

MINISTRY OF FINANCE
(Department of Financial Services)

NOTIFICATION

New Delhi, the 3rd June, 2021

G.S.R. 384(E).—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) and in supersession of the Actuaries (Election to the Council) Rules, 2008, except as respects things done or omitted to be done before such supersession, 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, 2021.

(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) “agency” means the National Securities Depository Limited, Central Depository Services (India) Limited or such other entity which has obtained a certificate from the Standardisation Testing and Quality Certification Directorate, Ministry of Electronics and Information Technology, Government of India, who is appointed by the Council for conducting voting through electronic means;
- (c) “cyber security” means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorised access, use, disclosure, disruption, modification or destruction;
- (d) “Returning Officer” means the person assigned the duties of such officer under these rules, who shall be the Executive Director appointed by the Council under section 20 of the Act, or, in case the post of Executive Director is vacant, such other officer appointed by the Council under the said section who is designated by the Council as the Returning Officer;
- (e) “secured system” means computer hardware, software and procedure that—
 - (i) are secure from unauthorised access and misuse;
 - (ii) provide adequate level of reliability and correct operation;
 - (iii) are suited to perform the intended functions; and
 - (iv) adhere to generally accepted security procedures and are in conformity with cyber security policies.
- (f) “Schedule” means the Schedule to these rules; and
- (g) “voting by electronic means” or “electronic voting system” means a secured system based process of display of electronic ballots, recording of votes of the members and the number of votes polled in favour or against the contesting candidates, such that the voting by way of electronic means gets registered and counted in an electronic registry in a centralised server with adequate cyber security, and includes remote electronic voting.

(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. Dates of election of members to the Council.—(1) The election of members to the Council under clause (a) of sub-section (2) of section 12 of the Act shall be held by casting votes through postal ballot or voting by electronic means or both, as may be decided by the Council from time to time.

(2) The Returning Officer shall publish on the webpage of the Institute and the bulletin board of the Institute at its headquarters, at least three months before the date of declaration of result of election to the Council, the dates fixed for the following stages of election of members to the Council, namely:—

- (a) the last date and time for receipt of nominations, which shall not be less than twenty-one days from the date of the publication on the webpage of the Institute or the bulletin board;
- (b) the date of scrutiny of nominations, which shall not be more than three days from the date fixed under clause (a);
- (c) the last date and time for withdrawal of nominations, which shall be within seven days from the date fixed under clause (b);
- (d) the date on which the ballot papers shall be sent to the voters;

- (e) the date on which user login and password shall be sent to the voters for voting by electronic means;
- (f) the date and time of commencement of voting through electronic means;
- (g) the date and time of end of voting through electronic means;
- (h) the last date and time for receipt of ballot papers from voters;
- (i) the date of counting of votes;
- (j) the date of declaration of results.

(3) If for any reason the elections are not held on the date fixed under sub-rule (2), the Returning Officer shall fix a fresh date within seven days from cancellation or postponement thereof and shall publish the fresh date on the webpage of the Institute and on the bulletin board of the Institute at its headquarters:

Provided that such publication shall be at least ten days before the fresh date, except for any fresh dates fixed under sub-clauses (i) and (j) of sub-rule (2).

(4) If the Institute is closed on a last date fixed under sub-rule (2), the related activity shall be considered as done in time if it is done on the next day on which the Institute is open.

4. Members eligible to vote.—Subject to the provisions of the Act, a member whose name is borne on the register on the first day of April of the financial year in which the election to the Council is to be held, 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.

5. List of voters.—(1) The Returning Officer shall publish a list of voters eligible to vote, as specified in Schedule 1, before forty-five days of the last date fixed for receipt of nominations.

(2) The list of voters shall be made available at the headquarters of the Institute on payment of such fee as may be fixed by the Council and shall also be made available to the agency.

(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 and shall be subject to the provisions of the Act and the rules and regulations made thereunder.

