

Item No. 29**Exposure Draft on IRDAI Staff (officers and Other Employees) (First Amendment) Regulations, 2022**

1. An in-principle approval was obtained from the Authority in its 105th Meeting held on 21st June, 2019 to revise some of the provisions of the IRDAI Staff (Officers and Other Employees) Regulations, 2016.
2. The exposure draft of IRDAI Staff (Officers and Other Employees) (First Amendment) Regulations, 2020 was uploaded on intranet on 23.10.2020 and comments were received from the staff. Discussion were also held in HoD meetings on the proposed changes.
3. The internal comments received have been assessed and suitable modifications have been carried out in the exposure draft.
4. The exposure draft is attached as Annexure- A for the approval of the Authority for placing it in public domain for seeking public comments.

Placed for approval of the Authority.

INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA

NOTIFICATION

Hyderabad, the, 2022

**DRAFT INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA
STAFF (OFFICERS AND OTHER EMPLOYEES) (FIRST AMENDMENT)
REGULATIONS, 2022**

F.No. IRDAI/Reg/..... - In exercise of the powers conferred by clause (c) of sub-section (2) of Section 26 read with Section 12 (2) of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Authority hereby makes the following Regulations, namely:

1. Short title and Commencement of the Regulations:

(a) These Regulations may be called the Insurance Regulatory and Development Authority of India Staff (Officers and other Employees) (First Amendment) Regulations, 2022.

(b) They shall come into force on the date of publication in Official Gazette.

2. In the Insurance Regulatory and Development Authority of India Staff (Officers and other Employees) Regulations, 2016:

(A) In Regulation 2 (1), the word “employee” shall be substituted with the word “staff”.

(B) Regulation 3 (1) shall be substituted with the following:

“(e) “Appointment” means appointment to any of the posts of a grade within the sanctioned strength by means of

i. Direct recruitment (or)

ii. On promotion”

(C) In Regulation 3 (1) (f), the words “the Authority specified in Schedule X of these Regulations” shall be substituted with the words “the Competent Authority specified in Schedule X of these Regulations”.

(D) Regulation 3 (1) (m) (i) shall be substituted with the following:

“(i) period served as a probationer which shall be counted as service for the purpose of definition of service as defined in 3 (1) (nn).

(E) Regulation 3 (1) (p) (ii) shall be substituted with the following:

“(ii) Two surviving children including legally adopted children or step-children subject to the following conditions:

- a) Unmarried son - Till he starts earning, or attains the age of 25 years, whichever is earlier.
- b) Son / unmarried daughter suffering from permanent disability of any kind (physical or mental) and not earning – no age limit.
- c) Daughter - Till she starts earning, or gets married whichever is earlier, irrespective of age limit. Married daughters, who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the employee and are wholly dependent on the employee.
- d) Parents and/or step parents residing with or without and wholly dependent on employee
- e) The restriction to only two surviving children or step children shall not be applicable in respect of (i) those employees who already have more than two children prior to the coming into force of this restriction on 20.10.1998; (ii) where the number of children exceeds two as a result of second child birth resulting in multiple births.”

(F) Regulation 3 (1) (ii) shall be substituted with the following:

“(ii) “Sanctioned strength” Sanctioned strength, in relation to any grade is the number of posts in that Grade against which regular appointments are made by means of Direct Recruitment and Promotion. The Authority shall grant approval for sanction of posts at the level of Executive Director while the Chairman shall be the Competent Authority for sanction of posts up to Chief General Manager (Grade F). The sanctioned strength shall be determined from time to time on the basis of

assessment of workload and expansion needs of each department and/or the Organization as a whole. ”

(G) Regulation 3 (1) (nn) shall be substituted with the following:

“(nn) Service” includes the period during which an employee is on probation, duty as well as on leave duly authorized by the Competent Authority, but does not include any period during which an employee is absent from duty without permission or overstays his leave, unless specifically permitted or condoned by the Competent Authority;

(H) Regulation 4 (1) shall be substituted with the following:

“The employees of the Authority shall be classified as following:-

Category I- Officer

Category II- Assistant, Record keeper or such other posts as determined by the Competent Authority”

(Note:

- (i) wherever the words Class/Class I Officers/ Class III and IV employees appeared in the regulations, they shall be appropriately substituted with the words Category I/ Category II employees, as defined above.
- (ii) the post of Senior Assistant is a supernumerary post which shall be abolished once the present Sr. Assistant exits the grade.
- (iii) the promotion grade for the grade of Assistant/Sr. Assistant is Assistant Manager grade.

(I) In Regulation 5 (1) the words “discharge of its duties” shall be substituted with the words “functioning of the Authority”.

(J) Regulation 5 (2) shall be substituted with the following:

“(2) The eligibility criteria including age limit, education and other qualifications, experience, method of recruitment, composition of

interview/screening committee, method and criteria for selection for recruitment to each grade, syllabus and marks for examination, and period of probation, shall be such as determined by the Competent Authority from time to time.”

