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# INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSORS

## REGULATIONS & PROCEDURE FOR THE CONDUCT OF ELECTIONS TO THE COUNCIL

In exercise of the powers conferred by the clause 69 of Articles of Association, the Insurance Regulatory and Development Authority vide their letter dated 5<sup>th</sup> December 2008 directed the Council to frame the regulations for conducting the elections to the vacancies created by retirement of 1/3<sup>rd</sup> members of the Council. Acting under the directions of IRDA, the Council hereby lays down the procedure for the conduct of the Elections for the vacancies created by the retirement of 1/3<sup>rd</sup> members of the Council.

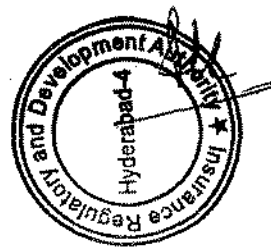
### 1. Short title and applicability:

- a) These procedures may be called the Procedure for the Conduct of Ensuing Elections.
- b) These regulations shall apply only for conducting the Ensuing Elections for the vacancies created by the retirement of 4 members (Directors) to the Council.
- c) The following shall be the Procedure for the Conduct of Ensuing Elections in so far as they are not repugnant to the Article 49 and Direction of IRDA dated 05.12.2008.

### 2. Definitions:

Unless the context otherwise requires, words or expression contained in these regulations shall bear the same meaning as in the Article of Association in force.

- (a) "Institute" means the Indian Institute of Insurance Surveyors and Loss Assessors incorporated under the provisions of Companies Act-1956.
- (b) "Article" or "Articles" means the Articles of Association of the Institute.
- (c) "Election Officer" means the person appointed as Election Officer by the IRDA for the conduct of Second elections to the Council.
- (d) "Member" means a member as defined in Article 1 (o) of the Article of Association and who have paid the annual membership on or before the date of notification to be issued by the Election Officer.



(e) "Zone(s)" means the following geographical areas divided into North, West, South and East and comprising of the following States/Union Territories.

**North** – Jammu & Kashmir, Himachal Pradesh, Punjab, Haryana, Chattisgarh, Delhi, Uttaranchal, Uttar Pradesh.

**West** – Rajasthan, Gujarat, Maharashtra, Madhya Pradesh, Goa, Daman, Diu, Silvassa (Dadra & Nagar Haveli)

**South** – Karnataka, Kerala, Andhra Pradesh, Tamil Nadu, Pondicherry, Andaman & Nicobar, Lakshadweep.

**East** – Chattisgarh, Orissa, Jarkhand, Bihar, West Bengal, Sikkim, Assam, Arunachal Pradesh, Nagaland, Meghalaya, Tripura, Mizoram.

**3. Election Procedures**

(a) As directed by IRDA, the Election Officer shall determine by lot 2/3<sup>rd</sup> of the members to be retired out of the Council excluding nominated members. The members so elected by the Election Officer, within a period of 3 days from the date of lot, will decide 50% i.e. 4 members who will retire this year.

(b) The names of the 4 person so elected will be communicated to the Election Officer by the person so authorized by the Council.

(c) The Election Officer will accordingly incorporate their names and their Constituencies in the Notification to be issued for the Elections to the Second Council.

(d) Every member shall be entitled to contest the elections or and have a right to vote.

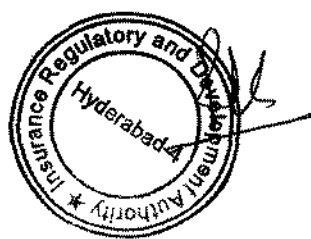
(e) The Election Officer, in consultation with the Council, shall notify the elections to the Council for filling up the vacancies so created by the retirement of 1/3<sup>rd</sup> members in a National Newspaper containing such details of the particulars mentioned in Article 49(b), as are necessary and relevant for the conduct of elections. The same shall also be notified through the Website of the IRDA.

Provided that the Election Officer is not bound by the time frames for various purposes as mentioned in Article 49 of the Articles of the Institute, and he may adopt with or without



modifications any of the provisions of Articles 49 vis-à-vis the conduct of the elections, except for things as are specifically provided for herein.

- (f) The Election Officer shall invite nominations of candidates from the members of the Institute for contesting the Elections for proper constitution of the Council.
- (g) The nomination form shall be in such form and contain such particulars and may be with different colour scheme as may be determined by the Election Officer in consultation with the Council of the Institute.
- (h) Every nomination shall be proposed and seconded by a member, by duly signing on the appropriate nomination form.
- (i) Every such nomination shall be sent to the Election Officer before the time and date as may be specified by him while inviting nominations of candidates pursuant to sub-clause (f) herein above.
- (j) No member can offer his candidature simultaneously for more than one post / vacancy as envisaged in Article 15(2) (a)(i) and (ii) of the Institute.
- (k) The Election Officer shall scrutinize the nomination papers on the date specified by him and every nomination which is received beyond the specified date and time shall out rightly be rejected by him.
- (l) Any member may withdraw his candidature by notice in writing and delivered to the Election Officer by the date and time as specified by the Election Officer in this behalf and withdrawal of candidature shall be irrevocable.
- (m) The Election Officer shall intimate the withdrawal of every candidate to all the other candidates contesting the election, by speed post or courier or any other mode as may be deemed expedient.
- (n) Where the number of members nominated in any constituency does not exceed the number of members to be elected from that constituency, the member so nominated shall be declared elected by the Election Officer and their names shall be made public through the Website of the IRDA and the Election Officer shall also intimate to each of such elected member independently.



