# THE ACTUARIES (ELECTION TO THE COUNCIL) RULES, 2008[1]

*In exercise of the powers conferred by clause (a) of sub-section (2) of section 55, read with sub-section (2) of section 12, of the Actuaries Act, 2006 (35 of 2006), the Central Government hereby makes the following rules, namely:—*

**1. Short title and commencement.**—(1) These rules may be called THE ACTUARIES (ELECTION TO THE COUNCIL) RULES, 2008.

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

**2. Definitions.**—(1) In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Actuaries Act, 2006 (35 of 2006);

(*b*) "Form" means form annexed to these rules;

(*c*) "Member" means the Member who is eligible to contest the election to the Council;

and the term "membership" shall be construed accordingly;

(*d*) "Returning Officer" means the Executive Director of the Institute, appointed by the Council under section 20 of the Act, or, in case the post of Executive Director is vacant, any officer of the Institute designated by the Council for the purpose of conduct of elections;

(*e*) *"Schedule" means the Schedule annexed to these rules.*

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the same meaning as assigned to them in the Act.

**3. Number and term of elected Member.**—There shall be twelve Members from amongst the fellow Members to be elected to the Council by the fellow Members and the associate Members of the Institute under clause (*a*) of sub-section (2) of section 12 of the Act

**4. Dates of election of Member to the Council.**—(1) The election to the *Council shall be held by Postal Ballot.*

(2) The Returning Officer shall publish on the web-site of the Institute and the Notice Board of the head-quarters of the Institute, atleast three months before the date of declaration of result of election to the Council from the dates fixed for the following stages of election to the Council, namely:—

(*a*) the last date and time for receipt of nominations shall not be less than twenty-one days from the date of the publication on the web-site of the Institute or the Notice Board of the head quarters of the Institute;

(*b*) date of scrutiny of nominations shall not be more than three days from the last date for receipt of nomination fixed under clause (*a*);

(*c*) the last date and time for withdrawal of nomination shall be made within seven days from the date for scrutiny of nomination fixed under clause (*b*);

(*d*) the date on which the ballot papers shall be sent to the voters;

(*e*) the last date and time for receipt of ballot papers from voters;

(*f*) the date of counting of votes;

(*g*) *the date of declaration of results.*

---

1. *Vide* G.S.R. 494(E), dated 2-7-2008, published in the Gazette of India, Ext., Pt. II, S. 3(*i*), Sl. No. 360, dated 2-7-2008.

(3) If due to unavoidable circumstances the date fixed for election under sub-rule (2) shall not be held, the Returning Officer may announce a fresh date and publish on the web-site of the Institute and on the Notice Board at its headquarters of the Institute:

Provided that the announcement of such fresh date shall be published at least ten days before the revised date except for change in dates under sub-clauses (*f*) and (*g*) of sub-rule (2).

(4) If the Institute is closed on the last day of the specified period, the act shall be considered as done or taken in due time if it is done or taken on the next day on which the institute is open.

**5. Member eligible to vote.**—Subject to other provisions of the Act and these rules, a Member, whose name is borne on the Register on the 1st day of April of the financial year in which the election to the Council is to be taken place, shall be eligible to vote in the election:

Provided that a Member shall not be eligible to vote in the election if his name has been removed from the Register on the date of publication of the list of voters.

**6. List of voter.**—(1) Before the forty-five days of last date of receipt of nominations, the Returning Officer shall publish a list of voters eligible to vote, as specified in Schedule 1.

(2) The list of voters shall be made available at the head quarters of the Institute on payment of such price as may be fixed by the Council.

(3) The inclusion of the name of a Member in the list of voters shall not confer an absolute right to vote at the election which shall be subject to the other provisions of the Act, these rules or as the case may be, regulations.

(4) An announcement about the availability of the list as per sub-rule (2) shall be published on the web-site of the Institute and at the Notice Board at the headquarters of the Institute.

(5) If a clerical mistake or omission is detected in the list of voters published under sub-rule (1), the Returning Officer may rectify the same till the last day of receipt of nominations by issuing of a corrigendum.