(4) An announcement about the availability of the list referred to in sub-rule (2) shall be published on the webpage of the Institute and the bulletin board of the Institute at its headquarters.

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

6. Members eligible to contest election.— 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 3, shall be eligible to contest election to the Council:

Provided that a member shall not be eligible to contest election to the Council if—

- (a) he attracts the ineligibility under the proviso to clause (a) of sub-section (2) of section 12 of the Act on account of having been found guilty of any professional or other misconduct and removal of his name from the register or having been awarded any penalty or fine; or
- (b) he attracts the ineligibility under sub-section (3) of section 12 of the Act on account of holding a post under the Central Government or a State Government; or
- (c) he attracts the bar on eligibility 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.—In this rule,—

- (i) for the purposes of the ineligibility under clause (a), 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 previously shall also be taken into account;
- (ii) for the purposes of clause (b), 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 concerned, as the case may be.

7. Number of members to be elected.—The Returning officer shall, before forty-five days of the last date fixed for receipt of nominations, publish on the webpage of the Institute in Form A regarding guidance to the voter for filling up the ballot paper, which shall contain the details of the valid nominations received for election by the date and time published under sub-rule (2) of rule 3.

8. 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 last date fixed for filing of nomination papers.

(2) A member may file up to 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 nomination papers along with the information specified in Schedule 2 and shall affix his signature on the nomination papers with date and time to authenticate the same.

9. Scrutiny of nominations paper.—(1) If, on scrutiny, a nomination paper is found to be in order, the Returning Officer shall accept the same and assign a serial number thereto.

(2) If, on scrutiny, a nomination paper is found to be defective, and—

- (a) where the defect is formal in nature, the Returning Officer may allow the member to rectify the same in his presence;
- (b) where the member is eligible to contest the election to the Council and the defect is that either the proposer or the seconder is not eligible to be proposer or seconder for the filing of nomination papers, or where the signatures of the member, proposer and seconder are genuine and the defect is that the nomination paper is not in accordance with the provisions of rule 8, the Returning Officer may allow such time, not exceeding seven days, as he may deem fit for rectifying 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.

10. Preparation of lists of contesting members.—(1) The list of contesting members shall be in Form C and shall contain the particulars set out therein, and a copy of the same shall be made available to the agency.

(2) The names of members in the list referred to in sub-rule (1) shall be arranged in alphabetic order, along with the complete address of each member.

(3) The list of contesting members with a specimen signature thereon of each member shall be sent to every member or his election agent.

11. Withdrawal of candidature.—(1) A member may withdraw his nomination for election to the Council by a notice in writing in Form D and, on receipt of such notice, the Returning Officer shall record thereon the place, date and time of its receipt.

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

12. Final list of candidates.—(1) The Returning Officer shall send to all members contesting the election and to the agency, either by post or through electronic means, the final list of candidates, prepared after omitting the names of such of the members if any who have withdrawn their nomination, and accompanied by such particulars of every contesting members as are specified in Schedule 3 while stating that the said particulars are based on the particulars furnished by the member as per Schedule 2 to these rules.

(2) In case of voting through electronic means, the agency shall prominently display the final list of candidates on the electronic voting platform.

(3) The final list of candidates prepared by the Returning Officer shall be published on the webpage and the bulletin board of the Institute.

13. Code of Conduct for Election.—(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 issue a Code of Conduct for Election, approved by the Council, before publishing the dates fixed for the election, and shall place the same on the webpage and the bulletin board of the Institute.

(2) The Code of Conduct for Election shall contain instructions and norms to be observed by contesting members and their authorised agents during the course of the elections to the Council.

(3) The Code of Conduct for Election shall come into force from the date of publication referred to in sub-rule (2) of rule 3 and it shall be obligatory on the part of every member to ensure compliance therewith.

14. Death of member.—(1) If a member dies before the date of dispatch of either the ballot papers or user logins and passwords for voting by electronic means but after the last date fixed for withdrawal of nominations, the Returning Officer shall omit his name from the list of contesting members, under intimation to the agency.