(K) Regulation 5 (5) (a) shall be substituted with the following:

“(a) Sanctioned strength, in relation to any grade is the number of posts in that Grade, against which regular appointments are made by means of Direct Recruitment and Promotion. The Authority shall grant approval for sanction of posts at the level of Executive Director while the Chairman shall be the Competent Authority for sanction of posts up to Chief General Manager (Grade F). The sanctioned strength shall be determined from time to time on the basis of assessment of workload and expansion needs of each department and/or the Organization as a whole.”

(L) In Regulation 5 (5) (b) shall be substituted with the following:

“(b) Depending on office exigencies and necessities, there shall be an inward deputation reserve of not more than 20% of the sanctioned strength, an outward deputation reserve of not more than 15% of the sanctioned strength and a leave reserve of 5% of the sanctioned strength.”

(M) Regulation 5 (5) (c) shall be substituted with the following:

“The need to ensure availability of skilled, competent, independent and experienced persons like actuaries, accountants, auditors, legal, IT and other skilled professional which complies with transparent technical and ethical standards set and enforced by official or professional bodies in line with international standards subject to appropriate control mechanism, shall be addressed by the Authority while decide the staff strength.”

(N) Regulation 5 (6) (a) shall be substituted with the following:

“(a) Qualifications and experience for direct recruitment: The qualifications and experience required for recruiting employees to different grades are described

in Schedule IV – Qualifications, experience and age limit required for recruitment to various posts - direct recruitment.”

(O) Regulation 5 (6) (b) shall be deleted.

(P) Regulation 5 (8) shall be substituted with the following:

“(8) Reservations: The Authority provides that Government of India orders on reservation of different categories like SC, ST, OBC, persons with disabilities, ex- servicemen, Economically Weaker Sections (EWS) and other categories as declared by Govt. of India from time to time, in direct recruitment and reservation and rule of relaxations in promotions shall be complied as applicable while undertaking such recruitments:

Provided, reservations shall be as applicable to the direct recruitment by open competition on an All India basis or otherwise than by open competition.

Explanation 1: Nothing in these regulations shall affect reservations, relaxation and other concessions required to be provided as per Government of India orders for Scheduled Castes, Scheduled Tribes, OBCs and any other category as declared by Government of India from time to time.

Explanation 2: The extant orders of Govt. of India on reservations to different categories in promotions shall be complied under each category, as applicable, while undertaking such promotions.”

(Q) After Regulation 5 (9), the following new regulation shall be inserted, namely: -

“5 (10) Technical resignation: The resignation shall be treated as a technical resignation where an employee of IRDAI has applied through proper channel and is appointed by means of Direct Recruitment for a post in the higher grade in IRDAI and would be required to resign from the previous grade for administrative reasons. In such cases, the benefits of past service that shall be available to the employee shall be governed by the extant instructions issued by the Competent Authority from time to time.”

(R) Regulation 6 shall be substituted with the following:

“6. Employment of Advisors/Consultants on contractual basis

(1) Notwithstanding anything contained in these Regulations, the Chairperson may, for meeting exigencies of work, appoint person/s on contract basis for a period of one-year renewable on yearly basis based on performance evaluation; however, the total period shall not exceed three years.

(2) The terms and conditions of service of employees on contractual basis shall be decided by the Chairperson but in no case shall such terms and conditions be more favourable than those laid down in these Regulations for an appointment carrying equivalent status or responsibility or contrary to general principles followed by PSU Insurers/Financial Regulators/Government in this regard. The provisions of notice period for discontinuance of service with regard to employment on contractual basis, appointment of advisors/consultants will be governed by the terms and conditions of such appointments.”

(S) Regulation 9 (2) shall be substituted with the following:

“(2) The Competent Authority may extend probation of any employee for reasons to be recorded in writing and the same shall be communicated to the employee.”

(T) Regulation 9 (4) shall be substituted with the following:

“(4) Completion of probation for confirmation in the recruited grade cannot be automatic and depends on performance evaluation of the job during probation. If on evaluation, it is found that an employee is not suitable for the job, the Competent Authority may exercise the option of removing him from the service during probation without notice.

(U) In Regulation 9 (5), shall be substituted with the following:

“(5) Further, on completion of probation period of one year, the Competent Authority shall issue an order confirming the employee in the grade to which he has been appointed unless probation period is extended.”

(V) Regulation 9 (6) shall be substituted with the following:

“(6) During the period of probation, a directly recruited employee shall be liable to be removed from the service immediately without assigning any reason and without notice.”

(W) Regulation 11 (2) shall be substituted with the following:

“(2) The period of notice required shall be:

(a) in the case of an employee on probation, one month.

(b) in the case of a permanent employee, three months.

The expression “month” used in this Regulation shall be reckoned according to the English calendar and shall commence from the day following that on which notice is received by the Competent Authority.

A notice given by an employee under sub-regulation (1) above shall be deemed to be proper only if he remains on duty during the period of notice, and an employee shall not be entitled to set off any leave available to his credit as on the date of start of the period of notice against the required notice period except that he shall be entitled to one casual leave for every completed month of notice period;

Provided that such notice may be waived in part or in full by the Competent Authority based on the specific circumstances and merit of the case.