**7. Member eligible to contest to the election.**—(1) Subject to other provisions of these rules, a Member, who is a fellow on the first day of April of the financial year in which an election is to be held and whose name continues to be borne on the Register on the last date of scrutiny of nominations under sub-rule (2) of rule 4, shall be eligible to contest for election to the Council:

Provided that a Member shall not be eligible to contest for election to the Council, if,—

(*a*) he has been found guilty of any professional or other misconduct and his name is removed from the Register or he has been awarded penalty of fine as provided in section 30 of the Act and the period specified in the proviso under clause (*a*) of sub-section (2) of section 12 of the Act has not expired; or

*(b) he is holding a post under the Central Government or the State* Government as provided in sub-section (3) of section 12 of the Act; or

(*c*) he has held the office during the just preceding three consecutive terms as provided under sub-section (1) of section 14 of the Act; or,

(*d*) he has been elected as President under sub-section (1) of section 17 of the Act and has held that office for a period of not less than one year.

*Explanation*.—For the purposes of this rule,—

(*i*) the penalties awarded to a person before coming into force of the Act, or penalties awarded to a person after the commencement of the Act, for offences committed earlier shall also be taken into account for the purpose of attracting disqualification under clause (*a*) of the proviso;

(*ii*) a person drawing salary from the Consolidated Fund of India or the Consolidated Fund of a State shall be deemed to be a person holding a post under the Central Government or the State Government as the case may be, for the purpose of attracting disqualification under clause (*b*) of the proviso;

(*iii*) the number of term(s) of office held by a person as a Member of the Council either under clause (*a*) or under clause (*b*) or partly under clause (*a*) and partly under clause (*b*) of sub-section (2) of section 12 of the Act, prior to the commencement of the Act, shall not be taken into account for the reckoning of the three consecutive terms for the purpose of disqualification under clause (*c*) of the proviso;

(*iv*) the holding of the office of the President of the Society under, sub-section (1) of section 17 of the Act prior to the commencement of the Act shall also not be taken into account for the purpose of attracting disqualification under clause (*d*) of the proviso.

**8. Number of Members to be elected**.—The Council shall, before the forty-five days of last date of receipt of nominations, publish on the web-site of the Institute in Form A regarding the number of Members to be elected and calling for nominations of candidates for election by the date and time published under sub-rule (2) of rule 4.

**9. Nomination paper**.—(1) Every nomination paper for election to the Council shall be completed in Form B and presented before the Returning Officer not later than 5 p.m. on the date fixed for filing of nomination paper under rule 4:

Provided that a failure to complete or defect in completing in Form B shall not be deemed to be defect of a substantial character.

(2) A Member may file two complete nomination papers for the election to the Council.

(3) The Returning Officer or any person authorised by him in this behalf shall receive the nomination papers along with the information as specified in Schedule 2 and shall acknowledge on the nomination papers with date and time.

**10. Scrutiny of nomination paper**.—(1) If, on scrutiny, the nomination paper is found to be in order, the Returning Officer shall accept it and give a serial number thereto.

(2) If, on scrutiny, the nomination paper is found to be defective and the defect is formal in nature, the Returning Officer may allow the Member to rectify the same in his presence, and; if the defects are,—

(*i*) the Member is eligible to contest the election to the Council under rule 7; or

(*ii*) the proposer of the seconder is not eligible to be proposer or, as the case may be seconder to the Member file nomination papers; or

(*iii*) the signature of the Member or proposer or seconer is genuine; or

(*iv*) the nomination paper is not as per the provisions of rule 9,

the Returning Officer may allow time, as he deems fit, to rectify the nomination paper;

(3) If, on scrutiny, the nomination paper is found to be defective and not rectifiable, the Returning Officer shall reject the nomination paper.

**11. Preparation of lists of contesting Members.**—(1) The list of contesting Member to be elected to the Council shall be in Form C and shall contain the particular set out therein.

(2) The names of the Member as per list prepared under sub-rule (1) shall be arranged alphabetically with complete address.

