

ACTUARIES-ELECTION TO THE COUNCIL RULES, 2008

THE ACTUARIES (ELECTION TO THE COUNCIL) RULES, 2008 exercise of the powers conferred by clause of subsection (2) Of section 55, read with subsection (2) of section 12, of the Actuaries Act, 2006 (35*006). the Central rules, 1. Short title and These rules may be called THE ACTUARIES (ELECTION TO 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 Who is eligible to contest the election to the Council and the term shall be construed accordingly; (d) "Returning Officer" means the Executive Director of the Institute, 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 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 fellow Members and the associate Members of the Institute under (a) Of sub-section (2) Of section 12 of the Act 4. Dates of election of Member to 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. at least 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 (c) the last date and time for withdrawal Of nomination shall be made within days from date for «rutiny of nomination fixed under clause (b); (d) the date on which the ballot papers shall be to the voters; (e) the last date and time for receipt Of ballot papers from voters; (f) the date of counting of votes; the date of declaration of results. Vide G 49-4(E), published in the Gazette India. Ext. , Pt. S. Sl. No. dated R. 71 ACTUARIES (ELECTION TO THE COUNCIL) RULES, (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 date except for change in dates under clauses (t) 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 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 I.(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 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 last day of receipt Of nominations by issuing of a corrigendum

7. Member eligible to contest to the election—Subject to other provisions of these rules, a Member, who is a fellow on the first day of April of 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 shall not be

eligible to contest for to the Council , if, his name is removed from professional or other misconduct and as ovided in section 30 Of the Act and the period specified the iSO ur%r clause (a) Of sub-section (2) Of section 12 of the Act has not ex (b) he is holding a post under the Central Government or the Government as p rovided in sub-section (3) of section 12 Of the Act; or (c) he has held the office d the just preceding three consecutive terms as provided under sub-section(Of section 14 Of the Act; or. ACTUARIES (ELECTION TO RULES, (to 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 less than one year. Erplanation .—For the purposes Of this rule O) 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 Of attracting disqualification under clause (a) of the proviso; 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; (it') the holding Of the office of the President of the under, sub- section (l) Of section 17 of the Act prior to the commencement O 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 betace the five days Of last date of receipt Of nominations, publish on the web-site Of Institute in Form A regarding the number of Members to be elected and call ' for nominations Of candidates' for election by the date and time under sub-rule (2) Of rule 4

9. Nomination Every nomination paper for election to the Council shall be Completed in Form B and presented before the Returning Officer not later than 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 IO. Scrutiny Of nomination If, On scrutiny, the nomination paper is found EO be in order, the Returning Officer shall accept it and give a serial number thereto. if, on , the nomination paper is found 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,— (1) the Member is eligible to contest the election to the Council under rule 7; or 141 TO THE COUNCIL) RULES, (it) the proposer of the seconder is not eligible to be or, as the case may be seconder to the Member file nomination papers; or (lit) the signature of the Member or proposer or seconer is genuine; or (it') 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 rye-ct the nomination paper. 11. preparation of lists of contesting 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 shall be arranged alphabetically with complete address. (3) Every Member or his election agent shall forthwith 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 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 contesting for election to the Member by certificate of posting to all Members 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, as per Schedule 2 and that no responsibility is acceptable as to the said 14. Election Code of Conduct for Members with a view to maintain a healthy and peaceful atmosphere process for a free and fair Election Code of Conduct for Members before making the announcement (ELECTION TO RULES, R. 15 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 to under sub-rule (2) of rule 4 and it shall be part of every Member to comply the provisions of Election 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 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 shall be ignored (4) If a Member dies and it is known to the Returning Officer, after declaration of results in which he has declared elected, then the resultant 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—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 for the election of the remaining Member or Members to be elected

17. Admissible number of votes to 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 (X) against the name of the Member he chooses to vote for; and (b) ensure that he does not vote for more 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 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. ACTUARIES (ELECTION TO THE COUNCIL) RULES, R. 261 (3) 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 may be, at the time of scrutiny of nomination papers, ballot papers and

counting Of votes. 20. procedure of voting. —Votin for theelection to the Council shall held in such manner as provided in Scheduhe 4

21. Grounds for declaring ballot papers invalid.—A ballot paper shall be declqred invalid on the following grounds, namely,— (a) if a voter signshis name or writes any word or figure u makes any mark, not being a mark of ut under clause (a) of sum-usto%rule 17, upon it by which the ballot paper Cecomies recognisable or by which the voter can be identified; or (b) if it is not printed by Or under the authori Of the Council or it is different in any manner from the ballot papers under rule IS; 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; (e) if it is so dam* or mutilated that its identity as a genuine ballot cannot be establ (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 Shan, before fifteen days from the date for 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 prexess

