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bharat RE™

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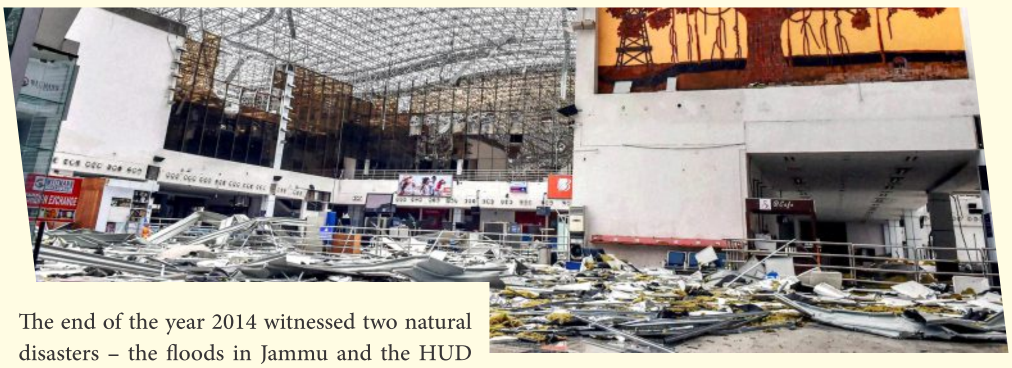
RISK ALERT

NEWSLETTER FROM INDIA'S LEADING INSURANCE BROKING HOUSE

Highlights

From the Editor's Desk

If the Indian insurance industry wants to be recognized as a major player in the economic structure of the country, it needs to find ways to significantly increase the percentage of individuals and businesses insured.



The end of the year 2014 witnessed two natural disasters – the floods in Jammu and the HUD HUD cyclone in Vizag.

This is the first cyclone to hit a city directly, according to Indian Meteorological Department's recorded history. It was the third highest intensity cyclone amongst the 515 cyclonic storms that developed in both the Bay of Bengal and the Arabian Sea since 1891.

While the estimate of economic losses is in excess of Rs. 40,000 crore, it is tragic that less than 5% of the total losses were insured. Even this is because the cyclone hit a city where the insurance penetration is better than the other parts of the country, which itself is not saying much!! Still, it was the costliest natural catastrophe in 2014 for the insurance world.

Interestingly, a natural catastrophic modeling company, while estimating HUD HUD losses, assumed that 3% of residences, 20% of commercial establishments and 30% of industrial units were insured. Even this, in our opinion, is a high estimate.

These two losses once again showed that the Insurance industry in India does not play a vital role, unlike in other developed countries, in rebuilding the economy after a catastrophic event. An example in particular was the New Zealand earthquake, when almost 80% of the economic loss was compensated by the insurance industry.

If the Indian insurance industry wants to be recognized as a major player in the economic structure of the country, it needs to find ways to significantly increase the percentage of individuals and businesses insured. This would be possible only if the premium rates are viable, both from the point of view of the attitude to claims and the incentive for the intermediary community to seriously look at recruiting, training and motivating a sales force to achieve this effectively, instead of focusing entirely on retail products which does not provide a holistic protection to enterprises.

It is unlikely that this would be achieved if the cost of insurance for a premium car is much higher than the cost of insuring a power plant worth Rs. 100 crore on an All Risk basis!!

The starting point to move towards viable rates could be the guidelines issued by the Regulator in the month of January 2015, on pricing of risk and introducing a minimum pricing for risks based on burning cost data published by Insurance Information Bureau (IIB). Subsequently, several insurance companies have come out with their own rates for different occupancies. If followed, this would help the commercial insurance industry to increase premium rates to viable levels and consequently improve the reasonableness in claims settlements (critical in changing the perception towards insurance from a "forced / unnecessary expenditure to a necessary protection), and at the same time, provide better opportunity for the intermediary industry to have the feasibility to concentrate on developing commercial lines of business.

Vijay T
AICWA, ACS, BL, AIII CEO & Executive Director
Bharat RE-Insurance Brokers Pvt Ltd, Chennai

ON OUTSOURCING

"The knowledge needed for any activity has become highly specialized. It is therefore increasingly expensive, and also increasingly difficult, to maintain enough critical mass for every major task within an enterprise. And because knowledge rapidly deteriorates unless it is used constantly, maintaining within an organization an activity that is used only intermittently guarantees incompetence."

