01.10.2019

Dear Sir / Madam,

**Reg : Link-K Monthly Bulletin – September 2019**

Good news for individual health insurance policy holders : The insurance companies operating in the Indian market have hailed the IRDAI decision citing option to pay the premium on an installment basis was available only for life insurance companies. Bringing the installment mode to health might turn out as an incentive to the people to buy an insurance cover. The regulatory body has also given its nod to the insurers to add approved standalone riders or add-ons to approved individual health insurance products without having to file the product again. It also permitted insurers to change the sum insured made available to a policyholder if it is within the range filed for the original policy.

The Insurance Regulatory and Development Authority of India (IRDAI) has decided to give more freedom to the insurance companies. The insurance company regulatory body had given its nod to the insurers that allow them to increase or decrease the insurance premium by up to 15 per cent, subject to their claim experience in a particular sector. Therefore, in case an insurance company faces higher loss ratio or higher claim, it need not file permission to the IRDAI for increasing the insurance premium.

IRDAI has recently fined the web aggregator Policy bazaar for a huge sum of Rs. 1.11 crore. The case pertained to the year 2016 wherein many violations were observed by the regulator. It took more than 3 years for the regulator to pronounce the judgement. IRDAI should expedite the audit and observations as soon as possible so that companies many implement corrective measures.

A 12.99% growth has been reported by general insurance companies in their gross direct premium at Rs. 55,450.42 crore between April and July as against to the corresponding period a year ago. In July, their premiums recorded 22.73% growth against the corresponding month last year. According to market participants, despite strong growth in July, the motor insurance segment continues to witness a dip in premium largely due to a fall in car sales in India.

Among the 25 general insurers, New India Assurance, Bajaj Allianz General Insurance, SBI General Insurance and Tata AIG General Insurance companies only saw a positive growth in the April – July period, revealed the data from IRDAI.

**Happy reading**

Thanking you and assuring of our best and prompt services always.

Yours faithfully

For L**ink-K Insurance Broker Co. (Pvt.) Ltd**

**V.P. Mohankumar**

**Principal Officer and Managing Director**

**LINK-K BULLETIN – SEPTEMBER 2019**

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**LIFE**

**IRDAI asks insurers to expedite life insurance claims in flood – hit states.**

IRDAI has asked insurers to relax procedures wherever possible to expedite life insurance claim settlements in flood affected states. In a circular sent to Chief Executive Officers of all life insurance companies, the authority had directed them to initiate immediate action “to ensure that all reported claims re registered and eligible claims are settled expeditiously. A state wise progress report on the claims settled should also be submitted to the authority, it said. With regard to claims involving loss of life where difficulty is faced in obtaining a death certificate due to non-recovery of body, the procedure followed in the aftermath of the floods in Chennai in 2015 may be considered.

**LIC’s stake in Hindalco increased to 10.39%**

Shares of Hindalco may remain in focus as Life Insurance Corporation of India (LIC) has increased its stake in the company. In a notice to bourses, Hindalco said LIC has acquired 4.65 crore shares of the company through open market transactions between May 5, 2017 and August 14, 2019. Following the acquisition, LIC’s stake in Hindalco increased to 10.39% from 8.32%. At the end of June, LIC has a stake of 9.25% in Hindalco, exchanges data show.

**LIC posts higher than industry growth of 51.86% YOY for APR – JUL:**

Life Insurance Corporation of India (LIC) has registered a higher than industry growth of 51.86% year on year (YOY) [life] in new business collection for the April to July 2019 period. LIC collected new premiums of Rs. 60,106.66 crore for the period compared to Rs. 22,039.81 crore collected by the private companies.

**Public Listing of LIC likely:**

The Central Government is mulling over the public listing of Life Insurance Corporation of India. LIC holds 2/3 share of India’s Life Insurance market. According to the information received from the sources, the process is in the early state and has been discussed within the government.

The Department of Investment and Public Asset Management (DIPAM) and DFS are exploring the pros and cons of listing the insurance company. The dilution is likely to happen with the sale of a small tranche through an IPO, followed by a further reduction in the government’s holdings, the sources informed.

IF the LIC shares are listed on stock exchanges, it can easily emerge as the top listed company in the country in terms of market valuation. It is likely that LIC can over take current leaders Reliance Industries Ltd and Tata Consultancy Services.