24. Counting Of votes and declaration Of results.—The votes shall counted as per the procedures specified in Schedule 5. The results Of the election shall be declared on the web-site of the Insti tute 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 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 accidentaf inclusion Of name of a 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 The Returning Officer shall conduct the election in accordance With these rules.(2) The Returning Officer ma , with the a Of the Council, delegate performed b him unwr these rules to the Assistant any Of the duties to be Returning Officers, as he may Gee m t. ACTUARIES (ELECTION TO THE COUNCIL) RUUS, zag IR. 27 21. of the IO be final.—t.lrdess otherwise provided in these rules. the decision of the Returnin Officer, in all matters pertaining to conduct Of election and the proced ure fohowed 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 shah include the process of counting Of votes and declaration Of results. 2B. Vacancy any Bold up the any reason any seat of 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 12 of the Act

29. Election expenses-HI) No Member, whose name has been included in the hna) list of nomination per under rule shah incur expend iture in excess Of an amount to fixed after consultation With the Central Government.(2) Every such Member shall file complete account of expenses incurred for 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 an the he is found have contravened 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 (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 manifesto shall contain information regarding the Member and shall not make any reference, directly Or to any other Member; (b) the information a Member may furnish in a manifesto regard 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 any claim; (t) the distribution Of a manifesto shall be restricted only to Members Of the Institute: (e) a certified Copy of such manifesto shall be to the Returning Officer by speed post Or registered post or through a messenger within fifteen days Of its issue; (t) While a Member to the Council may repeat, in any manifesto issued under sub-rule (2) without changing its contents, he 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— ACTUARIES (ELECTION TO THE COUNCIL) RULES, (I) bribery, that is to say, any gift.

Offer Or promise Of any gifts or gratification to any by a Member Or any other person. With his connivance. With the direct 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 to Withdraw his membership to the Council (b) inducing such withdrawal; or (c) inducing a voter to vote or not to vote at an election 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, not include the payment Of any expenses incurred at or for the purpose of any election where it is not to procure gratification or gratifications in money; (it) 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 exercise of any electoral right; false Or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the any candidate, being a statement reasonably prospects of that Member's election; or withdrawal to prejudice the (it) the Obtaining or procuring or abetting, or attempting to obtain or a candidate or by any other person, with his connivance, any assistance the furtherance Of the prospects Of the Member's election from the Government of India or the State Government, (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 (vi) contesting the election representing a 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 member; or (b) as an inducement or reward for Withdrawing his candidature; or (c) as an inducement or reward for himself or any other for voting or refraining from voting; Or 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 of misuses 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 of these rules; (ix) any act specified in clauses (r) to (viii), when done by a Member, who is not a Member, but is acting With the concurrence Or connivance Of a 1. 2. 3. 4. us of VOTERS Full Name Of Address Details Of interest address as by a Voter EO Institute, and is by its list Of Of Returning With stamp (3) rule

9) INFORMATION TO BE INCLUDED IN THE STATEMENT ACCOMPANYING THE NOMINATION I. Of a Member shall by a by information NO. and in the Of Of birth: (a) became (d) citizen Of or and (e) guilty of any offence removed from the roll has Of on the of which provide following details, wherever (f) If true answer to (t) above in affirmative, applicable for (it) date of reprimand: the date from (iv) total removal: (v) date when Of (vi) account Of to Act: (vii) date (viii) Of Of firm, which was made Of SC" 31 ACTUARIES (ELECTION TO THE COUNCIL) RULES MB to the 00. in terms Of the provisions to (2 Of 12 Of Act:) Of Of Council, both past and holding Of the present and Vice-President Of the Institute— When he is holding a under the Central or as defined in the Institute to rule 7 2. The statement referred to in paragraph may contain, at Option Of the Member, the Of the diploma(s) awarded (a) (diplomas degrees of