- Peter Drucker

ON OUTSOURCING

What Peter Drucker means...

The requirement for "Outsourcing" cannot be more critical than in the insurance and risk management areas. Enterprise Risk Management (ERM) has moved way beyond insurance expertise alone, and today requires skills from other domains – both technical and commercial. It is impossible for an enterprise to have in-house expertise for ERM, and more importantly, keep it updated and useful, especially when the usage can only be in the event of an infrequent major claim.

In the News

Rs. 3 crore..................... gone in a few seconds!!

It is hard to imagine what the owner must have gone through after seeing his Lamborghini Gallardo Spyder worth Rs 3 crore wrecked by a valet of a five-star hotel. The car had been parked by valets a number of times before. Even on the day of the accident, the valet took the car to the parking safely and even brought it back to the porch area without any hassles. According to the CCTV footage of the incident, the car took a turn at a slow speed and stopped at the porch. A valet approached the car and the driver got out of the car briefly before getting back. Suddenly, the car zoomed ahead at a high speed and rammed into another sedan from behind even as a valet jumped to the side to escape. The impact of Lamborghini's collision with the other car was such that the car got pushed and took a U-turn and hit another parked car. The car eventually caromed into the concrete railing of the rampart. By the time the Lamborghini came to a halt after a resounding crash, the front of the Rs 3-crore plus supercar had caved in. A hotel spokesperson said the incident was an error of the valet who also sustained injuries in the accident.,

The Lamborghini Gallardo Spyder is no ordinary car. The sports car is Lamborghini's best-selling model with 14,022 custom built for customers desirous of its appeal. Named after a famous breed of fighting bull, the V-10 Gallardo has been Lamborghini's sales leader. The rear-wheel-drive Gallardo, is capable of a top speed of around 200 miles an hour (321 kilometres an hour) and has an engine packing more than 550 brake horsepower.

It sells in Europe for around approximately Rs. 1.50 crore but import duties on supercars normally double their price in India.

The owners claimed the front portion of the Lamborghini was wrecked and it was taken to the workshop for repairs. The cost of the repairs was around Rs 2 crore, they claimed. They added that initially the hotel promised compensation but later declined to do so. A complaint was, therefore, filed against the valet and the hotel.

Bharat REVIEW

Most business establishments do not consider the risk of liability claims significant. Even those who have a liability cover do not take it adequately, as they do not foresee a large liability claim. We had, in earlier issues, highlighted the need for a comprehensive liability cover, especially for commercial establishments like hospitals, hotels, shopping malls and theatres. The Uphaar tragedy where the court awarded a compensation of more than Rs.15 crore and the more recent fire in a hospital in Kolkota resulting in 90 deaths are examples of the kind of exposure that such establishments have in the event of a major accident.

Having a Liability policy with adequate limits still does not guarantee protection, as most liability policies today are so worded that it would take years before the insurance company admits liability, and the exclusions in many cases will probably result in the claim escaping through the gaps in cover.

Even in the case highlighted above, even if the hotel had a liability policy, most probably, the liability would have been denied by the insurance company under an exclusion forming part of the standard liability policies.

Almost fatal attraction for two

Two employees of a private hospital's research centre suffered serious injuries when they were sucked into an MRI machine, whose magnetic field was activated because of an oxygen cylinder brought in by one of the employees. They were stuck in the machine for nearly four hours before the company's technician / engineer deactivated the magnetic field.

The mishap happened when a patient was wheeled in for a routine MRI, when the attending doctor asked a ward boy to get an oxygen mask, which was misinterpreted as an oxygen cylinder. As soon as he entered the room with the cylinder, the machine pulled him with such brute force that he flew towards the machine with the cylinder still in his left arm and carried another employee with him. Before anybody in the room knew what was happening, they were stuck to the machine. While the machine can be switched off, deactivating its magnetic field is a complex process.

One of the doctors, an eyewitness to the mishap, said hospital staff tried every trick to pull the two out. The hospital's engineers did everything they could to demagnetize the machine, but all in vain. It was only after the engineer of the MRI scan manufacturer detached the magnet from the machine that the employees could be pulled out.