**NON-LIFE INSURANCE**

**Odisha farmers threaten to stage protest for insurance claim:**

As much as 1.5 lakh farmers in Ganjam district of Odisha are threatening to stage a protest against the insurance company which enrolled them under Pradhan Mantri Fasal Bima Yojana (PMFBY) last year.

Controversy arise from the disagreements over the total area affected by Cyclone Titli last October. Accordingly to sources in the district administration, the company paid a smaller number of affected people then identified in the post – cyclone survey.

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Last October, Cyclone Titli caused heavy devastation in the districts of Ganjam and Gajapati with wind speeds up to 150 kmph. Heavy rainfall caused flooding in several parts of the districts. The cyclone left more than 60 people killed.

A joint team of insurance officials, agriculture and revenue department officials conducted a review. Based on eye estimation, compensation was to be given to Gram Panchayats (GPs) that sustained 50% and above crop loss, said Manoj Behera, Deputy Director of Agriculture in Ganjam. We initially gave a list of 112 GP’s to the company, but they ended up paying in around 59 GPs, he added.

**Non-life insurers witness Rs. 44 crore loss in FY 19 :**

The non-life insurance sector witnessed Rs. 44 crore loss in FY 19 as National, Oriental Insurance and United India have together reported losses of Rs. 4,200 crore, which is more than the collective profits of the remaining 23 companies.

The government is looking for a merger and a subsequent listing of these companies. However, due to their poor financial performance, they will require a capital infusion. The performance of the PSU insurers in FY 19 is in sharp contrast to their financials in FY 18.

**IRDAI to launch pilot project for uninsured vehicles:**

A pilot project will be launched by IRDAI in order to drive awareness campaign. The upcoming project will help the insurance companies in improving their premium collections, said IRDAI chairman SC Khuntia.

Four state governments have been roped in for this project. We are working with four state governments on a pilot project on how to contact the owners of the motor vehicles that are not insured and send communication to them that they come and renew, Khuntia said.

It is mandatory under the Motor Vehicle Act to have third party insurance. He further said that traditionally motor vehicles have been a segment which used to give about one – third of the premium but this year there is a little bit of difficulty as there has been concerned about the sale of automobiles. I hope with the government support the automobile sector will also improve its sales in the near future, Khuntia said.

**SBI General Insurance introduces cyber insurance scheme:**

SBI General; Insurance has recently launched new cyber insurance scheme for its customers, with an aim of safeguarding their online bank account or of ATM fraud.

The company is committed at a renewed growth story in Uttar Pradesh, which has jumped to the third spot in the country from fifth place in the last fiscal for SBI General Insurance.

In total SBI General has generated Rs. 295 crore from Uttar Pradesh in 2018-19. Company MD and CEO Pushan Mahapatra said that Motor Insurance policy has the highest portfolio that contributes. 36% in the product segment, followed by Group Personal Accident at 28%, Fire at 16% and Health at 12% in 2018-19.

Mr. Mahapatra also said the new cyber insurance scheme assures people to safeguard their online bank transaction or ATM cloning. He said his company have a vast presence in Uttar Pradesh, with branched in cities like Agra, Allahabad, Bareilly, Gorakhpur, Jhansi, Kanpur, Lucknow, Meerut, Noida and Varanasi.

Our New branch will open soon in Moradabad. The growth story for us in Uttar Pradesh has been phenomenal. The state alone accounts for a significant amount of premium in 2018-19 for us, Mr. Mahapatra said.

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**KNOW AN INSURANCE PRODUCT**

**Individual Cyber Safe Insurance policy (from Baja Allianz General Insurance Co. Ltd**

With an increase in internet penetration, social media and digital banking transactions, we are unknowingly exposed to various cyber – attacks. There can range from misuse of your financial information to data theft, cyber stalking etc.

**Coverage under the individual cyber safe policy:**

**Identity Theft:**

Any fraudulent and unauthorized access to usage, deletion or alteration of your personal data stored in your computer system including your digital devices.

**Coverage Offered:**

* Defense costs as a result of any claim by affected party.
* Prosecution costs against a Third Party for identity theft from Social Media.
* Costs of transportation to court and photocopying of documents.