(3) Every Member or his election agent shall forth with be forwarded the list of contesting Members to the Members with a specimen signature thereon by the Returning Officer.

**12. Withdrawal of candidature.**—(1) If a Member wants to withdraw their membership from election to the Council, he shall give a notice in Form D and, on receipt of such notice, the Returning Officer shall note thereon the place, date and time at which it was received.

(2) No Member who has given a notice under sub-rule (1) shall be allowed to cancel or withdraw that notice.

(3) Before three days of the last date of withdrawal of nomination fixed under clause (*c*) of sub-rule (2) of rule 4, the Returning Officer shall intimate, the name of such Members who have withdrawn their membership, to the other Members contesting for election to the Council.

**13. Intimation of final list of nominations to candidates and voters.**—(1) The Returning Officer shall delete the name of Members who withdraw their membership from the list of valid nomination papers and send the final list of nominations papers by post under certificate of posting to all Members contesting for election to the Council.

(2) The final list prepared by the Returning Officer shall be published on the web-site of the Institute and on the Notice Board of headquarters of Institute.

(3) The final list shall be accompanied by particulars of all contesting Members as are compiled, prepared and presented in accordance with Schedule 3 by the Returning Officer:

Provided that if any manifest errors noticed by the Returning Officer in the particulars furnished by the Member, the Returning Officer may correct it.

(4) The particulars required under sub-rule (3) shall prominently indicate that they are compiled on the basis of the particulars furnished by the Member as per Schedule 2 and that no responsibility is acceptable as to the said particulars.

**14. Election Code of Conduct.**—(1) With a view to maintain a healthy and peaceful atmosphere during the election process for ensuring a free and fair election, the Returning Officer shall, as approved by the Council, issue an Election Code of Conduct for Members, before making the announcement

under sub-rule (2) of rule 4, and shall place Election Code of Conduct on the web-site of the Institute.

(2) The Election Code of Conduct shall contain instructions and norms for election to the Council and such Election Code of Conduct shall be followed by the Member and his authorised agent during the election to the Council.

(3) The Election Code of Conduct shall come into force from the date of issue of publication referred under sub-rule (2) of rule 4 and it shall be obligatory on the part of every Member to comply the provisions of Election Code of conduct.

**15. Death of a Member.**—(1) If a Member dies before date of dispatch of ballot papers but after the date fixed for the withdrawal of membership under rule 12 and his nomination is or has been accepted as valid, his name shall be deleted from the list of Members contesting the election.

(2) If a Member dies and it is known to the Returning Officer, after the commencement of the process of casting votes but before the commencement of the counting, the votes cast for the deceased Member shall be ignored.

(3) If a Member dies and it is known to the Returning Officer, after commencement of the counting and before declaration of results, the votes polled in favour of the deceased Member shall be ignored.

(4) If a Member dies and it is known to the Returning Officer, after declaration of results in which he has been declared elected, then the resultant vacancy shall be filled as per the provisions of sub-section (3) of section 18 of the Act.

**16. Members deemed to be elected if their number is equal to or less than the number of Members to be elected.**—(1) Where the number of Members filed nomination paper is equal to or less than the number of Members to be elected, on the date of issue of the final list of nominations, the Returning Officer shall declare such Members as duly elected.

(2) Where the number of Members is less than the number of Members to be elected, the Returning Officer shall commence fresh proceeding for the election of the remaining Member or Members to be elected.

**17. Admissible number of votes to a voter.**—(1) A voter shall have one vote only as per vacancy.

(2) The voter in order to cast his vote shall,—

(*a*) place on his ballot paper a tick mark (√) in the box immediately against the name of the Member he chooses to vote for; and

(*b*) ensure that he does not vote for more Member than there are vacancies to be filled.

**18. Ballot paper.**—The ballot paper for the election to the Council shall be in Form E.

**19. Presence of the Member and their authorised agent at the time of scrutiny of ballot papers and at the time of counting of votes.**—(1) A Member or his authorised agent shall be present at the time of scrutiny of nominations papers, ballot papers and counting of votes.