MRI rooms in hospitals have notices outside asking employees and patients to leave all metal articles - including jewellery - outside. While such a note was pasted outside the MRI room too, the ward boy obviously did not pay attention.

Claim Study

What a (er) mess!!

A recent flooding in an under construction IT park in an SEZ (Special Economic Zone), caused the following damages:

- DG sets being used at the sites for supplying power to plant and machinery and other equipments and were submerged in water for more than 4 days, with the result that they had to be overhauled, and many parts replaced. Apart from the DG sets, a bob cart was also completely damaged due to submersion in rain water.
- Pumps, which were being used for concreting, which was in progress at the time of flooding were also submerged in water and were completely damaged.

- The entire project area was flooded, and the de-watering expenses were substantial.
- Apart from de-watering, expenses were also incurred for slush removal. The slush had accumulated for almost half a meter. Since the slush was of high density, it was not carried away during the de-watering process. The total area which needed to be cleared was more than 2 lakhs sq ft. If you thought this was expensive, the slush disposal (after it was cleared) cost almost double the removal cost. If you still thought that was it, the process of removing the slush using equipment resulted in damages to the flooring, which also had to be repaired. This involved substantial floor re-laying work, which was time consuming and expensive. Taking this into consideration a different method of repair involving specialized chemical treatment had to be used. This required more than one ton of chemicals costing lakhs of rupees.
- The dirty flood water had also rusted the naked steel rods which were to be used for reinforcement. The rusted steel rods could not be used as the RCC would not be able to hold together. At the same time, discarding the entire material was costly. Finally, a special chemical was used which would overlap the rust and prevent further damage to the steel rod. While this was considerably lower than the actual steel cost, it was still an expensive proposition involving usage of more than two tons of specialized chemicals, again costing lakhs of rupees.
- Since the flooding happened in certain areas just after the cement had been poured, the concrete was in liquid state and had not settled. Once this came in contact with water due to rains and flooding, it got mixed with water, became soluble and flowed down the shuttering. The entire shuttering had to be removed, redone with fresh material and re-pouring had to be done. Apart from the material cost, this involved significant time and labour.
- The columns, freshly coated with concrete, developed lumps and had to be cleaned by chipping and drilling. This also involved additional costs for removal of debris caused by the flow down of concrete that consisted of gravel, sand and other materials.

S. Ramesh

BE (E&E) F.I.I.I. Technical Director, Bharat RE-Insurance Brokers Pvt Ltd, Bengaluru - Formerly with New India Assurance Co. Ltd, Head – Energy with TATA AIG General Insurance Co. Ltd, having more than 4 decades experience in the Insurance, Loss Assessment, Safety Audit and Risk Management disciplines.

Bharat REVIEW

Insuring a project is not only about the project value, the period of insurance and the premium rates!! Protecting a Project from life threatening situations/accidents should be the primary focus of an insurance program.

Our interactions with project companies over the years, and our subsequent interactions when we bring up accidents like the one at Chennai (killing 67 workers and injuring 27 others) , gives us the strong impression that even the technical executives brush aside the possibility of such an event happening to their projects on the basis that all the accidents are caused by design failures, violations of standard norms and other deviations from accepted practice. They do not realize that even when all aspects are adequately taken care of, accidents including catastrophic failures do happen. While we do accept that the probability is much lower when due care is taken, it still does not mean that accidents will not happen.

Risk Management

Can an enterprise afford not to be risk aware?

One of the main objectives of Risk Management is to prevent accidents from taking place. Unfortunately, it is these very accidents that give us an insight into Risk Management. We would, through a series of articles, focus on accident prevention and its link to safety culture of an enterprise, through the expertise of our associate risk management company, Asia Pacific Risk Management Services Pvt. Ltd.

Run away from................reaction!!

Run away decomposition during vacuum distillation of an intermediate

A plant was carrying out vacuum distillation of an intermediate. Suddenly the pressure surged after a power failure and a major explosion ripped through the plant. The reactor top went through the roof and fell 500 meters away from the unit.