Provided that if during notice period if an employee falls sick, he/she may be entitled to avail sick leave subject to the condition that his/her notice period shall be extended by number of days on which he is on leave.”

(X) Regulation 12 shall be substituted with the following:

“12. Retirement

(1) Except as otherwise provided in this Regulation, every employee shall retire from service in the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that an employee whose date of birth is the first of a month shall retire from service in the afternoon of the last day of the preceding month on attaining the age of sixty years;

Provided further that the Competent Authority, if he is of the opinion that it is in the interests of the Authority or in public interest so to do, for reasons to be recorded in writing, direct an employee to retire on completion of fifty five years of age or at any time thereafter or thirty years of total service whichever is earlier, on giving him notice of three months or salary in lieu thereof;

Provided further that an employee may also, if he so desires, and subject to terms of appointment to the contrary, if any, retire from service on completion of 50 years of age or 20 years of total service, by giving three months' notice in writing.

Provided that it shall be open to the Competent Authority to withhold permission to an employee under suspension who seeks to retire under this sub-regulation;

Explanation. — where an employee is directed by the Competent Authority to retire as aforesaid, it shall not be deemed to be a penalty under these Regulations.

Provided further that the Competent Authority may refuse to accept the notice of retirement from an employee, if, —

- (a) disciplinary proceedings have been instituted against him or are proposed to be instituted against him;
- (b) he is under an obligation to serve the Authority for a specified period which has not expired;
- (c) he owes the Authority any sum/s of money;
- (d) for any other grounds to be recorded in writing.

Explanation 1. — For the purposes of this Regulation, disciplinary proceedings shall be deemed to be instituted against an employee, —

- (a) if he has been placed under suspension under these Regulations; or

(b) any notice has been issued to him asking him to show cause why disciplinary proceedings should not be instituted against him; or

(c) any charge sheet has been issued to him under the Regulations and shall be deemed to be pending till final orders thereon are passed by the Competent Authority;

Explanation 2. — A notice by an employee shall be proper notice if he remains on duty during the period of notice. A notice given by an employee shall be deemed to be proper only if he remains on duty during the period of notice, and an employee shall not be entitled to set off any leave available to his credit as on the date of start of the period of notice against the required notice period except that he shall be entitled to one casual leave for every completed month of notice period;

Provided that if during notice period if an employee falls sick, he/she may be entitled to avail sick leave subject to the condition that his/her notice period shall be extended by number of days on which he is on leave;

Provided further that the Competent Authority may make periodic reviews before retirement of the employee concerned.

(2) No employee shall be granted extension in service beyond the age of retirement of sixty.

(3) If on a review of the case on a representation from the employee retired under second proviso of Regulation 12 (1), it is decided to reinstate the employee in service, the Competent Authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as dies-non depending upon the facts and circumstances of the case:

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the Competent Authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a court of law.

(4) Where the order of retirement under second proviso of Regulation 12 (1) is set aside by a court of law with specific directions in regard to regulating the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the court.

(5) An employee referred to in sub-regulation (1) may request in writing to the Competent Authority to accept notice of less than three months giving reasons therefor.

(6) On receipt of a request under sub-regulation (1), the Competent Authority may consider such request for curtailment of the period of notice of three months on merits and if he is satisfied that curtailment of the period of notice shall not cause any administrative inconvenience, the Competent Authority may relax the requirement of notice of three months.

(7) An employee who has elected to retire under this Regulation and has given necessary notice to that effect to the Competent Authority shall be precluded from withdrawing his option subsequently except with the specific approval of such Authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.”

(Y) Regulation 15 shall be substituted with the following:

“15. Promotion of employees

(1) All promotions of employees shall be against vacancies in sanctioned strength approved by the Competent Authority and shall be based on merit, suitability of the candidate for a particular post.

The merit and suitability may be judged by review of Confidential Reports and/or interview and/or written examinations as decided through administrative orders issued from time to time with the approval of the Authority:

Provided that the minimum marks to be obtained shall be 50% in written examination to become eligible for interview.

(2) Minimum service for promotion: No employee of the Authority shall be eligible for promotion to the next higher grade unless he has put in minimum years of service as mentioned in Schedule VI – Promotions – method of filling in the grade from which promotion is made.

For all purposes of eligibility, 1st January of the year shall be the cut-off date.

(3) Screening/Interview Committee: The Chairperson as part of promotion process may appoint a Screening/Interview Committee consisting of at least three members of whom one member be an outside expert:

Provided that in the case of promotions to the post of Executive Director, the Committee shall consist of Chairperson and two Whole-time Members of the Authority and one member who is an outside expert.

(4) Zone of consideration: All eligible employees who comply with eligibility criteria for promotion as mentioned in para 3 in Schedule VI will be eligible to apply for promotion to the next grade.