(2) No agent shall be authorised unless the Member has issued a letter of authority to such agent.

(3) The letter of authority shall contain the full name, address and number of Member and shall be produced before the Returning Officer.

(4) The Returning Officer shall maintain the attendance of the Member or his agent, as the case may be, at the time of scrutiny of nomination papers, ballot papers and counting of votes.

**20. Procedure of voting.**—Voting for the election to the Council shall held in such manner as provided in Schedule 4.

**21. Grounds for declaring ballot papers invalid.**—A ballot paper shall be declared invalid on the following grounds, namely,—

(*a*) if a voter signs his name or writes any word or figure upon it or makes any mark, not being a mark of (√), put under clause (*a*) of sub-rule (2) of rule 17, upon it by which the ballot paper becomes recognisable or by which the voter can be identified; or

(*b*) if it is not printed by or under the authority of the Council or it is different in any manner from the ballot papers printed under rule 18; or

(*c*) if it is unmarked or the mark made is void or cannot be unambiguously determined; or

(*d*) if it contains more tick (√) marks than the number of vacancies; or

(*e*) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(*f*) if it is not returned in the cover sent along with it to the voter.

**22. Time and date for the counting of votes.**—The Returning Officer shall, before fifteen days from the date for closing date of the receipt of ballot papers, fix the date and time at which headquarters of the Institute the counting shall commence and shall give notice of such date and time in writing to all the Members or his agents.

**23. Appointment of Assistant Returning Officer.**—The Council may appoint two or more Assistant Returning Officers from amongst the officer/ staff of the Institute to assist the Returning Office during the election process.

**24. Counting of votes and declaration of results.**—The votes shall be counted as per the procedures specified in Schedule 5. The results of the election shall be declared on the web-site of the Institute and displayed on the Notice Board of the headquarters of Institute in Form F.

**25. Election not to be invalid due to omission, etc.**—No election shall be deemed to be invalid merely by reason of any omission of the name of a Member from the list of Members eligible to vote or any mistake in not allowing him to vote or the accidental inclusion of name of a person not entitled to vote in the list of Members eligible to vote or, allowing him to vote, or any irregularity or infirmity in the conduct of the election, including omission to send or delay in sending the ballot paper to a voter or the non-receipt of, or delay in receipt of a ballot paper, by voter.

**26. Duties of the Returning Officer.**—(1) The Returning Officer shall conduct the election in accordance with these rules.

(2) The Returning Officer may, with the approval of the Council, delegate any of the duties to be performed by him under these rules to the Assistant Returning Officers, as he may deem fit.

**27. Decision of the Returning Officer to be final.**—Unless otherwise provided in these rules, the decision of the Returning Officer, in all matters pertaining to conduct of election and the procedure followed for such matters which are not specifically mentioned by these rules, shall be final.

*Explanation.*—For the removal of doubts, it is hereby declared that the conduct of election shall include the process of counting of votes and declaration of results.

**28. Vacancy in any seat not to hold up constitution of the Council.**—If for any reason any seat or seats is not filled up after the election, it shall not be deemed to hold up the constitution of the Council under sub-section (1) of section 12 of the Act.

**29. Election expenses.**—(1) No Member, whose name has been included in the final list of nomination paper under rule 13, shall incur expenditure in excess of an amount to be fixed after consultation with the Central Government.

(2) Every such Member shall file complete account of expenses incurred for the election as approved by the Council, within fifteen days from the declaration of results of election to the Council under rule 24.

**30. Disciplinary action against Member in connection with conduct of election.**—(1) A Member shall be deemed to have brought disrepute to the Institute under item A(2) of Part IV of the Schedule to the Act if, in connection with an election to the Council, he is found to have contravened the provision of sub-rule (2) or any of the clauses of sub-rule (3) or sub-rule (4).

(2) Only one manifesto shall be issued by a Member in relation to the election after the date of publication of final list of valid nominations of the Member.