Thrown lid of glass lined reactor which went through the roof

The above incident when analysed brought out the following aspects:

- **Lack of process knowledge**

The plant conducted RSST (Reaction System Screening Tool) study which indicated that the residue had a tendency to decompose so rapidly that theoretically within a minute, a temperature of 6000°C could be reached (based on study). If only this study was conducted prior to technology transfer this incident could have been avoided.

First step in hazard evaluation in any process development is literature search, looking for the unsafe conditions that may exist when the process is implemented. There are several explosions that have occurred in the past in similar plants due to deviations in the process. No in-depth analysis was carried out in R&D and also no cross-functional team (consisting of research chemist, engineering and manufacturing) brain stormed the process change which would have been able to incorporate the necessary engineering controls.

- **Inadequate Engineering due to lack of Risk perception**

The plant had also not conducted any safety studies such as hazard and operability study. HAZOP would have captured the deviations such as power failure and its implication on distillation temperature. The study would have suggested safeguards to arrest the increase in temperature(due to continued heating even when vacuum has failed) by providing appropriate control system such as closing of the steam valve as and when there is a failure of vacuum in the distillation still. This would have avoided temperature increase in distillation moving towards DMSO decomposition temperature.

- **The plant layout**

was such that the severity of the explosion had in fact affected the nearby units which were damaged not only by explosion but also fires started in them by explosion. This reflects inadequate analysis of layout before constructing the plant.

- **Inadequate process safety exchange and operator training**

When a proper safety analysis is not carried out at the R&D stage, as well as during detailed engineering, it results in lack of training of the operators in the right direction. This leads to poor safety perception of the personnel in operating the plant. If a clear understanding is available about the risk factors associated with the process, plant personnel would have been alert and would have checked for the change in pH every time before under taking distillation. However to the credit of the plant safety training, the plant operators had the presence of mind to quickly move away from the plant when they realised that run away decomposition was taking place.

While, in any accident we can show one or several causes resulting in such incidents, it is important to identify and improve the safety culture to prevent future incidents.

R.R.Balakrishnan

B.E (Chemical), Principal Consultant- Asia Pacific Risk Management Services Ltd, Chennai. Technical Committee member of National Safety Council-Tamil Nadu Chapter. Well known Safety Consultant and Advisor to the Chemical and Bulk Drug industry for many decades.

Bharat REVIEW

The insurance program for any business enterprise is tested only when it is expected to come to its rescue after a major accident. In today's scenario of "L1 Premium Race", companies realise too late that the so called "protection" that they have bought has more exclusions than covers.

*Taking Risk Management seriously and evolving a safety culture at all levels is a long process. At the same time, it helps the organisation avoid / minimise accidents and in the long run, negotiate better premium rates based on the better risk quality of their plants (which will eventually be the standard practice, even though it is not at present!!). Unfortunately, any risk management advice is met with **"IT CAN'T / HAS NOT HAPPENED TO ME"** syndrome. We often link it to a situation of " a man jumping from a skyscraper and as he passes each floor saying to himself so far so good".*

Claim Study

Packed............filled...................with troubles!!

A company engaged in manufacturing tube type containers had a fire accident in their multilayer film plant. The fire was so intense that it took more than 15 hours to douse it. The fire spread rapidly to all sides of the plant due to sustained wind and the combustible nature of the items stored. Even though the plant affected was a manufacturing plant, it was mainly being used as a storage area as the company was planning a new plant nearby and the machinery was to be shifted to the new plant.

The Surveyors, after evaluating various possibilities like spontaneous heating, malicious act, unexplained source of fire, possibility of external source of ignition, concluded that the most probable cause was likely to have been an electrical short circuit from the area storing packing material, in the form of corrugated boxes, stored almost upto the light fittings in the area and a shorting in the fittings could have triggered the fire. Initially, it was felt that the entire building would have to be reconstructed, as repair looked unviable due to extensive damage. However, after several tests by structural consultants, it was decided that repair would be possible.

Apart from damage to buildings, several molding machines were damaged, both from direct fire and the intense heat generated by the fire, and the soot so created, was so predominant that the sensitive hydraulic and electronic parts of these machines were affected, requiring examination, dismantling, evaluation and subsequent repair / replacement. Electrical installations and Stocks were extensively damaged, both from direct impact of fire and through water used for fighting. Since the finished product is to be used for filling material meant for human consumption like toothpaste, creams etc., any presence of foreign particles like dust would make the packing material unusable for their intended use / application.