**Cyber Stalking:**

Repeated use of digital communication to harass or frighten you.

**Coverage offered:**

Costs incurred by the insured for prosecution of a criminal case against a third party for Cyber Stalking.

Malware:

Computer program received through SMS, File Transfer, downloaded programs from internet or any other digital means by your computer system including your digital devices maliciously designed to infiltrate and damage it without your consent.

**Coverage Offered:**

* Restoration costs of the insured’s computer system due to damage caused by Malware.
* Defense costs as a result of any claim by affected party for legal liability caused due to the malware in insured’s computer system.
* Costs of transportation to court and photocopying of documents.

**IT Theft loss:**

Funds wrongfully or erroneously paid by you as a direct result of Third Party’s unauthorized targeted cyber intrusion into your computer system.

**Coverage offered:**

* Financial loss due to IT Theft
* Costs including legal fees for a claim lodged by insured against a financial institution or payment system operators.
* Prosecution cost against a Third party for causing IT Theft Loss :

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Phishing:

Any attempt to obtain your sensitive information such as usernames, passwords, and credit card details (and (and sometimes, indirectly, money) often for malicious reasons, by masquerading as a trustworthy entity through an electronic communication.

**Coverage offered:**

* Pure financial loss sustained by insured by being an innocent victim of an act of phishing by a third party.
* Prosecution costs against a Third Party for phishing attack.

**Email spoofing:**

A forgery or a wrongful manipulation of an E-mail header so that the message appears to have originated from the actual source.

**Coverage offered:**

* Pure Financial loss sustained by insured by being an innocent victim of an act of email spoofing by a third party.
* Prosecution costs against a Third Party for email spoofing.

**Media Liability claims:**

Any liability arising out of unintended publication or broad casting of any digital content resulting out of a Cyber Attack on your Computer System including your digital devices.

**Coverage offered:**

* Defense costs for arising out of a claim by a third party for insured Media wrongful act.
* Prosecution costs against a Third Party for media wrongful act.
* Costs of transportation to court and photocopying of document.

**Cyber Extortion:**

A threat to cause a Privacy Breach, Data Breach or Cyber Attack.

**Coverage offered:**

* Cyber extortion loss that the insured incurs due to a result of Cyber Extortion Threat.
* Prosecution costs against a Third Party for Cyber Extortion

**Privacy & Data Breach by Third Party:**

Any unauthorized disclosure of your personal data by a third party or any unauthorized access of use of your personal data stored in Third Party’s computer system.

**Coverage offered:**

Legal fees incurred by insured for claiming damages against a Third party for Privacy Breach and or Data Breach.

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**GENERAL**

**RC of stolen, scrapped vehicles needs to be cancelled:**

IRDAI has recently directed insurers to ensure certificate of Registration (RC) cancellation of the vehicle in case of total loss claim settlement. It has come to the notice of the IRDAI that in the case of total loss (TL) of the vehicle, salvage of the vehicle is being sold to scrap dealers without cancelling certificate of Registration of the vehicle, IRDAI said in a notification.

**2 held for health insurance scam in Delhi:**

Two women have been recently arrested by Delhi police for allegedly duping more than 350 people with false promise of providing them health insurance at a low premium.

The accused revealed during the probe that they were procuring database of customer from employees of call centers after paying 5 paise to 50 paise per contact, the police said.

**Tech tips for disaster preparedness**

No matter where you live there’s always the potential for the weather to go bad. Very bad. I’m talking, about hurricane, tornado, or even an earthquake.

So before you’re glued to the weather app watching the onslaught build, if you even get that much notice, you need to put together your disaster data plan.

Here are five tips for tech disaster preparedness:

1. Have a backup phone in your emergency kit.

A cheap Android phone can give you access to important communications and data if your main phone is damaged.

1. Get a solar charger :

Battery life will be critical if the power goes out. A solar charger can help you keep connected in situations where wireless is still up but the electricity where you are isn’t.

1. Store important notes offline :

Whether it’s Evernote or Simple note, list all your critical information in a file you can access even if connectivity is down. You don’t want to get caught needing to know one thing to get the internet back to working but need the internet working to find out what it is.