(2) If a member dies and this becomes known to the Returning Officer after the commencement of the process of casting of votes, whether through postal ballot or through electronic means, but before the commencement of counting of votes, the votes cast for such deceased member shall be ignored.

(3) If a member dies and this becomes known to the Returning Officer after commencement of the counting of votes but before declaration of results of the election, the votes polled in favour of such deceased member shall be ignored.

(4) If a member dies and this becomes known to the Returning Officer after the declaration of results of the election and he has been declared elected, then the resultant vacancy shall be filled in accordance with the provisions of sub-section (3) of section 18 of the Act.

15. Members deemed to be elected if their number is equal to or less than number of members to be elected.—

(1) Where on the date of issue of the final list of candidates, the number of candidates is equal to or less than the number of members to be elected, the Returning Officer shall declare such candidates as duly elected.

(2) Where on the date of issue of the final list of candidates, the number of candidates is more than the number of members to be elected, the Returning Officer shall commence the process for election of the members to be elected.

16. Admissible number of votes.—(1) Every voter shall have one vote for every member to be elected.

(2) In order to cast his vote, a voter shall—

(a) place on his ballot paper a tick mark (✓) in the box against the name of every member he wants to vote for; and

(b) ensure that he does not vote for more members than there are to be elected.

17. Ballot paper.—The ballot paper for the election of members to the Council shall be in Form E.

18. Presence of member at time of scrutiny of nomination papers and counting of votes.—(1) A member shall, either himself or through his agent authorised by him in writing,—

(a) have the right to be present at the time of scrutiny of nomination papers and, in case of the election being conducted through paper ballot, at the time of counting of votes; and

(b) in case of the election being conducted by voting through electronic means, be entitled to discuss the process of voting through electronic means with the representative of the agency.

(2) The authorisation in writing referred to in sub-rule (1) shall contain the full name, address and membership number of the member authorising the agent and the same shall be produced before the Returning Officer.

(3) The Returning Officer shall record the presence of every member or his authorised agent, as the case may be, at the time of scrutiny of nomination papers and counting of votes.

19. Procedure for voting.—Voting for the election to the Council shall be held in the manner specified in Schedule 4.

20. Grounds for declaring ballot papers or electronic voting invalid.—A ballot paper shall be declared invalid on the following grounds, namely:—

(a) if a voter marks thereupon his name or signatures or makes any mark other than the mark referred to in clause (a) of sub-rule (2) of rule 16 by which either the ballot paper or the voter may become identifiable; or

(b) if it is not printed by or under the authority of the Council or is different in any manner from the ballot papers printed under rule 17; or

(c) if it is unmarked or from the mark made thereupon the candidate in whose favour the vote has been marked cannot be unambiguously determined; or

(d) if it contains more such marks as are referred to in clause (a) of sub-rule (2) of rule 16 than the number of members to be elected; 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; or

(g) if voting is held through electronic means and the submission reaches the server after the date and time fixed for the purpose.

21. Time and date for counting of votes.—The Returning Officer shall fix the date and time at which counting of votes cast by paper ballot shall commence at the headquarters of the Institute, which shall be within fifteen days of the last date fixed for receipt of ballot papers, and shall give notice of such date and time in writing to every member or his agent.

22. Appointment of Assistant Returning Officer.—The Council may appoint two or more Assistant Returning Officers from amongst its officers to assist the Returning Officer in the performance of his duties.

23. Counting of votes and declaration of results.—The votes polled shall be counted in accordance with the procedure specified in Schedule 5 and the results of the election shall be published in Form F on the webpage and the bulletin board of the Institute .

24. 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 a member to vote, or the accidental inclusion of the name of a person not entitled to vote in the list of members eligible to vote or allowing such person 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 any ballot paper by a voter.

25. Duties of Returning Officer.—(1) The Returning Officer shall conduct the elections in accordance with these rules.

(2) The Returning Officer may assign any of his duties to be performed under these rules to an Assistant Returning Officer.