After an interim report, the Surveyor submitted his final report assessing the loss for about Rs. 575 lakhs for the damaged assets. The insurance company released an interim payment of a portion of the assessed amount, and surprisingly, also appointed an Investigator for the purpose of examining an increase in the sum insured, made two days before the accident. A few months after this appointment, the scope of investigation was extended to investigate the close proximity and occurrence of loss, and subsequently became an investigation of every aspect of the loss, including the assessment. The Investigator's findings were negative and they went on to allege collusion between the insured and the Surveyors.

The interactions went on for a few years and finally the Investigator submitted his report which included 33 new issues! In the meantime, the insurance company had appointed a second Surveyor to give their expert opinion on the disputes raised.

Some of the issues raised by the Investigator were incomplete excise records, unreliable chartered accountant certificates, absence of proof of stocks lying outside the factory in another location, inclusion of rejected tubes as useable ones and thus inflating the claim amount, sudden increase in production in the month of accident, higher than normal level of inventory, especially when products are manufactured according to the customers requirement.

It took a further few years for all these issues to be answered and the final report of the Investigator issued. It was only after this, that the second Surveyor could take up the respective positions taken up by the Investigator and the first Surveyor and come to the conclusion that all issues raised by the Investigators in their report have logical explanations which were satisfactory, and confirmed that the original assessment of the first Surveyor was in order.

Apart from these issues on stock raised by the Investigator, the insurance company also disputed an amount of about Rs.40 lakhs based on their interpretation of cost of production of the finished product and about Rs.160 lakhs pertaining to damage to plant and machinery, which had been allowed by the first Surveyor. This was based on their contention that some of these machines were not in use at the time of the accident and a few machines which were in the premises were not installed and were only stored in that location.

Finally, almost 12 years after the date of accident, the insured finally decided to take the dispute to arbitration which was in favour of the insured. The Arbitrator, based on submissions of the insured and the definition of "Plant and Machinery" in other statutes including decisions of the Supreme Court, came to the conclusion that the disputed "Plant and Machinery" is covered under the policy and any ambiguity in coverage and description should be construed in favour of the insured and not the insurer. Similarly for the claim on stocks, the Arbitrator upheld the stand taken by the insured regarding the basis of valuation.

Minesh Patel

B.E., A.I.I.I., General Manager – Technical - Bharat RE-Insurance Brokers Pvt Ltd, Ahmedabad, with a decade's experience in industrial risk, survey and claims management and exposure in handling insurances for the Chemicals and Engineering industries

Bharat REVIEW

Choosing an insurance company based on L1 has almost become a standard operating procedure for all Corporates, as we tend to look at the insurance buying decision as "just another purchase transaction, to be negotiated to the last rupee". With the result, that in the event of a major accident, the attitude of an insurance company, defects in the policy, the Surveyors and other factors combined together, make the whole process of claims settlement becomes a war of attrition with one party the insured being at a significant disadvantage in the whole process. Legal remedies are even more difficult and time consuming.

In the above case, the whole process of claim settlement including arbitration took an agonizing 15 long years!! The only saving grace is that, if it had gone to court, it would have been a minimum wait of another 15 years!! In our estimate, a claim amount received after 15 years is equal to a settlement of less than 25% if we calculate the net present value of money.

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Claim Study

One of the most intense cyclones to hit India – HUD HUD – caused huge losses to many of our clients. Our team of experts managed to be at ground zero within a few hours of the destruction. We share with you the devastating effects of the cyclone to emphasize that in the face of such natural disasters, the only resort for a commercial enterprise is a well planned and comprehensive insurance program.

Building in the course of construction..........................destruction!!

The Project site consisting of villas and residential flats which were under construction were severely damaged with estimated losses in excess of Rs.10 crore. Substantial damages were to stores materials, retaining and compound walls, street lights, and barricading works apart from the heavy expenses on debris removal and loss minimization expenses, including salvage operations.

Stretched...............too far!!