1. Keep redundancy in Mind :

This is the more widely applicable principle behind the extra cell phone. Host data in multiple locations, preferable places with different geographic risk factors.

1. Plan and test :

Get your team together and make sure you have a plan for what happens. Then test it. Find out if your redundant system will kick in and remain seamless. Do this twice a year minimum. Make it simple for people to remember what to do in a crisis and make sure it’s going to work!

Now all this is assuming you and your team are physically safe. This is also assuming you already put together your 72 hour kits and all the other essential emergency preparedness you need as a human! If you haven’t done that, that’s the most important tip. Do it. Now

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**Religare insurance booked for fake claim:**

A 59 year old woman filed a complaint against Anuj Gulati, MD and CEO of Religare Health Insurance, Vijay Bhasker, Religare’s Bengaluru Manager and 13 other including doctors at Diya Healthcare, for producing fake medical bills on her insurance policy and claiming it without her knowledge.

Ratna Bai, a resident of Vyaluikaval, alleged in her complaint that the accused forged medical certificates of her health checkup and despite knowing they are fake, Dr. Vijay product head of Religare, submitted them to the insurance ombudsman in Bengaluru in June 2018.

When I bought a health insurance policy from Religare in 2014, I was not asked to undergo a health checkup. I did not undergo treatment, But Dr. Vijay along with his sub-ordinates have helped create fake documents and submitted the same to the insurance ombudsman, RathnaBai said in the complaint.

Religare acquired the fake documents from Diya Healthcare in Nadhini Layout. Dr Mary Usha D and Chetan of Diya Healthcare along with Religare officials forged the medical certificates, she alleged in the complaint. Rathna Bai further stated that Diya Healthcare’s registration license number is not matching the serial number issued by the district health officer in Bengaluru and that it was not renewed.

There are no records, neither in Karnataka Medical council nor in Medical Council of India, about the registration of Dr. Mary Usha D. There are no documents regarding the registration of Diya Healthcare as well. The accused showed that Rathna Bai had undergone medical treatment at Diya Healthcare, with documents attested by the doctors there. Even Bai’s signature was forged. Khushpreet Singh, head, claims medical, Religare Health Insurance, contacted Bai’s daughter and offered 15% commission to clear the insurance claim, which she rejected. Mohamed Ashraf Khan, zone head of Religare in Koramangala and Mohammed Noor Ulla had submitted fake consent letter from Vikram Hospital, bai learnt in July 2018.

**LEGAL**

**Supreme Court Enhances Compensation in Motor Accident claim:**

The bench of Justices Indu Malhotra and Sanjiv Khanna in Sunita Tokas & Anr. Versus New India Insurance Co. Ltd & Anr reiterated that age of deceased is material in deciding enhancement of compensation granted by Motor Accident Claims Tribunal, Patiala House Courts, New Delhi.

The son of the Appellants viz. Pradeep Tokas 21 years was a student who was a trained swimmer, and had won prizes in State level events. On 11.05.2004, he met accident with truck while sitting on a two wheeler. The truck was standing in the middle of the road without any indicator lights on. The two-wheeler dashed against the stationary truck, and both Pradeep Tokas and the driver died on the spot.

The Appellants filed the Claim petition before the MACT, Patiala House Courts, New Delhi claiming compensation on the death of their son. The MACT vide Award dated 25.05.2009 granted compensation of Rs. 14,87,140 along with interest @ 7% p.a. to the Appellant Claimants. The aggrieved by the aforesaid Award Appellants filed before the Delhi High Court for enhancement of compensation. The respondent- insurance company also filed a cross – appeal for reduction of compensation. The High Court reduced the amount of compensation awarded by the MACT to Rs. 9.25.000.

Aggrieved by the aforesaid judgment, the Appellant – claimants filed the present Civil Appeal for enhancement of the compensation awarded. Court relied on Amrit Bhanu Shali & Ors. V. National Insurance Co wherein the apex court had held that the selection of multiplier is based on the age of the deceased, and not on the basis of the age of dependents. There may be a number of dependents of the deceased,

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whose ages would vary. Therefore, the age of the dependents would have no nexus with the computation of compensation. In the present case, since the deceased was 21 years old, the Multiplier of 18 was applicable as per the table set out in the Sarala Verma case.