26. Duties of agency.—(1) The agency providing such electronic voting platform shall ensure that the process for electronic voting is explained in the electronic voting platform along with a list of frequently asked questions and responses thereto, and shall also ensure that all information, forms etc. required to be published under these rules, including the list of members referred to in sub-rule (2) of rule 12, are displayed prominently on the electronic voting platform.

(2) The agency shall generate and communicate the user login and password to each eligible member by print or email in a secure manner.

(3) The agency shall provide secured electronic platform for voting through electronic means.

(4) After the voting period is over, the agency shall provide to the Returning Officer a system-generated report containing member-wise details of the votes polled, which shall be verified against the list of eligible voters.

(5) After verification as referred to in sub-rule (4), the Returning Officer shall submit a report to the agency regarding discrepancies, if any.

(6) On receipt of report referred to in sub-rule (5), the agency shall furnish clarifications regarding the discrepancies and submit its final report specifying the name of the candidate, the number of votes polled against each candidates' name, the number of votes recorded against each candidates' name, and the number of votes cancelled.

(7) The agency shall perform such other duties as the Council may entrust to it.

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

Explanation.—For removal of doubts, it is hereby clarified 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 is not filled up after the election, it shall not hold up 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 nominations under rule 12 shall incur expenditure in excess of such amount as the Council shall fix in consultation with the Central Government.

(2) Every member shall file with the Returning Officer, for placing before the Council, complete account of expenses incurred for the election, within fifteen days from the declaration of results of the election under rule 23.

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 provisions of sub-rule (2) or 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 nominations.

(3) In the interest of maintaining dignity in the course of the election process, a manifesto issued under sub-rule (2) shall conform to the following requirements, 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 12, save for the inclusion in the manifesto of any additional information not contained in the information furnished under rule 12;
- (c) a manifesto issued under sub-rule (2) shall not contain any appeal to the voters on the basis of caste or on communal, religious, regional or sectional lines and shall not make 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 within fifteen days of its issue to the Returning Officer by Speed Post or registered post or by email or through a messenger;
- (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.

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

- (a) bribery, or any gift, offer or promise of any gift or gratification to any person by a member or by any other person with the member's connivance, with the object of directly or indirectly—
 - (i) inducing a member to contest or not to contest an election or to reward him for any act or omission; or
 - (ii) inducing a member to withdraw his membership to the Council or to reward such withdrawal; or
 - (iii) inducing a voter to vote or not to vote at an election, or as a reward for any act or omission;

*Explanation.—*For the purposes of this clause, “gratification”—

- (i) is not restricted to pecuniary gratification or gratification in money but shall include organising parties or providing any other form of entertainment, and all forms of employment, as reward;
- (ii) does not include the payment of any *bona fide* expenses incurred at or for the purpose of election;
- (b) 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 the member's connivance, with free exercise of any electoral right;
- (c) the publication by the member or by any other person with the member's connivance, of any statement which is false, and which the member 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 candidate's election;
- (d) the obtaining or procuring, or abetting or attempting to obtain or procure, by a candidate or by any other person with the member's connivance, of any assistance for the furtherance of the prospects of the member's election from any person serving under the Central Government or a State Government, other than the giving of vote by such person, if he is a member entitled to vote;
- (e) non-compliance with any of the directives or circulars or instructions issued by the Returning Officer under these rules in any matter relating to the election;
- (f) contesting the election representing a political party;
- (g) the receipt by a member or an agreement by a member to receive any gratification,—
 - (i) as an inducement or reward for standing or not standing as a candidate; or
 - (ii) as an inducement or reward for withdrawing his candidature; or
 - (iii) as an inducement or reward for himself or any other person for voting or refraining from voting; or
 - (iv) as an inducement or reward for inducing or attempting to induce any voter to vote or refrain from voting; or
 - (v) inducing or attempting to induce any member to the Council to withdraw his membership;

*Explanation.—*For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward;

- (h) 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 complying with any of the provisions of these rules;
- (i) any act referred to in clauses (a) to (h) when done by a member or any other person who is not a member.