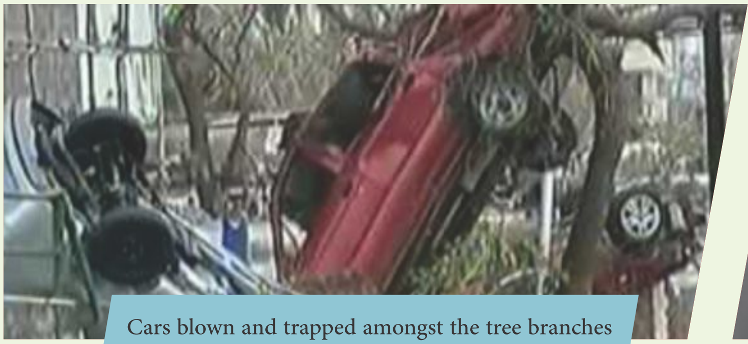
An elastic manufacturing company sustained severe damages to their production facility including their utilities. The collapse of the chimney and related structures affected the production as the utilities supplied steam critical to the manufacturing process. Apart from Material Damage losses, Business Interruption was in excess of 2 months.

Bend it like................................HUD HUD!!

Extensive damages to a Distillation column (Bent/ Twisted/ Damaged) in a chemical factory. The losses were estimated at more than Rs. 7.5 crore, including damages to buildings and other equipments.

Here now................gone with ....HUD HUD!!


An industrial unit manufacturing components using high value metals, was completely destroyed. The gates and the industrial sheds and Stocks consisting of components in various stages of production were completely blown away by the cyclone, with losses running to more than Rs.15 crore. If you thought it was improbable for heavy materials to be blown away, take a look at the photos below:



Cars blown and trapped amongst the tree branches

Car blown off from a showroom in Hud Hud cyclone

C. Ramachandran
BE (Civil),AIII Technical Director - Bharat RE-Insurance Brokers Pvt Ltd, Coimbatore. with more than 40 years experience in insurance industry, specialist in Textile industry and Consequential Loss insurances.

Venugopal Rao
Sr. Vice President – Bharat RE-Insurance Brokers Pvt Ltd – Hyderabad - with more than 30 years experience in the insurance industry.

N. Ramprasad
AIII – Vice President – Bharat RE-Insurance Brokers Pvt Ltd, Vizag, with more than 20 years experience in various commercial fields, including as an entrepreneur, Vast experience in international trade.

The extent of damage to the infrastructure of the city had to be seen to be believed!! While we were able to add value to and also assist our clients to a great extent, the many small and medium commercial enterprises that we had interacted with in the past few months in the affected areas, had very little or defective insurance protection, leading to miniscule or no compensation. Classic examples of "no protection from insolvency"

Infrastructure..............................Powerless!!



The extent of damage to the infrastructure was massive – 102 substations, 462 transmission towers, more than 5000 kms of HT and LT lines, 57,000 poles, 1,63,187 insulators, 3612 cell towers, to name a few, from the reports published.

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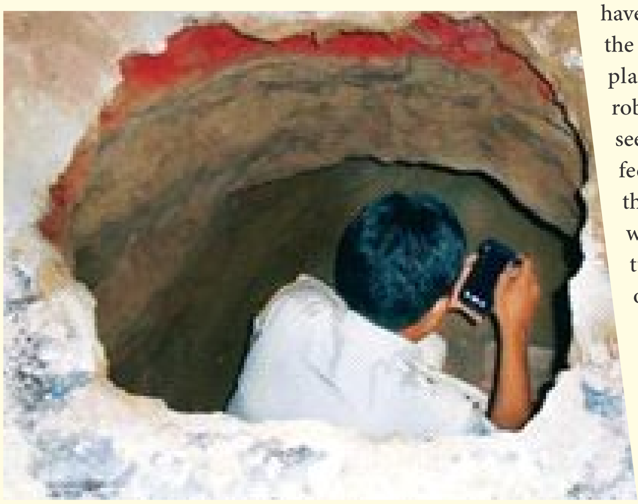
In the News

Locker............Shocker!!