(3) A manifesto issued under sub-rule (2) shall conform to the following requirements in the interest of maintaining dignity of the election, namely:—

(*a*) a manifesto shall contain information regarding the Member and shall not make any reference, directly or indirectly, to any other Member;

(*b*) the information which a Member may furnish in a manifesto regarding himself shall not differ in any material respect from the information furnished by the Institute to the voters under rule 13. A Member may, however, include in such manifesto, any additional information not contained in the information furnished under rule 13 ;

(*c*) a manifesto issued under sub-rule (2) shall neither contain any appeal to the voters on the basis of caste or on communal, religious, regional or sectional lines nor any tall claim;

(*d*) the distribution of a manifesto shall be restricted only to Members of the Institute;

(*e*) a certified copy of such manifesto shall be sent to the Returning Officer by speed post or registered post or through a messenger within fifteen days of its issue;

(*f*) while a Member to the Council may repeat, in any form, the manifesto issued under sub-rule (2) without changing its contents, he shall not issue more than one manifesto or.

(4) A Member shall not adopt any of the following practices with regard to the election to the Council, namely:—

(*i*) bribery, that is to say, any gift, offer or promise of any gifts or gratification to any person by a Member or any other person, with his connivance, with the object directly or indirectly of—

(*a*) inducing a Member to contest or not to contest as a Member at an election or rewarding him for act or omission; or

(*b*) inducing to withdraw his membership to the Council or rewarding such withdrawal; or

(*c*) inducing a voter to vote or not to vote at an election, or as a reward for act or omission.

*Explanation*.—For the purpose of this clause, "gratification", includes organising parties or providing any other form of entertainment, and all forms of employment as rewards; but, does not include the payment of any *bona fide* expenses incurred at or for the purpose of any election where it is not restricted to pecuniary gratification or gratifications in money;

(*ii*) undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a Member or any other person with his connivance, with the free- exercise of any electoral right;

(*iii*) the publication by a Member or by any other person, with his connivance, of any statement which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the membership or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that Member's election;

(*iv*) the obtaining or procuring or abetting, or attempting to obtain or procure, by a candidate or by any other person, with his connivance, any assistance for the furtherance of the prospects of the Member's election from any person serving under the Government of India or the State Government, other than the giving of vote by such person, if he is a Member entitled to vote;

(*v*) non-compliance with any of the directive or circular or instruction issued by the Returning Officer under these rules in any matter relating to elections;

(*vi*) contesting the election representing a political party;

(*vii*) the receipt by a Member or an agreement by a Member to receive any gratification, namely:—

(*a*) as an inducement or reward for standing or not standing as a membership; or

(*b*) as an inducement or reward for withdrawing his candidature; or

(*c*) as an inducement or reward for himself or any other person for voting or refraining from voting; or

(*d*) as an inducement or reward for inducing or attempting to induce any voter to vote or refrain from voting; or

(*e*) inducing or attempting to induce any Member to the Council to withdraw his membership;

(*viii*) contravention or misuse of any of the provisions of these rules or making of any false Statement knowing it to be false or without knowing it to be true, while complys with any of the provisions of these rules;

(*ix*) any act specified in clauses (*i*) to (*viii*), when done by a Member, who is not a Member, but is acting with the concurrence or connivance of a Member.

## SCHEDULE 1

(*See* sub-rule (1) of rule 6)

### LIST OF VOTERS

1. Serial Number:
2. Full Name of the Member:
3. Whether the voter is a fellow or an associate Member:
4. Address:
5. Details of internet address or e-mail address as furnished by a voter to the Institute, provided an express consent is given by the voter for its inclusion in the list of voters:—

.....