SCHEDULE 1

(See sub-rule (1) of rule 5)

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 and stamp of Returning Officer

SCHEDULE 2

(See sub-rule (3) of rule 8)

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 the following information, namely:—
 - (a) Name, membership number and voter's serial number as mentioned in 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, and whether consequently reprimanded or had his name removed from the Register or awarded "penalty of fine", as on the date of nomination:
 - (f) If the answer to (e) above is in affirmative, 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 on which 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 whether he is holding a post under the Central Government or a State Government as defined in clause (ii) of the Explanation to rule 6:
2. The statement referred to in paragraph 1 may also contain, at the option of the member, information concerning the member in respect of the following, namely:—
- (a) Academic qualifications (diplomas including post qualification diplomas and degrees and membership of professional bodies recognised by the Council):
- (b) Merit awards (limited to first three positions) in examinations of recognised universities or professional bodies and 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 sub-clauses (i) and (ii) above:

.....
Signature of the member

Name:

Membership no.:

Address:

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SCHEDULE 3

(See sub-rule (1) of rule 12)

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 8, namely:—

- (a) Name, membership number, 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, such as, the nature of misconduct and the 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 diplomas and degrees recognised by the Central Government or a State Government or the Council and membership of professional bodies recognised by the Council):

- (h) Merit awards (limited 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 sub-clauses (1) and (2) above;

2. Record to be kept by 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 19)

PROCEDURE FOR VOTING

1. Ballot papers, user login and password to be sent by post.—(1) Not less than twenty-one days before the last date and time announced under the provisions of clause (h) of sub-rule (2) of rule 3 for receipt of ballot papers back from the voters, the Returning Officer shall send by registered post or speed post or by courier service 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 and 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) In the event of election to be held by electronic means, the Returning Officer or the agency shall send by registered post, or speed post or courier service or email to the voters the user login and password required for electronic voting along with the instructions explaining the procedure for voting by electronic means thereon.

(3) The instructions for electronic voting shall clearly state the following, namely:—

- (i) that the Institute is providing facility for voting by electronic means;
- (ii) that the members who have cast their vote by remote electronic voting shall not be entitled to cast their vote again;
- (iii) the process and manner for voting by electronic means;
- (iv) the time schedule, including the time period during which the votes may be cast by remote electronic voting;
- (v) once the member has cast his vote through electronic mode, he will not be able to modify and change the manner in which he has cast his vote;
- (vi) the details about the user login and password.

(4) If the voter is residing outside India, the ballot papers shall be sent by air-mail 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 registered post or speed post or courier service 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 the Returning Officer has satisfied himself regarding such inadvertence.

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

(4) If the voter has misplaced the user login and password provided for voting through electronic means, he shall intimate the Returning Officer regarding the same, and the Returning Officer, who shall inform the agency, and consequent upon receipt of such information, the agency shall deactivate the previously issued user login and password and shall issue fresh user login and password to the voter.

3. Timely receipt of ballot papers.—All packets containing ballot paper shall be addressed to the Returning Officer with outer cover as per Form G and the Returning Officer shall, thereafter, enter in the inward register the date and

time of receipt of such packet and then insert it into the ballot box, and those which do not reach the Returning Officer 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.

4. Scrutiny of voting process.—The Returning Officer shall scrutinise the voting or remote electronic voting process, as the case may be, in a fair and transparent manner:

Provided that the Returning Officer may take assistance of any other person who is well-versed with the electronic voting system.