(5) Appointments on promotion: All appointments on promotion to any grade shall be made by the Competent Authority and no person shall have a right to demand to be promoted to any particular grade.

(6) An employee promoted to any of the grade shall be required to be on probation for a period of one year from the date of such promotion.

(7) Save as otherwise provided in this Regulation, an employee shall be deemed to have been confirmed in the grade to which he has been promoted, on successful completion of probation period of one year unless probation period is extended and informed to the employee in writing before the expiry of the period of probation but in no case shall the total period of probation exceed two years.

(8) Transfers on promotion: The transfer of employees on promotion shall be as per provisions in Schedule VII – Sensitive posts and transfers. The services of every

employee shall be at the disposal of the Authority and every employee shall serve the Authority in such capacity and at such place or places as he may, from time to time, be directed.

(9) Non-acceptance of promotion: No employee shall refuse to accept promotion except under compelling circumstances such as chronic or debilitating ill health, continuous hospitalization or any such other justifiable reason in writing from the employee which shall have the approval by Chairperson. If Chairperson is not satisfied, he may not accept the request of the employee for refusal of promotion and initiate such steps as deemed fit in the circumstances including transfer of the employee concerned.

(10) Supernumerary positions: The Authority shall have power to create supernumerary positions arising out of any office exigencies, redefining of staff strength, etc. for a limited period and till such positions are regularized.”

(Z) Regulation 24(9) shall be substituted with the following:

“(9) Encashment of earned leave –

(a) An employee is permitted to encash earned leave once in two years for a minimum period of fifteen days and a maximum period of thirty days. Further, an employee of the who resigns from service after giving proper notice of resignation, in terms of Regulation 11, may be permitted encashment of half of the Earned leave at his/her credit as on the date of resignation subject to a maximum of five months of Earned leave:

Provided that at the time of such encashment he has to his credit a balance of leave which shall not be less than the leave so encashed;

Provided that for the period of leave encashment the amount payable shall be equivalent to pay plus all allowances that are normally admissible to the employee concerned during earned leave, excepting allowances granted for qualifications as defined in Regulation in 3 (1) (ee).”

(AA) Regulation 25(1) shall be substituted with the following:

“(1) During the entire period of his service, an employee is eligible for sick leave on medical grounds for a period or periods not exceeding eighteen months.

Such sick leave shall be credited to the leave account of an employee half-yearly in each calendar year at the rate of ten (10) days for every six months of service rendered by such an employee.

The minimum sick leave that can be availed of by an employee is one day; for sick leave beyond two days, production of a medical certificate and a certificate of fitness is compulsory at the time of resuming duty.”

(BB) Regulation 27(3) shall be substituted with the following:

“Child care leave shall not be admissible if the age of the child is eighteen years or older.”

(CC) Regulation 31 (2) shall be substituted with the following:

“(b) Special leave arising out of an accident in the course of employment or because of any natural calamity or weather conditions;”

(DD) Regulation 32 (6) shall be substituted with the following:

“(6) (a) No employee shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity, or in any political demonstration.

(b) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Authority as by law established and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Authority.

(c) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (b), the decision of the Authority thereon shall be final.

(d) No employee shall canvass or otherwise interfere with, or use his influence in connection with or stand for election as a member of any legislature or local authority:

Provided that -

(i) an employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation- The display by an employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.”

(EE) At the end of Regulation 32 (11), the following shall be inserted:

“Provided an employee publishing or circulating by print or electronic means any leaflet or printed matter or post any matter in any website or social media or publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of the Authority.”

(FF) After Regulation 32 (13) (y) the following new regulation shall be inserted, namely; -

“(z) Misuse of grievance redressal systems, other frameworks and media including Social Media by an employee resulting in obstructing the Authority and its employees from performing their duties and lowering the esteem of the office shall be considered as misconduct and may invite disciplinary action.”

(GG) After Regulation 32 (13) the following new regulations shall be inserted, namely; -

“(14) Every employee shall commit himself to and uphold the supremacy of the Constitution and democratic values.

(15) Every employee shall maintain political neutrality, promote the principles of merit, fairness and impartiality in the discharge of duties, maintain accountability and transparency and maintain courtesy and good behavior with the public.

(16) No employee shall place himself under any financial or other obligations to any individual or organisation which may influence him in the performance of his official duties.

(17) No employee shall misuse his position to take decisions in order to derive financial or material benefits for himself, his family or his friends.

(18) Every employee shall refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices.

(19) (a) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority;

(b) No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

(c) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(d) An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation I.- An employee who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected to

him shall be deemed to be lacking in devotion to duty within the meaning the sub-rule (2) of Regulation 32.

Explanation II.- Nothing in sub-rule (2) of Regulation 32 shall be construed as empowering an employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of delegation of powers.

(20) No employee shall

(a) in the performance of his official duties, act in a discourteous manner;

(b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him

(21) Every employee shall, at all times-

(i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;

(ii) observe the Government's policies regarding prevention of crime against women.