Signature of the Returning Officer

With stamp

## SCHEDULE 2

(*See* sub-rule (3) of rule 9)

### INFORMATION TO BE INCLUDED IN THE STATEMENT ACCOMPANYING THE NOMINATION

1. Nomination of a Member shall be accompanied by a statement signed and verified by the Member containing following information, namely:—

(*a*) Name, membership No. and voter's serial number as mentioned in the list of voters:

(*b*) Date of birth:

(*c*) The date on which became Fellow:

(*d*) Whether citizen of India:

(*e*) Whether found guilty of any professional or other misconduct and consequently whether he has been reprimanded or the name has been removed from the Register or has been awarded "penalty of fine" as on the date of nomination:—

(*f*) If the answer to (*e*) above is in affirmative, provide the following details, wherever applicable (separately for each misconduct for which found guilty):—

(*i*) the offence under which found guilty:

(*ii*) the date of reprimand:

(*iii*) the date from which the name was removed on account of above *disqualification from the Register*:

(*iv*) the total period of removal:

(*v*) the date on which the period of removal expired:

(*vi*) whether the removal was on account of misconduct falling under the Schedule to the Act:

(*vii*) the date on which the penalty of fine was awarded:

(*viii*) Amount of penalty of fine:

(*ix*) the date on which the payment was made for penalty of fine awarded:

(x) the date by which the restriction on standing for elections to the Council ended in terms of the proviso to sub-section (2) of section 12 of the Act:

(g) Details of membership of the Council, both past and present, including holding of the Office of the President and / or Vice-President of the Institute—as to—

(i) whether he is holding a post under the Central or State Government as defined in clause (ii) of the *Explanation* to rule 7

2. The statement referred to in paragraph 1 may contain, at the option of the Member, information concerning the Member in respect of the following:—

(a) Academic qualifications (diplomas including post qualification diploma(s) and degrees and membership of professional bodies recognised by the Council);

(b) Merit awards (limited up to first three positions) in the examinations of recognised universities or professional bodies and the examinations conducted by the Institute;

(c) Particulars of occupation:—

(i) Employment (designation with name of present employer);

(ii) Practice (sole proprietor or in partnership including the name of the firm):

(iii) Particulars of other occupation or engagement, if not covered by (i) and (ii) above;

.....

Signature of the Member

(Name and Address)

## SCHEDULE 3

(See sub-rule (3) of rule 13)

1. *Particulars of contesting Member in the final list.*—The final list of nominations shall be accompanied by following particulars of contesting Member to the extent they have been supplied by the Member under sub-rule (3) of rule 9, namely:—

(a) Name, membership No., Address and voter's serial number; as per the list of voters:

(b) Date of birth:

(c) The date on which the Member became Fellow:

(d) Whether citizen of India:

(e) Whether found guilty of any professional or other misconduct with details thereof, like nature of misconduct and punishment awarded:

(f) Details of past and present membership of the Council including holding of the Office of Vice-President of the Institute:

(g) Academic qualifications (diplomas including post qualification diploma(s) and degrees recognised by the Government or Council and membership of professional bodies recognised by the Council):

(h) Merit awards (limited up to first three positions) in the examinations of recognised universities or professional bodies and the examinations conducted by the Institute:

(i) particulars of occupation:—

(1) Employment (designation with name of present employer);

(2) Practice (sole proprietor or in partnership including the name of the firm):

(3) Particulars of other occupation or engagement, if not covered by (i) and (ii) above.

2. *Record to be kept by the Returning Officer.*—(1) The Returning Officer shall, at the time of dispatch of the ballot paper, place against the name of the voter in the list of Members eligible to vote, a mark to denote that the voter has been sent a ballot paper.

*3. Ballot box.*—The ballot box shall be so constructed that a ballot paper can be inserted there into but cannot be withdrawn therefrom (without the box being unlocked or the seals being broken).

## SCHEDULE 4

(*See* rule 20)

### *PROCEDURE FOR VOTING*

*1. Returning Officer to send ballot papers by post.*—(1) Not less than twenty one days before the last date and time announced for receipt of ballot papers back from the voters, under provision of clause (*e*) of sub-rule (2) of rule 4, the Returning Officer shall send by post under certificate of posting to the voters the ballot paper together with the instructions contained in Form A explaining the manner in which the vote shall be recorded thereon, the manner in which the recorded ballot papers shall be returned and specifying the date and hour by which it shall reach the Returning Officer.

(2) If the of voter is residing outside India, the ballot papers shall be sent by airmail post under certificate of posting at least thirty days before the last date and time announced for receipt of ballot papers by post.