Court said the High Court has erred in reducing the notional income of the deceased from Rs. 16,246/- as awarded by the MACT to Rs. 7,500. The court held that the deceased was a trained swimmer who had won several State level competitions. His mother runs a Swimming / Gym Centre at Air Force Stations (Central School), Gurgaon. Therefore, the deceased certainly had the potential to earn a living by utilizing his skills.

**Age of Deceased, not age of dependent, Material in computing insurance claim: SC**

The Supreme Court has reiterated the insurance claim principle whereby the computation of claim amount is supposed to be done based on age of the deceased and not age of the dependents claiming the insurance.

A breach of justices Indu Malhotra and Sanjiv Khanna was hearing Joginder Singh c ICICI Lombard arising out of Himachal Pradesh High Court ruling in an insurance claim that the courts below failed to award compensation towards Future Prospects and Loss of Estate. Court accordingly granted compensation under these additional heads.

In a recent 2019 judgment in Royal Sundaram Alliance insurance Co. Ltd V Mandala “Yadagari Goud & Ors, the apex court has settled that the Multiplier has to be applied on the basis on the age of the deceased. Court quoted itself from Royal Sundaram. We are convinced that there is no need to once again take up this issue settled by the aforesaid judgements of three Judge Bench and also relying upon the Constitution Bench that it is the age of the deceased which has to be taken into account and not the age of the dependents. The erroneous multiplier of 11 to calculate claim amount was thus modified to a Multiplier of 18.

Court also held the “lump sum amount of Rs. 25,000 towards loss of love and affection as inaccurate computation since in 2017, the apex court in Magma General Insurance Co.Ltd V Nanu Ram & Ors had held that a sum of Rs. 40,000 is to be paid to each of the parent towards loss of consortium on the death of a child. The gross sum of the insurance amount thus stands enhanced by the Supreme Court.

**LIGHTER MOMENTS**

**STELLA AWARDS**

**Interesting awards on liability insurance**

It’s time again for the annual ‘Stella Awards’! For those unfamiliar with these awards, they are named after 81-year-old Stella Liebeck who spilled hot coffee on herself and successfully sued the McDonald’s in New Mexico, where she purchased coffee. You remember, she took the lid off the coffee and put it between her knees while she was driving.

Who would ever think one could get burned doing that, right? These are awards for the most outlandish lawsuits and verdicts in the U.S. You know, the kinds of cases that make you scratch your head. So keep your head scratcher handy.

Here are the Stella’s for this past year –

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**SEVENTH PLACE**

Kathleen Robertson of Austin, Texas was awarded $80,000 by a jury of her peers after breaking her ankle tripping over a toddler who was running inside a furniture store. The store owners were understandably surprised by the verdict, considering the running toddler was her own son!

Start scratching!

**SIXTH PLACE**

Carl Truman, 19, of Los Angeles, California won $74,000 plus medical expenses when his neighbor ran over his hand with a Honda Accord.

Truman apparently didn’t notice there was someone at the wheel of the car when he was trying to steal his neighbor’s hubcaps.

Scratch some more...

**FIFTH PLACE**

Terrence Dickson, of Bristol, Pennsylvania, who was leaving a house he had just burglarized by way of the garage. Unfortunately for Dickson, the automatic garage door opener malfunctioned and he could not get the garage door to open. Worse, he couldn’t re-enter the house because the door connecting the garage to the house locked when Dickson pulled it shut. Forced to sit for eight, count ‘em, EIGHT days and survive on a case of Pepsi and a large bag of dry dog food, he sued the homeowner’s insurance company claiming undue mental anguish.

Amazingly, the jury said the insurance company must pay Dickson $500,000 for his anguish. We should all have this kind of anguish.

Keep scratching. There are more...

Double hand scratching after this one...

**FOURTH PLACE**

Jerry Williams, of Little Rock, Arkansas, garnered 4th Place in the Stella’s when he was awarded $14,500 plus medical expenses after being bitten on the butt by his next door neighbor’s beagle - even though the beagle was on a chain in its owner’s fenced yard. Williams did not get as much as he asked for because the jury believed the beagle might have been provoked at the time of the butt bite because Williams had climbed over the fence into the yard and repeatedly shot the dog with a pellet gun.  
  
Pick a new spot to scratch, you’re getting a bald spot...