professional lb) a up first the universities the by Institutuu*; Particulars Of (if) proprietor or in partnership the rume Of the firm): particulars Of Other if not crwered by (0 and (iO Signature Of (Name Of 13) J. in the final be accompanied by of contesting Member to the extent they have been by Of rule 9. (a) the list Of (b) Of birth: date Which Whee-rr Citizen Of tndiX Of professional or Other miROnduct With thereof. like nature oi miscw•duet arui awarded: of past and membership of Council including holding Df the Office Of Of Academic qualifications (diplc.nas qualification diplcnna(s) and degrees by the t or Council Of p by the (h) up iO Of universities professional and by the (Ö particulars Of Of (2) Practice prop rietor or in including nanu• of the firm): (3) Of Other or engagement, if not by (0 and 2. to by Returning Officer Sha IL at the time Of dispatch of the ballot place against the name of the voter in the list of Memrrers eligible to Vote, a mark to denote that the has t a ballot TOTHECOUNCIL)RULES20 3. box a into bu t withdrawn being or seals k*ins broken), SCHEDULE' 20) VOTING I. Not less than twenty days last date and time an_nourx-ed receipt of ballot papers back from voters, under Of G) of Of 4. tfue Returning by under te of posting to the Voters ba r together w i th the A explaining in Which shall in ballot be returned date by Which it Sha u Returning Officer (2) u the Of outside lrdia, Shall be by airmail a t thirty days last and Of ballot papers by post. 2. the i' re-gnd ballot by a by the V Oter (2) any dealt With the ballot to J cannot a t Sha to him he Sa Returning o f the v (3) Returning Officer the ballot so and in a puket after the of such ballot paFrS 3. ballot Shall to Returning Officer a Outer Cover as Form G and the Returning Ot n t Retuning Officer Shall. t_heæaiter. Otter in inward Register Of such p-xket to box. and w d o not reach him date and time kept a packet with SCHEDULE 5 PROCEDURE COUNTING OF AND DECLARATION OF RESULTS date, time place, fba•-d 22. Counting the Returning in order nan-Qly:_ Of his agent to at an ctunity to the for Sa t are in (b) if iS that the in order,— the Ballot Shall and the covers ballot it and in che p. at Counting to inspect to (C) the rot received in With paragraph I Of (d) Covers G taining Covers having ballot FORM A1 20 (e) aside the COVerS containing more than Cover: the ballot covets and take out the ballot from each Cover and thereof in a Sta and make pa Cket Of those ballot papers; Shall be and any invalid per rule 21 Shan (h) '*sting any ballot Returning allow each Member to the Council or his present a G-pportMMty to ballot but not allow him to physically handle it or any o ther ballot paper; Returning Officer Shall on every ballot which he the word and the grounds Of rejection

form in his own hand or by of Stamp and Shall initial Such ballot papers rejected under this Shall be bundled together: (k) the Returning Officer Shall Count number Of (l) Returning Officer Shall then a Of the ballot 2. in tk—When after counting of a tie is found to exist between any then lots shall drawn the candidates in the tie and the te shall to have received an additional vote to the Council his his may, at any time during counting of the votes. request Officer in writing to re— and the Votes Of all or any to the Council along with asking such a t. and after t re-count the 4. to president i .—After the counting Of V over, the Returning Officer shall a the Of Vote-S by each to the Council. Statement Shall be the de*-ending order of the Of Vote received by the Returning Shall submit it to the president the results of the Counting in Form E and a report on the counting p Which shall Of Covers by him. FORM A GUIDANCE TO THE VOTER FOR FILLING UP THE BALLOT PAPER TO All Fellow and following in Order. have received filling up y that have a risen. 46 ACTUARIES (ELECTION 10 THE COUNCIL) RULES, (FORM B the number nominatims is than the Of in With Rules for Election Oi to the it has to to x fm filling up the names of Members cmtegtmg the herewith resume Of ts is System is as I , your Choice by placing against name Of candidate Whom you want to v 2. Plea* NOT tick against than you less than x 4_ t any the put baiJOt in 5. After indicating your as above, do not write anything pink colored cover by us it. cov er_ 6_ put the Cover White Cover r. and iL address of the clearly written on the outer flap of the your of . This is for identification with the voters list If a Member fails White cover wherp it is to put nap and signa ballot shall treated as invalid. 7 White Cover Should reach the Returning Officer; later by 5m p.m., MM—YY. ballot after this date/ time Sha" as Yours faithfully. Returning Officer ballot Whkh duly I) Of 9) FORM OF NOMINATION ELECTION TO THE COUNCIL YEAR— Institute. do hereby my to elected as Of Signature the Fellow for Institute, do In"t-ute. FORM DI Fellow, 'Associate Member of Institute, do second Of *corder) (Set I) EMBLEM OF INSTITUTE LIST OF CONTESTING MEMBER 2. Name Of FORM D (See 12 EMBLEM OF INSTITUTE signature of Con testing Mem Signature of Returning Officer With stamp NOTICE OF WITHDRAWAL OF MEMBERSHIP FROM ELECTION to THE COUNCIL do my Membership to the Signa ture Of the Membership ACTUARIES TO THE COUNCIL) RULES EMBLEM OF INSTrrUTE BALLOT PAPER FOR ELECTION TO ME coUNCIL in Order) of the •place here againßt the Of to Whom you are voting More than tick' will render the Bal 24) OF ELECTION TO XXXX Returning has his the Pmsident. in terms Of 4 to 5 Of tm rules the Of Xx were up and were held as the with in order are as Returning W ith Stamp FORM GI ACTUARIES (ELECTION TO THE COUNCIL) RULES FORM G OUTER COVER ADDRESSED TO THE RETURNING OFFICER BY NAME paper— NOT ro BE OPENED BEFORE COUNTING Officer, Of Actuaries India, Chambers. 142. D. N. Mumbai ,