(22) No employee shall, except with the previous sanction of the Authority, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other employee:

Provided that nothing in this rule shall apply to-

(i) a farewell entertainment of a substantially private and informal character held in honour of an employee or any other employee on the occasion of his retirement or transfer or any person who has recently quit the service of the Authority; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Note: - Exercise of pressure or influence of any sort on employee to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from employees under any circumstances for the entertainment of any employee is forbidden.

(23) No employee shall, except with the previous sanction of the Competent Authority, have recourse to any Court or to the Press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of a defamatory character.

Provided that if no such sanction is received by the employee within a period of three months from the date of receipt of his request by the Competent Authority, he shall be free to assume that the permission as sought for has been granted to him.

Nothing in this rule shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the prescribed authority regarding such action.

(24) No employee shall employ to work any child below the age of 14 years.”

(HH) Regulation 33 (4) shall be substituted with the following:

“(4) (a) No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm;

(b) No employee shall, except with the previous sanction of the Competent Authority, permit his son, daughter or other dependent, to accept employment in any entity regulated or having official dealings with the Authority:

Provided that where the acceptance of the employment cannot await prior permission of the Competent Authority or is otherwise considered urgent, the matter shall be reported to the Competent Authority; and the employment may be accepted provisionally subject to the permission of the Competent Authority.

(c) An employee shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any company or firm, intimate such acceptance to the Competent Authority and shall also intimate whether he has or has had any official dealings with that company or firm:

Provided that no such intimation shall be necessary if he has already obtained the sanction of, or sent a report to the Competent Authority under clause (b).

(d) No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.”

(II) Regulation 33 (5) shall be substituted with the following:

“(5) Notwithstanding anything contained in sub-regulation (2), no employee of the Authority, including an employee on contract shall within a period of one year from the date that he finally ceases to be in the Authority’s service, accept or undertake an employment or be in any manner associated with any entity regulated by the Authority, except with the prior written approval of the Chairperson. Further, no employee, including an employee on contract, whilst in service of the Authority, shall seek or apply for any employment opportunity in any entity regulated by the Authority, without the sanction of the Chairperson. Any employee, including an employee on contract, found seeking or applying or accepting employment opportunity in any entity regulated by the Authority, without the sanction of the Chairperson shall be treated as committing the breach of this Regulation.

The Chairperson, may by order in writing, on an application by an employee, grant, subject to such conditions, if any, as he may deem necessary, permission, or for reasons to be recorded in the order, refuse permission to such an employee as mentioned in his application. The decision taken in this regard shall be communicated to the employee concerned.

However, before refusing approval, the Competent Authority shall give a hearing to the employee concerned.

(JJ) Regulation 36 shall be substituted with the following:

“36. Prohibition of private trade or employment in certain cases

(1) No employee shall undertake any part-time work for a private or public body or a private person, or accept any fee.

(2) However, an employee may, without the previous sanction of the Authority,-

(a) undertake honorary work of a social or charitable nature, or

(b) undertake occasional work of a literary, artistic or scientific character, or

(c) participate in sports activities as an amateur, or

(d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force, or

(e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of employees, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force:

Provided that: -

(i) he shall discontinue taking part in such activities, if so directed by the Competent Authority; and

(ii) in a case falling under clause (d) or clause(e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Competent Authority giving details of the nature of his participation.

(KK) Regulation 43 shall be substituted with the following:

“43. Demonstrations and Strikes

No employee shall -

(1) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(2) resort to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee.”

(LL) Regulation 48 (2) shall be substituted with the following:

“(2) Every employee who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (I) For the purpose of this rule, -

(a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely: -

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(i) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to

sexual harassment: -

(i) implied or explicit promise of preferential treatment in employment; or

(ii) implied or explicit threat of detrimental treatment in employment; or

- (iii) implied or explicit threat about her present or future employment status; or
 - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (v) humiliating treatment likely to affect her health or safety.
- (c) "workplace" includes, -
- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Authority.
 - (ii) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey."

(MM) The first para of Regulation 75 shall be substituted with the following:

"No employee shall, in any radio broadcast, telecast through any electronic media or any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press including social media or in any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any policy or action of the Authority or the Government."

(NN) Regulation 76 shall be substituted with the following:

"(76) Every employee of the Authority who joins the Authority after 01.04.2017 shall become a member of National Pension System."

(OO) Regulation 78 (1) shall be substituted with the following:

"(1) The Chairperson shall constitute a Grievance Redressal Committee comprising any of the Whole-time Members/Part-time Members of the Authority and employees of the Authority in the rank of GM and above to look into grievances, if any, of its employees with one of such members designated as Chairman of the Committee."

(PP) Regulation 78 (2) shall be substituted with the following:

“(2) The Committee shall provide reasonable opportunity of hearing the aggrieved person and submit a report within 60 days to the Chairperson for necessary action and the decision of the Chairperson on the grievance shall be final.”

(QQ) At the end of Regulation 81, the following shall be inserted:

“ The Chairperson may exercise the above power in times of exigency subject to same stipulations and the matter shall be placed before the Authority for information.”