**THIRD PLACE**

Amber Carson of Lancaster, Pennsylvania because a jury ordered a Philadelphia restaurant to pay her $113,500 after she slipped on a spilled soft drink and broke her tailbone. The reason the soft drink was on the floor: Ms. Carson had thrown it at her boyfriend 30 seconds earlier during an argument. What ever happened to people being responsible for their own actions?

Only two more so ease up on the scratching...

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**SECOND PLACE**

Kara Walton, of Claymont Delaware sued the owner of a night club in a nearby city because she fell from the bathroom window to the floor, knocking out her two front teeth. Even though Ms. Walton was trying to sneak through the ladies room window to avoid paying the $3.50 cover charge, the jury said the night club had to pay her $12,000 ... oh, yeah, plus dental expenses.

Go figure Ok. Here we go!!

**FIRST PLACE**

This year’s runaway First Place Stella Award winner was: Mrs. Merv Grazinski, of Oklahoma City, Oklahoma, who purchased new 32-foot Winnebago motor home. On her first trip home, from an OU football game, having driven onto the freeway, she set the cruise control at 70 mph and calmly left the driver’s seat to go to the back of the Winnebago to make herself a sandwich. Not surprisingly, the motor home left the freeway, crashed and overturned. Also not surprisingly, Mrs. Grazinski sued Winnebago for not putting in the owner’s manual that she couldn’t actually leave the driver’s seat while the cruise control was set. The Oklahoma jury awarded her ... are you sitting down? $1,750,000 PLUS a new motor home. Winnebago actually changed their manuals as a result of this suit, just in case Mrs. Grazinski has any relatives who might also buy a motor home.

If you think our court system is out of control, be sure to pass this one on.

\*\*\*\*

**INDIAN FRIEND**

Ever since Pedro was a child, he had a fear of someone under his bed at night. So he went to a Psychiatrist and told him, "I've got problems. Every time I go to bed I think there's somebody under it.  I'm scared.  I think I'm going crazy."

"Just put yourself in my hands for one year", said the psychiatrist. "Come talk to me three times a week and we should be able to get rid of those fears."

"How much do you charge?" '$200 per visit,' replied the doctor.

'I'll sleep on it and if needed I will come back to you,' Pedro said.

Six months later he met the Psychiatrist on the street.

'Why didn't you come to see me about those fears you were having?' he asked.

'Well, $200 a visit three times a week for a year is an awful lot of money! An Indian \iend of mine cured me for the price of Three peg rum and chicken tandoori. I was so happy to have saved all that money that I went and bought myself a new SUV".

'Is that so!' With a bit of an attitude he said, 'and how, may I ask, did the friend cure you?'

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He told me to "cut off the legs of the bed -" 'There is nobody under the bed now!'

Moral: TO HELL WITH THOSE PSYCHIATRISTS.. GO TALK TO YOUR INDIAN friend.

There is always an Indian way to solve a difficult problem...

\*\*\*\*\*\*\*\*\*\*

**2 Wives chatting in office :**

\*Wife 1\*: I had a fine evening, how was Urs???

\*Wife 2\* : It was a disaster. My husband came home, ate his dinner in 3 mins & fell asleep in 2 mins. How was yours?

\*Wife 1\* : Oh mine was amazing ! My husband came home and took me out for a romantic dinner. After dinner we walked for an hour. When we came home he lit the candles around the house. It was like a fairy tale !

At the same time, their husbands are talking at work..

\*Husband 1\*: How was your evening?

\*Husband 2\*: Great. I came home, dinner was on the table, I ate & fell asleep. What about you ?

\*Husband 1\*: It was horrible. I came home, there's no dinner, they cut the electricity because I forgot to pay the bill; so I took her out for dinner which was so expensive that didn't have money left for a cab or auto. We walked home which took an hour & when we got home I remembered there was no electricity so I had to light candles all over the house !!!!!!

**\*MORAL\*: \_PRESENTATION DOES MATTER... NO MATTER WHAT THE REALITY IS\_ !!!**

**Chanakya writes**

"If you want to be Happy with your husband, Love him Less & Understand him more !

If you want to be Happy with your wife, Love her More & NEVER try to Understand her !"

\*Dedicated to All married couple\*