*2. Issue of undelivered and fresh ballot papers.*—(1) Where the ballot paper is, for any reason, returned undelivered, the Returning Officer may re-send the ballot paper by post under certificate of posting either on a request being made by the voter

*(2) If any voter has inadvertently dealt with the ballot paper sent to him in such a* manner that they cannot conveniently be used, a fresh ballot shall be sent to him after he has returned the spoiled ballot paper and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoiled ballot paper so returned and keep them in a separate packet after noting thereon the count of such ballot papers put in the packet.

*3. Timely receipt of ballot papers.*—All packets containing ballot paper shall be address to the Returning Officer with a Outer Cover as per Form G and the Returning Officer or Assistant Retuning Officer shall, thereafter, enter in the inward Register the date and time of receipt of such packet and then inserted into the ballot box, and those which do not reach him by the date and time specified shall be set aside and kept together in a packet with the count of such covers recorded on the packet.

## SCHEDULE 5

(See rule 24)

### PROCEDURE FOR COUNTING OF VOTES AND DECLARATION OF RESULTS

*1. Counting of votes.—On the date, time and place, as fixed under rule 22, for the purpose* of counting of votes the Returning Officer, follow the following steps in the order mentioned, namely:—

(*a*) allow the Member of the Council and his agent to present at the counting, an opportunity to inspect the ballot box; and its seals for satisfying themselves that they are in order;

(*b*) if he is satisfied that the ballot box is in order,—

(*i*) the Ballot box shall be opened and the covers containing ballot papers shall be taken out from it and shall be counted and the number thereof shall be recorded in a statement;

(*ii*) allow the Member to the Council or his agent present at the counting to inspect the covers containing the ballot papers and satisfy themselves that they are in order but do not allow them to handle those covers;

(*c*) set aside the covers not received in accordance with paragraph 1 of Schedule 4;

(*d*) open the outer covers Form G containing the covers having the ballot papers;

(*e*) set aside the covers containing more than one ballot paper cover;

(*f*) open the ballot paper covers and take out the ballot papers from each cover and record the number thereof in a statement; and make a separate packet of those ballot papers;

(*g*) the ballot papers shall be examined and any invalid ballot papers as per rule 21 shall be rejected;

(*h*) before rejecting any ballot paper, the Returning Officer shall allow each Member to the Council or his representative present a reasonable opportunity to inspect the ballot paper but shall not allow him to physically handle it or any other ballot paper;

(*i*) the Returning Officer shall endorse on every ballot paper which he rejects, the word "rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of rubber stamp and shall initial such endorsement;

(*j*) all ballot papers rejected under this rule shall be bundled together;

(*k*) the Returning Officer shall then count the number of rejected ballot papers and record the count;

(*l*) the Returning Officer shall then prepare a reconciliation of the ballot papers received.

2. *Procedure in case of a tie.*—When after counting of votes, a tie is found to exist between any candidates, then lots shall be drawn between the candidates in the tie and the successful candidate shall be considered to have received an additional vote.

3. *Provision for recounts.*—Any Member to the Council or, in his absence, his agent may, at any time during the counting of the votes, request the Returning Officer in writing to re-examine and re-count the votes of all or any Member to the Council along with reasons for asking such a recount, and after receipt of request of the Member, the Returning Officer may re-examine and re-count the same if he finds that the reasons given are sufficient for having recount.

4. *Report to the President.*—After the counting of votes is over, the Returning Officer shall prepare a statement showing the number of votes received by each Member to the Council. The statement shall be in the descending order of the number of votes received by the candidates. The Returning Officer shall submit to the President the results of the counting in Form E and a report on the counting process which shall include reconciliation of the covers containing ballot papers received by him.

## FORM A

(*See* rule 8)

## GUIDANCE TO THE VOTER FOR FILLING UP THE BALLOT PAPER

To All Fellow and Associate Members

Dear Member,

Re: Election to the Council (.....)

The following x valid nominations, arranged in alphabetical order, have been received for filling up the y vacancies, that have arisen.

| | |
|---|---|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |
| 7. | |

Since the number of nominations is more than the number of vacancies, in accordance with the Rules for Election of Members to the Council it has become necessary to hold elections to elect x Members for filling up the vacancies.

