

INDIAN INSTITUTE OF INSURANCE SURVEYORS AND LOSS ASSESSESSORS

PROCEDURE FOR THE CONDUCT OF FIRST ELECTIONS TO THE COUNCIL

In exercise of the powers conferred by the Articles of Association of Indian Institute of Insurance Surveyors and Loss Assessors, the Promotee Council, in consultation with the Sub-Committee on By-laws and Regulations, and the Insurance Regulatory and Development Authority of India, hereby lays down the procedure for the conduct of First Elections to the Council.

1. Short title and applicability.- (1) These procedures may be called the Procedure for the Conduct of First Elections to the Council.

(2) They shall come to apply only for the conduct of the First Elections to the Council.

2. Definitions.- (1) For the purposes of the procedures as laid down herein for the conduct of first elections to the council, unless the context otherwise requires, -

- (a) "Article" or "Articles" means the Articles of Association of the Institute;
- (b) "Election Officer" means the person appointed as such by the IRDA for the conduct of first elections to the council;
- (c) "Promotee Council" means the three promoter members, as stated in Article 15(5) of the Articles, who are, for the time being acting as the council.

Provided that for the purposes of any of the procedures as mentioned herein requiring the decision/approval/consent of the Promotee Council, the same shall be deemed to have been duly obtained if the majority of the three promoter members as stated in Article 15(5) of the Articles accords its approval or consent.

- (d) "Institute" means the Indian Institute of Insurance Surveyors and Loss Assessors incorporated under the provisions of Companies Act, 1956;
- (e) "Zone(s)" means the following geographical areas divided in to North, West, South and East and comprising of the following States/Union Territories:
 - North** – Jammu & Kashmir, Himachal Pradesh, Punjab, Haryana, Chandigarh, Delhi, Uttaranchal, Uttar Pradesh.

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

South – Karnataka, Kerala, Andhra Pradesh, Tamilnadu, Pondicherry, Andaman & Nicobar, Lakshadweep.

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

(2) Words and expressions used herein and not defined but defined in the Articles of the Institute shall have the same meaning respectively assigned to them in the Articles.

3. Election Procedure.-

- (1) The procedure as laid down herein shall apply for the conduct of first elections to the council, notwithstanding anything contrary to the provisions of Article 49 of the Articles of the Institute.
- (2) Every member who has applied for membership of the Institute on or before **28.02.2006**, and whose application has been accepted for admission to the category of membership applied for and whose name is entered in the register of members maintained by the Institute, shall be entitled to contest the first elections, propose or second candidates contesting for elections, and cast vote.

Provided that those who have applied for membership of the Institute, or whose applications have been received in the Institute, along with the requisite fees, on or after **01.03.2006** shall not be eligible to participate in the first elections to the council in any manner.

Provided further that any contestant or voter who has not paid the annual membership fees within the time stipulated in the articles shall neither be eligible to contest nor vote in the elections.

- (3) The Election Officer, in consultation with the Promotee Council, shall notify the first elections to the council in a national newspaper containing such of the particulars mentioned in Article 49(b) of the Articles of the Institute, as are necessary and relevant for the conduct of first 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 Article 49 vis-à-vis the conduct of the first elections, except for things as are specifically provided for herein.

- (4) The Election Officer shall invite nominations of candidates from among the members of the Institute for contesting the First Elections for the constitution of the council pursuant to and in terms of the provisions of Article 15(2) of the Articles of the Institute.

- (5) Every nomination shall be proposed and seconded by a member each belonging to the constituency/zone concerned, by duly signing on the appropriate nomination form.

Provided that every nomination form shall also be duly signed by the candidate.

Provided further that 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 Promotee Council of the Institute.

- (6) 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 (2) herein above.
- (7) No candidate can offer his candidature simultaneously for the contest as envisaged in Article 15(2)(a)(i) and (ii) of the Institute.
- (8) 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 be rejected by him, for reasons to be recorded in writing.
- (9) Any candidate may withdraw his candidature by notice in writing signed by him, and delivered to the Election Officer by the date and time as may be specified by the Election Officer in this behalf, and withdrawal of candidature once tendered shall be irrevocable, as far as the first election is concerned.
- (10) The Election Officer shall intimate the withdrawal of every candidate to the other candidates standing for election from the same constituency by speed post or courier or any other mode as may be deemed expedient.
- (11) Where the number of candidates nominated in any constituency does not exceed the number of members to be elected from that constituency, the candidates 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 candidates.
- (12) 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.

Provided that the first elections to the council shall be held only by postal ballot.

- (13) The Election Officer, on the date to be specified by him, shall send by speed post or courier or any other mode as may be deemed expedient, to every voter in the constituency, a voting paper together with necessary instructions as to

how to fill in the voting paper and specifying the date and hour by which it shall reach him.

- (14) Every voting paper shall bear the official seal of the Institute and shall contain a list of candidates for election from the constituency concerned.
- (15) Every voter shall have twelve votes, one vote each for election of two members from each of the four zones (i.e. eight), and one vote each for election of four members on All India basis.
- (16) Every voter while giving his vote, shall place on his voting paper 'X' mark in the square opposite the name of the candidate for whom he votes.
- (17) 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 registered post/speed post/courier or such other mode as may be determined by the Election Officer, so as to reach him not later than the time and date specified in this behalf.
- (18) A vote shall be deemed to be invalid in the event of any of the following instances or circumstances:
 - (a) if the voter signs his name or writes any word or makes any mark on the voting paper by which the identity of the voter is disclosed;
 - (b) if the vote is recorded on a voting paper which does not bear the serial number and official seal of the Institute;
 - (c) if the 'X' mark is not marked on the voting paper in the square opposite the name of the candidate for whom he votes;
 - (d) if the 'X' mark is set opposite the name of more than the required number of candidates to be elected;
 - (e) if the voting paper is unmarked or if the vote is otherwise void for uncertainty;
 - (f) if the voting paper reaches the Election Officer beyond the prescribed time and date, for any reason whatsoever;
 - (g) if the voter is otherwise disqualified from voting.
- (19) The counting of votes shall take place at the office of the Institute, on the date and time as may be specified by the Election Officer, in the presence of independent scrutineers, not exceeding eight in number, appointed by the Election Officer, and at the time of counting, the Election Officer may allow the presence of the candidate or his authorized representative.

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.

Provided further that at the time of counting, at least one of the members of the Promotee Council shall be present.

(20) 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.

(21) 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 scrutineer(s), 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.- (1) 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, vis-à-vis the conduct of first elections to the council:

- (a) The Election Officer shall have powers to expend such sums of money as may be required, after obtaining the prior approval of the Promotee Council.
- (b) For the smooth conduct of elections, the Election Officer may, with the prior approval of the Promotee 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 Institute'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.

5. Disputes.- (1) 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 Promotee Council of the Institute, who shall endeavour to resolve the same at an early date, depending upon the exigency.

(2) If anybody is aggrieved by the decision of the Promotee Council, he may appeal to the IRDA 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 first 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.