(RR) In Schedule II, the words ‘Sub-Staff/Driver’ shall be deleted.

(SS) In Schedule III, the word ‘Sub-Staff/Driver’ shall be deleted.

(TT) Schedule V shall be substituted with the following:

Schedule V

Quota of vacancies – Direct recruitment

Class	Grade	% quota of vacancies
IV	Record keeper	100% by direct recruitment based on written examination and interview
III	Assistant	100% by direct recruitment based on written examination and interview

Class	Grade	% quota of vacancies
I	A	100% by direct recruitment as per definition given in Regulation 3 (1) (k) or as decided by the Authority from time to time basing on need
I	B and above	As decided by the Authority from time to time basing on need.

(UU) Schedule VI shall be substituted with the following:

Schedule VI

Promotions

Regulation 15 deals with promotion of employees in the Authority. In addition to this Regulation, the following provisions shall govern promotion of employees:

1. Definitions

Unless the context otherwise requires, –

- (a) “employee” means a whole time salaried employee of the Insurance Regulatory and Development Authority of India;
- (b) “promoting authority” means the Appointing Authority under the Regulation as mentioned in Schedule X - Competent Authorities and Appellate Authorities;

(c) "Interview committee" means the committee constituted in accordance with Regulation 15 of these Regulations;

All other words and expressions used in this Schedule and not defined but defined in these Staff Regulations shall have the meaning assigned to them in these Staff Regulations.

2. Zone of consideration

(1) Promotions to all grades shall be effected from among eligible employees.

(2) All employees holding posts in a permanent capacity in all the offices of the Authority shall be considered to be eligible if they fall in the zone of consideration for selection to the posts notified for promotion.

(3) All eligible employees who comply with the eligibility criteria for promotion as mentioned in para 3 below will be eligible to apply for promotion to the next grade.

3. Vacancies and service eligibility

(1) Promotions shall be effected only against sanctioned vacancies.

(2) Posts shall be reserved for employees belonging to Scheduled Castes and Scheduled Tribes and rule of relaxation followed in accordance with the orders issued by the Central Government from time to time.

(3) Employees should be falling in the zone of consideration and should possess qualifications required for filling in vacancies in the promotion grade. The vacancies in each of the Departments shall be determined by Chairperson from time to time.

(4) (a) Minimum service for the purpose of promotions shall be as under:

Promotion from		Minimum Service for eligibility in the grade
From	To	
Assistant/ Sr. Assistant	Assistant Manager	4 years
Assistant Manager	Manager	4 years
Manager	Assistant General Manager	4 years
Asst. General Manager	Deputy General Manager	4 years
Deputy General Manager	General Manager	3 years
General Manager	Chief General Manager	3 years
Chief General Manager	Executive Director	3 years

3. Criteria for promotion

- (1) For the purpose of promotion from one grade to another grade, the following criteria will be taken into consideration.
- (2) There shall be a Written Examination (WE) for promotion up to the grades of DGM which shall be qualifying in nature. Minimum marks to be obtained shall be 50% in written examination to become eligible for interview.
- (3) Maximum marks for seniority, ACRs and Interview concerned shall be as under:

S. No	Promotion		Maximum Marks		
	From	To	Seniority	ACRs	Interview
1	Senior Assistant/ Assistant	Assistant Manager	30	30	40
2	Assistant Manager	Manager	30	30	40
3	Manager	Assistant General Manager	30	30	40
4	Assistant General Manager	Deputy General Manager	30	30	40
5	Deputy General Manager	General Manager	30	30	40
6	General Manager	Chief General Manager	30	30	40
7	Chief General Manager	Executive Director	30	30	40

(4) The process of appointment through promotion from lower grade to higher grade will be through selection as specified above.

(5) Computation of marks for seniority shall be as per guidelines in this regard.

(6)

5. Marks for seniority

Marks for seniority shall be allotted as given hereunder:

Sl. No	Criteria for allotting marks to seniority	No. of marks allotted
1	First 4 years in the previous grade	2 marks for every completed year of service
2	For subsequent years	3 marks for every completed year of service thereafter
3	Maximum marks for seniority	30

6. Written examination

(1) Where written examination is one of the qualifying criteria for promotion, the syllabus for such written examination shall be as determined by the Chairperson.

(2) The conditions of eligibility including minimum service for appearing in the written examination shall be reckoned as on the 1st January of the year.

Provided that only such of the employees who have completed the period of service for eligibility for promotion to any post shall be allowed to appear in the departmental test or interview as the case may be.

Provided further that the period of training, if any, prior to appointment on probation prescribed by the provisions relating to recruitment shall count as service only for the purpose of eligibility for promotion.

7. Assessment of ACRs

(1) The Competent Authority shall assess suitability of employees for promotion on the basis of their service records and with particular reference to ACRs in the grade.

(2) If more than one ACR has been written for a particular year, all ACRs for the relevant years shall be considered together as the ACR for one year. Only such ACRs shall be considered by the Competent Authority which become available during the year immediately preceding the vacancy/panel year.

