provides for date of effect of the regulations from the date of their publication in the Official gazette. Sr. Counsel also opined that the Authority has " <u>Independent</u> " power to frame staff regulations under Section 26 of IRDA Act read with Sec 12 (1) and (2) of the Act but it should be given effect from the date of publication.
		4. The draft Regulations provide for repeal of the IRDA (Conditions of Service of Officers) Regulations, 2000 as also the Executive Rules for Staffing the IRDA 2009 with their respective amendments and also validate the actions taken under the aforesaid Regulations/Rules, --- the matter should be examined by a Legal expert to ensure that provisions dealing with (a) creation of posts (b) commencement of service rules and (c) promotions and all general rules relating to HR matters were in compliance with draft regulations	(a) The draft Regulation 2(3) is modified and the words "Recruitment rules, 2005 and Executive rules for staffing IRDA, 2009" stand deleted. (b) Yes. Legal opinion from Sr. Counsel obtained. (copy enclosed).
4	Shri SB Mathur, Part-time Member	Legal vetting of contentious provisions may be done	Yes. Legal opinion from Sr. Counsel obtained. (copy enclosed).

3. On the basis of suggestions of Members in the meeting of the Authority in its 92nd meeting held on 11th March, 2016, DFS observations and legal opinion from the Sr. Advocate, a comprehensive review of the entire regulations has been carried out by the Department.

4 (a) The list of modifications/additions made in the draft Regulations is placed as **Annexure A** with this agenda note.

(b) The revised draft of the IRDAI Staff (Officers and other Employees) Regulations, 2016 is placed as **Annexure B**.

The Authority is requested to consider the agenda.