- (o) Where the number of candidates nominated in any constituency exceeds the number of members to be elected from that constituency, an election shall be conducted in the manner as provided herein.
- (p) The elections shall be held only by postal ballot. The Method for sending notice will be as under
  - a. The notice may be issued either
    - i. Under Registered Post Acknowledgement Due; or
    - ii. Under Certificate of posting; and
  - b. With an advertisement published in a leading English Newspaper and in one vernacular Newspaper circulating in the State in which the registered office of the company is situated, about having dispatched the ballot papers.
- (q) The Election Officer, on the date to be specified by him, shall send voting paper together with necessary instructions especially for
  - a. casting of vote,
  - b. Grounds on which the vote will be deemed as Invalid.
  - c. last date of receipt of vote
- (r) Every voter shall have four votes, one vote each for election of one Council member whether all India constituency or from any zone.
- (s) Every voter after filling his voting paper in the manner as stated herein above shall send the same in a sealed envelope to the Election Officer by name, so as to reach Election Officer not later than the time and date specified in the behalf. The Envelop shall be provided by the Election Officer along with the voting paper.
- t) The Election Officer in consultation with the Council may specify grounds on which a vote shall be deemed to be invalid. These reasons will also be communicated to the Voter along with the voting paper.
- u) Election Officer may appoint independent scrutinees not exceeding eight in number. The counting of votes shall take place at the office of the Election Officer, on the date and time specified by the Election Officer in the Election Notification, in the presence of :-
  - a. Independent scrutinees.
  - b. contesting candidate or his authorized representative (If they wish to present)
  - c. At least one member of the Council.



Provided that the person to be appointed as the independent scrutineer shall not either be a candidate or his authorized representative or proposer or seconder of a candidate.

(v) The votes shall be examined by the Election Officer and after rejecting any invalid votes, he shall proceed to count the number of votes secured by each candidate, constituency-wise.

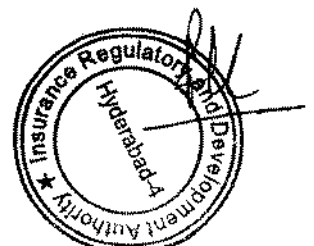
(w) The Election Officer shall prepare a ranking list of the candidates in terms of the number of valid votes secured by each candidate pertaining to his constituency, duly witnessed by the Scrutineers and declare the results through the website of the IRDA. The Election Officer shall also individually inform the elected members about their election.

Provided that in the event of tie between two or more candidates, the Election Officer, may decide on the election of candidates by draw of lots.

**4. Powers and Duties of Election Officer**

Without prejudice to the generality of the powers and obligations of Election Officer as stated herein above, the Election Officer has the following powers and duties :

- (a) The Election Officer shall have powers to expend such sums of money as may be required, after obtaining the prior approval of the Council / the Committee duly authorized by the Council in this behalf.
- (b) For the smooth conduct of Elections, the Election Officer may, with the prior approval of the Council / the Committee authorized by the Council, appoint such number of persons, as may be required, to conduct the elections, including experts and/or professionals, and pay for their services.
- (c) The Election Officer shall arrange for the safe custody of all documents/papers in regard to the conduct of elections. Thereafter, the same shall be handed over to the IRDA for safe custody.
- (d) The Election Officer may take all legal steps, as may be considered necessary by him for ensuring smooth and free conduct of elections.
- (e) The Election Officer shall make arrangements for recording the date and time of receipt of all the ballot papers at the Election Officer's Office. The Election Officer shall take steps to separately identify and separate the ballot papers received after the closure of the scheduled date and time for receipt of the ballot papers. Should



there be any dispute in this regard about receipt of the ballot papers, the decision of the Election Officer shall be final and binding on all the contesting candidates.

- (f) The Election Officer shall not entertain any request for recounting of votes, if the same is received after the declaration of results.
- (g) Examining of Outer envelope containing the particulars of the voter with the inner envelop containing the ballot papers duly ticked received by post on or before the notified date. Once, the Election Officer has satisfied himself that the member's subscription was up to date, the envelop would be dropped into the ballot box after affixing the signature of the Election Officer.

**5. Disputes**

- (a) If any dispute arises regarding the interpretation of the provisions of these regulations or regarding the validity of any election held under these regulations, it shall be referred to the Council of the Institute, who shall endeavor to resolve the same on an early date, depending upon the exigency.
- (b) If anybody is aggrieved by the decision of the Council, he may appeal to the IRDA within 7 days from date of its notification, setting forth his grievance and points of disagreement and that the decision of the IRDA there on shall be final and binding on all concerned.

**6. Savings**

No election of member to the Second elected council shall be deemed to be invalid merely because of any accidental omission to send, or delay in sending a voting paper to a voter or the accidental non-receipt of, or delay in receiving a voting paper by a voter, or any other accidental or unintended irregularity or informality in the conduct of the elections.