(3) Weightage of 50% for grading by Reporting Officer, 25% by Reviewing Officer and 25% by Accepting Officer shall be given while computing marks for ACRs.

(4) Where an employee does not submit self appraisal as part of ACR, the same shall be recorded in the ACR and 50% Weightage in marks only shall be given to such ACR while computing marks for ACRs.

8. Selection of candidates for promotion

(1) All candidates who qualify in the written examination as per criteria determined by Competent Authority will be called for interview.

(2) The Interview Committee shall, after interviewing the candidates, shall award marks for interview.

(3) There shall be prepared a list of all eligible employees in the order of total marks obtained on the basis of various criteria of selection i.e Seniority, ACR and Interview. The ranking list of selected candidates shall be finally placed before the Competent Authority for approval.

(4) On approval, a panel of eligible employees will be prepared which is valid till the end of the calendar year.

Provided that an employee shall not be promoted, if at any time during the preceding one year, any penalty has been imposed on him under Regulation 55 of the Staff Regulations.

(5) Actual promotion of candidates will be against sanctioned vacancies and as and when they arise.

9. Sealed cover procedure

(1) At the time of consideration of the cases of employees for promotion, details of employees in the zone of consideration falling under the following categories shall be specifically brought to the notice of the Interview Committee: -

- (a) Employees under suspension;
- (b) Employees in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (c) Employees in respect of whom prosecution for a criminal charge is pending.

(2) The Interview Committee shall assess the suitability of the employee coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the Interview Committee and marks awarded by it will be kept in a Sealed Cover.

(3) If any penalty is imposed on the employee as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed

cover/covers shall not be acted upon. His case for promotion shall be considered in the normal course and having regard to the penalty imposed on him.

10. Appeals

(1) Any aggrieved employee may, within one month from the date on which the panel of employees eligible for promotion is published, represent against his non-selection through proper channel to the Appellate Authority and such an Authority may consider representation and pass such orders, within 60 days, as he deems fit.

(2) Any representation from aggrieved employee not routed through proper channel may be treated as misconduct under Regulation 32.

11. Powers to issue instructions

(1) The Chairperson may, from time to time, issue such instructions as may be necessary to give effect to the implementation of these provisions.

(2) In particular and without prejudice to the generality of any of the provisions mentioned herein, such instructions may provide for the basis for detailed allocation of marks for, seniority, ACRs and Interview within the ceiling mentioned under these rules.

(VV) In Schedule VII, clause 1 (3) (d) shall be deleted.

(WW) In Schedule IX-A, clause 1, the words “financial regulators” shall be substituted with the words “financial sector regulators.”

(XX) Clause 3 of Schedule IX- A shall be substituted with the following:

“Deputation reserve: There shall be an inward deputation reserve of not more than 20% of the sanctioned strength, an outward deputation reserve of not more than 15% of the sanctioned strength and a leave reserve of 5% of the sanctioned strength.”.

The number of vacancies to be filled in by deputation within the deputation reserve as above may be reviewed from time to time based on

(a) non-availability of supplemental personnel within IRDAI possessing requisite qualifications and experience; and

(b) having regard to the role to be performed by a specific position, it is necessary to provide for officers on deputation at an appropriate level with a view to injecting fresh knowledge and experience.”

(YY) In Schedule IX-A, clause 6 (2), words “Financial Regulators” shall be substituted with words” Financial Sector Regulators.

(ZZ) In Schedule IX-A, clause 13, shall be substituted with the following:

“13. The Officers on deputation shall not be eligible for the loans and advances applicable to permanent employees except for special advance.”

(AAA) In Schedule IX-A, after clause 15, the following new clauses shall be inserted, namely:

“16. Selection Procedure: The Competent Authority for the purpose of inward deputation to different Grades/posts shall determine the procedure to be followed by notifying the same from time to time.”

(BBB) In Schedule IX-C, after clause 1 (4) (c), the following new clause shall be inserted, namely:

“(5) There will be a cooling off period of two years between two terms of outward deputation.”

(CCC) Schedule X shall be substituted with the following:

Schedule - X

Competent Authorities and Appellate Authorities

Regulation No.	Matters	Competent Authority	Appellate Authority
4 (3), 5 (1) and 15	Appointments by direct recruitment (Class I)	Chairperson	Authority
	Appointments by direct recruitment (Class III and Class IV)	Member	Chairperson
	Appointment by Promotions under Class III and from Class IV to Class III	ED (Admn)	Member
	Appointment by Promotions (Class I) up to Deputy General Manager	Member	Chairperson
	Appointment by Promotions (Class I) General Manager and above	Chairperson	Authority
5 (6)	Mode of recruitment, educational qualifications and age limit for Grades above Grade "B"	Chairperson	Authority
5 (6) (d)	Quota of vacancies for direct recruitment above Grade "B"	Chairperson	Authority
5 (9)	Transfers of employees	ED(Admn)	Member
9 (3)	Extension of period of probation	Appointing Authority	Next Higher Authority
9 (6)	Discharge during period of probation	Appointing Authority	Next Higher Authority