A ballot paper is enclosed herewith containing the names of Members contesting the election. The short resume of the contestants is also enclosed. The election system is as below:

1. Please indicate your choice by placing a tick against the name of the candidate whom you want to vote.

2. Please DO NOT tick against more than x candidates. However, you may tick for less than x candidates.

*3. Placing ticks against more than x candidates would render your ballot paper* invalid.

4. Please do not sign or put any other indication on the ballot paper.

5. After indicating your choice as mentioned above, please put the ballot paper in the enclosed pink colored cover provided by us and close it. Please do not write anything on this cover.

6. Please put the coloured closed cover containing the ballot paper in the white cover bearing the address of the Returning Officer by name and close it. Please write your name, your class of membership and sign above your name clearly written on the outer flap of the white cover where it is closed. This is for identification with the voters list. If a Member fails to put on the flap his/her name and signature, the ballot paper shall be treated as invalid.

7. The white cover should reach the Returning Officer, latest by 5.00 p.m., on DD—MM—YY. The covers containing ballot paper received after this date/time shall be taken as invalid.

Yours faithfully,

.....

Returning Officer

Stamp

*Note.*—Only the enclosed ballot paper, which has been duly authenticated, shall be accepted.

FORM B

(*See* sub-rule (1) of rule 9)

FORM OF NOMINATION FOR ELECTION TO THE COUNCIL YEAR.....

---

I,.....a Fellow Member of the Institute, do hereby express my willingness to be elected as a Member of the Council of the Institute.

Date.....

.....

Signature of the Member

---

I,.....a Fellow / Associate Member of the Institute, do hereby propose Mr.....a Fellow Member, for election as a Member of the Council of the Institute.

.....

Date..... (Signature of Proposer)

I,.....a Fellow / Associate Member of the Institute, do hereby second the above proposal.

.....

Date..... (Signature of Seconder)

FORM C

(*See* rule 11)

EMBLEM OF INSTITUTE

LIST OF CONTESTING MEMBER

| Sl. No. | Name of the Contesting Member | Specimen signature of Contesting Member |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |

.....

Signature of Returning Officer

With stamp

FORM D

(*See* rule 12 )

EMBLEM OF INSTITUTE

NOTICE OF WITHDRAWAL OF MEMBERSHIP FROM ELECTION TO THE COUNCIL

I,.....a Fellow / Associate Member of the Institute, do hereby withdraw my Membership from Election to the Council dated.....

Date.....

.....

Signature of the Member

Membership No.....

Address.....

IndiaCode

FORM E

(*See* rule 18)

EMBLEM OF INSTITUTE

BALLOT PAPER FOR ELECTION TO THE COUNCIL

(Names are in alphabetical order)

| Sl. No. | Name of the Member | Vote* |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |

*Place tick (√) here against the name of the Member to whom you are voting for. More than x ticks will render the Ballot paper invalid.

IndiaCode

FORM F

(*See* rule 24)

RESULTS OF ELECTION TO COUNCIL XXXX

The Returning Officer has submitted his report to the President, in terms of clause 4 to Schedule 5 of the rules on the process of Election completed on DD—MM—YY.

Xx nominations were received for filling up the yy vacancies on the Council and elections were held as per the provisions of the rules.

The candidates along with the number of votes polled in descending order are as under;

| Sl. No. | Name and address of the Candidate | Number of Votes Polled | Number of Votes record | Number of Vote cancelled |
|---|---|---|---|---|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |

.....

Signature of the Returning Officer

With stamp

FORM G

(*See* schedule 4)

OUTER COVER ADDRESSED TO THE RETURNING OFFICER BY NAME

Postage

Stamp

Ballot Paper—NOT TO BE OPENED BEFORE COUNTING

Mr.....

Returning Officer,
Institute of Actuaries of India,
302, Globe Chambers, 142, Fort Street.
Off D.N. Road, Fort, Mumbai 400 001.

IndiaCode