SCHEDULE 5

(See rule 23)

PROCEDURE FOR COUNTING OF VOTES AND DECLARATION OF RESULTS

1. Counting of votes.—On the date, time and place fixed under rule 21 for the purpose of counting of votes, the Returning Officer shall take the following steps, namely:—

- (a) allow the member or his agent to be present at the counting, an opportunity to inspect the ballot box, and its seals for satisfying 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 be recorded in a statement;
 - (ii) allow the member or his agent present at the counting to inspect the covers containing the ballot papers and satisfy that they are in order;
- (c) set aside the covers not received in accordance with paragraph 1 of Schedule 4;
- (d) open the outer covers as per 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 such ballot papers;
- (g) the ballot papers shall be examined and any invalid ballot papers as per rule 20 shall be rejected;
- (h) before rejecting any ballot paper, the Returning Officer shall allow each member 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) in the event of “voting through electronic means”, the agency shall provide its final report containing name of the candidate, number of votes polled on candidate’s name, number of votes recorded on candidate’s name and number of votes cancelled.

2. Procedure in case of a tie.—When after counting of votes, a tie is found to exist between two or more 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 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 members along with reasons for asking for such a recount, and after receipt of request of the member, the Returning Officer may re-examine and re-count the same if he deems fit.

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, and submit it to the Council. The statement shall be in 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 7)

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 [*] valid nominations, arranged in alphabetical order, have been received for filling up the 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 [*] members for filling up the vacancies.

A ballot paper is enclosed herewith containing the names of members contesting the election with their short resume. The election system is as under:

1. Indicate your choice by placing a tick mark [√] against the name of the candidate whom you wish to vote.
2. **DO NOT** tick against more than [*] candidates. However, you may tick for less than [*] candidates.
3. Placing ticks against more than [*] candidates would render your ballot paper invalid.
4. Do not sign or put any other indication on the ballot paper.
5. After indicating your choice as mentioned above, the ballot paper shall be placed in the enclosed pink coloured 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 with his 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 _____ [specify date]. The covers containing ballot paper received after the said date and time shall be taken as invalid.

Yours faithfully,

.....
Signature of Returning Officer with stamp

* Insert number

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

FORM B

(See sub-rule (1) of rule 8)

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 member

I,, a Fellow/Associate [strike out whichever is not applicable] Member of the Institute, do hereby propose Mr/Ms., a Fellow Member, for election as a Member of the Council of the Institute.

Date:

Signature of proposer

I,, a Fellow/Associate [strike out whichever is not applicable] Member of the Institute, do hereby second the above proposal.

Date:

Signature of seconder

FORM C

(See rule 10)

EMBLEM OF THE INSTITUTE

LIST OF CONTESTING MEMBERS

Sl. No.	Name of the contesting member	Specimen signature of contesting member
1.		
2.		
3.		
4.		
5.		
6.		
7.		

.....
Signature and stamp of Returning Officer

FORM D

(See rule 11)

EMBLEM OF THE INSTITUTE

NOTICE OF WITHDRAWAL OF NOMINATION FROM ELECTION TO THE COUNCIL

I, a Fellow Member of the Institute, do hereby withdraw my membership from election to the Council, dated

Date:

.....
Signature of member

Name:

Membership no.:

Address:

.....

FORM E

(See rule 17)

EMBLEM OF THE INSTITUTE

BALLOT PAPER FOR ELECTION TO THE COUNCIL

(Names in alphabetical order)

Sl. No.	Name of the member	Vote#
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Place tick mark [√] here against the name of the member you are voting for. More than [*] ticks shall render the ballot paper invalid.

* Insert number

FORM F

(See rule 23)

RESULTS OF ELECTION TO COUNCIL

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*.

[*] nominations were received for filling up the [*] 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 recorded	Number of votes cancelled
1.				
2.				
3.				
4.				
5.				
6.				
7.				

* Insert number

.....
Signature and stamp of Returning Officer

FORM G

(See Schedule 4)

OUTER COVER ADDRESSED TO RETURNING OFFICER BY NAME

Postage

stamp

Ballot Paper – NOT TO BE OPENED BEFORE COUNTING

Mr / Ms

Returning Officer

Institute of Actuaries of India

Mumbai

[F. No. M-18013/03/2020-Ins.I]

SAURABH MISHRA, Jt. Secy.