11 (2), 11 (5), 11 (7)	To receive notice, acceptance or refusal or waiver thereof to discontinue or resign the service (all employees)	Appointing Authority	Next Higher Authority
12 (1)	To direct an employee to retire in the interest of Authority or public interest	Chairperson	Authority
12 (1)	Acceptance of request for retirement by the employee	Member	Chairperson
12 (3)	Reinstatement of an employee	Member	Chairperson
12 (4)	Regulation of period between date of premature retirement and date of reinstatement	Member	Chairperson
12 (6)	Curtailment of notice period	Member	Chairperson
12 (7)	Approval to withdraw the notice of retirement	Member	Chairperson
14	Publication of Seniority list	Chairperson	Authority
16	Reversion of Class I Officers up to Deputy General Manager	Member	Chairperson
	Reversion of Class I Officers General Manager and above	Chairperson	Authority
	Reversion of Class III and IV employees	ED (Admn.)	Member
17 (4)	Passing of an order for accrual of benefits, entitlement of allowances, etc. in the case of discharge or suspension or removal of employees	Member for Class I Officers	Chairperson
		ED (Admn.)for Class III and	Member

		Class IV employees	
18 (2)	Sanction to draw increments and/or crossing Efficiency Bar	ED (Admn.)	Member
19	Fixation of pay on promotion/deputation	ED (Admn.)	Member
20	Acceptance of place of Home Town or place of domicile or change thereof	ED (Admn.)	Member
22 read with Regulations 23, 24, 25, 26, 27, 28 and 31	Casual leave	Immediate reporting Officer	Next Higher Officer
	Earned leave	Immediate reporting Officer	Next Higher Officer
	Sick leave, Maternity leave, Child care leave, Paternity leave	HOD/Regional Office In-charge under intimation to next higher Officer/Member	ED (Admn) /Member
	Extraordinary leave	ED (Admn.)	Member
	Other leave/s	ED (Admn.)	Member

	<p>Explanation:</p> <ol style="list-style-type: none"> 1. For the purpose of grant of leave, other than extraordinary leave, to all employees directly reporting to HOD/Member/Chairperson, the Competent Authority is the respective HOD/Member/Chairperson. 2. Applications for EOL and other leave/s from the employees shall be forwarded by the HOD concerned to the Admn. Department. 3. The grant of leave in the absence of Regional Office In-charge will be by the next Senior Class I Officer of the Regional Office below the Regional in-charge or the designated ED (Admn) at HO. 4. Leave in respect of HOD will be sanctioned by the respective ED / Member. 5. Leave sanction is after confirmation of availability of balance in leave account and as per eligibility instructions in this regard. 6. Where ED (Admn.) is not posted and a designated senior officer is authorized by the Chairperson to exercise powers of ED (Admn), such authorized senior officer shall exercise such powers so authorized of ED (Admn.). 		
29 (2)	Initiation of disciplinary proceedings in case EOL crosses 365 days		
	Below DGM	ED (Admn.)	Member
	DGM to CGM	Member	Chairperson
	ED	Chairperson	Authority
29 (4)	Release of increments by condoning EOL	Member	Chairperson
30	Joining time and special leave in lieu thereof as also Curtailment of joining time	ED (Admn)	Member
32 (7)	Communication of information/documents to unauthorized recipients		

	Below DGM	ED (Admn)	Member
	DGM to CGM	Member	Chairperson
	ED	Chairperson	Authority
32 (9)	Contribution to Press	Member	Chairperson
33	Grant of permission for undertaking employment within one year after cessation of service	Chairperson	Authority
34	Giving of evidence	ED (Admn.)	Member
37	Permission to be absent from station a. within the country b. outside the country	a. Reporting officer b. ED (Admn.)	a. Next Higher Officer b. Member
38 (2)	Report in regard to receipt of gifts	ED (Admn)	Member
41 (3)	Permission to stand guarantee in private capacity	ED (Admn.)	Member
47	Employees (all classes) in debt to furnish a statement	ED (Admn)	Member
49 (3)	Permission to acquire property from a person or an Indian insurance company with which the employee is having official dealings.	Chairperson	Authority

51	Permission to enter in to marriage in special cases	Member	Chairperson
53 and 55	Suspension and award of penalties		
	i. Up to Senior Assistant	DGM (HR)	ED (Admn)
	ii. Assistant Manager / Manager / Assistant General Manager	ED (Admn.)	Member
	iii. DGM	ED (Admn.)	Member
	iv. GM and CGM	Member	Chairperson
	v. ED	Chairperson	Authority
	Explanation: The Competent Authority indicated in column 3 above is without prejudice to the provisions Regulation 60 and 61, to be taken as the Disciplinary Authority.		
56	Permitting assistance to charge sheeted employee	Chairperson	Authority
57 and 58	Receipt of Inquiry report and action thereon	Competent Authority	Appellate Authority
72	Deputation of officers to other organizations	Chairperson	Authority