A gang of robbers tunnelled their way into the locker room of a nationalised bank and emptied almost Rs. 100 crore from 89 lockers. They entered and escaped through a 125 feet long and seven feet deep tunnel dug from a house that was lying unoccupied for more than four years. All that the police could show was a razor blade, and mounds of soil. There were no clues, no reports of suspicious movement of people or sounds of digging from the abandoned building next to the bank from where the tunnel was built.

As Inspector General of Police told, "The robbers didn't leave anything behind. It was a job executed with precision. It appears that the accused were trained hands and had complete knowledge of the locker room," an officer said.

Revealing that all his men recovered was "a single blade", the IG added, "We couldn't find the tools that they used. Also, it's difficult to figure out how long they took, because it depends on the number of people involved." The investigating team, he said, was trying to trace the ownership of the deserted building.



The bottom line is police have registered two criminal cases: A case of burglary registered on a complaint from bank officials; another case registered against the bank officials by the owners of the lockers who alleged that the bank didn't construct the locker room "as per norms of the currency chest"; did not install a "steel plate into the floor"; and that the "almirahs in the bank were also 60-70 years old".

The officials have denied the allegations, stating that all guidelines were followed and the floor was at least 6-8 inches in depth.

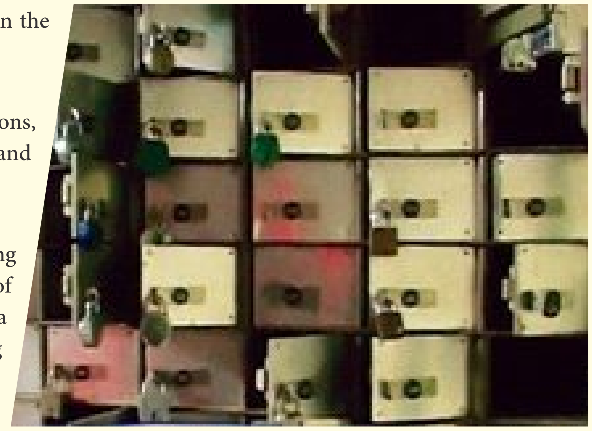
According to the IG, the level of planning required to pull off such a robbery is of prime interest in the case. "There is a possibility of the operation being masterminded in a different state, one which can have national implications. This is not something that the average criminal can pull off," he said.

As for the owners, bank officials said the lockers were leased to 268 individuals. As indicated by a consultant, the bank had absolutely no security precautions. Bank locker rooms normally have a floor, reinforced additionally with concrete or steel. But there was nothing of the sort here at and they didn't have CCTV cameras.

With no evidence to work on, police have roped in a team of laborers to scan the tunnel. Sources said that a series of planks had been installed by the robbers on the tunnel's ceiling. "It seems that after digging for about 20 feet, there must have been some threat of the tunnel caving in. Planks were installed on the top half of the tunnel to prevent this," said an officer.

Police believe that the robbers appear to have carefully recced the bank. "It seems they had complete blueprints of the bank," an officer said. "It is not easy to maintain your sense of direction when you're underground. In this case, there is only one exit and that's in the locker room."

The big question, of course, is: How did the robbers build a tunnel that is 125 feet long and 2.5 feet wide, without making any sound?



The watchman on duty that fateful night, for instance, told police that he heard nothing. A sweet shop owner opposite the abandoned building next to the bank, said he saw "no one entering or exiting the building" over the last month. On the other side of the bank, near the exterior wall of the locker room, is another shop that sells cold drinks, tea and snacks – he too said, "I have not heard anything or seen anything at all".

Bharat REVIEW

Policies taken by banks do not cover valuables in lockers. The terms and conditions when you rent out a locker specifically mention that the bank is not responsible for any loss or damage to the contents. The legal argument taken by the banks is that there is no 'entrustment' of contents placed in lockers by the depositor to the bank. Therefore, the banks aren't responsible for its contents. Courts have, however, held that banks cannot escape liability citing grounds that the relationship between a bank and the person hiring the locker is one of landlord and tenant.

Very few households take insurance cover for Fire and Burglary for their house / flats or their contents. Even the very few who do take insurances tend to exclude valuable which they keep in their locker probably on the assumption that it is in safe custody and even in the case of any loss or damage, the bank would be liable to compensate them.

As usual, the gap between belief and reality is probably as long and wide as the tunnel dug by the suspects in the above case!!

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