

The Gazette  **of Pakistan**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, TUESDAY, DECEMBER 21, 1976

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

Islamabad, the 21st December, 1976

S.R.O. 1210(I)/76.— In exercise of the powers conferred by section 25 of the Pakistan Engineering Council Act, 1975 (V of 1976), the Governing Body, with the previous sanction of the Federal Government, is pleased to make the following bye-laws, namely:—

PAKISTAN ENGINEERING COUNCIL BYE-LAWS 1976

PART 1

GENERAL

1. (i) These bye-laws may be called the Pakistan Engineering Council Bye-laws, 1976.
(ii) They shall come into force at once.
2. In these bye-laws, unless there is anything repugnant in the subject or context;
 - a. “Act” means the Pakistan Engineering Council Act, 1975 (V of 1976);
 - b. “branch office” means a branch of the Council established under bye-laws 3;
 - c. “discipline” means a branch of engineering recognized by the Council from time to time;
 - d. “Election Committee” means the Election Committee constituted by the Governing Body under bye-law 25 (1);
 - e. “Form” means a form appended to these bye-laws;

- f. “ministerial staff” includes Executives, Junior Executives, Data Entry Operators (DEOs), Clerks, Typists, Peons/Naib Qasids, Chowkidars, Malis and Sweeper etc;
- g. “section” means a section of the Act;
- h. “Liaison office” means a liaison office of the Council established under bye-law 3; and
- i. “professional misconduct” means a conduct inconsistent with the regulations or bye-laws made under the Act.

3. The headquarters of the Council shall be at Islamabad, and branch offices or liaison offices may be established at such places as the Governing Body may approve.

PART II

SUMMONING AND HOLDING OF MEETINGS OF THE COUNCIL, ETC.

4. (1) Notice of an annual general meeting shall be sent by the Registrar not less than thirty days to such of the members who do not have any dues outstanding against them.

(2) The Registrar shall issue with the notice of the meeting a preliminary agenda showing the business to be brought before the meeting.

(3) A member who wishes to move any motion not included in the agenda or an amendment to any item of the agenda shall give notice thereof to the Registrar not less than twenty days before the date fixed for the meeting.

(4) The Registrar shall issue complete agenda showing the business to be brought before the meeting not less than fourteen days before the date fixed for the meeting along with the names of the movers of the motions.

5. (1) A motion shall not be admissible—

- a. if the matter to which it relates is not within the scope of the Council’s functions’
- b. if it raises substantially the same question as a motion or an amendment which has been moved or withdrawn with the leave of the Council within one year of the date the meeting at which it is proposed to be moved:

Provided that nothing in this bye-law shall operate to prohibit the further discussion of any matter referred to the Council by the Federal Government in the exercise of any of its functions under the Act;

- c. if it does not raise, or clearly and precisely express substantially, one definite issue; or
- d. if it contains arguments, inferences, ironical expressions or defamatory statements.

(2) The Chairman may disallow any motion which, in his opinion, is inadmissible:

Provided that if a motion can be rendered admissible by amendment, the Chairman may admit it in an amended form.

(3) When the Chairman disallows or amends a motion, the Registrar shall inform the member who gave notice of the motion of the order of disallowance or, as the case may be, of the amended form in which the motion has been admitted.

PART III

CONDUCT OF BUSINESS AT MEETINGS OF THE COUNCIL

6. (1) Every meeting of the Council shall be presided at by the Chairman or, if he is absent by the Senior Vice-Chairman or, if both the Chairman and the Senior Vice-Chairman are absent, by a member chosen by majority present members from amongst themselves.

(2) All references in this Part to the Chairman shall be construed as references to the person for the time being presiding over the meeting.

7. The quorum to constitute a meeting of the Council shall be one hundred for annual general meeting.

8. If, at the time appointed for a meeting, a quorum is not present, the meeting shall not commence until a quorum is present, and if the quorum is not present on the expiration of thirty minutes from the time appointed for the meeting, the meeting shall stand adjourned for the next following day at the same time and place and for such adjourned meeting no quorum shall be required.

9. (1) Every matter to be determined by the Council shall be determined on motion moved by a member and put to the Council by the Chairman.

(2) Vote shall be by show of hands or by division or by ballot as the Chairman may direct:

Provided that voting shall be by ballot if majority of the members present so demand;

Provided further that, if the voting has been by show of hands, a division shall be taken if a member asks for it.

(3) The result of the voting shall be announced by the Chairman and shall not be challenged.

(4) In the event of an equality of votes, the Chairman shall have a casting vote.

10. When motions identical in purport stand in the names of two or more members, the Chairman shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to have been withdrawn.

11. (1) Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn.

(2) When a motion has been seconded, it shall be so stated by the Chairman.

(3) When a motion has been thus stated, it may be discussed as a question to be resolved either in the affirmative or in the negative or any member may, subject to bye-law 12 and 13 move amendment to the motion:

Provided that the Chairman shall not allow an amendment to be moved which, if it had been a substantive motion, would have been inadmissible under bye-law 5.

12. (1) An amendment must be relevant to and within the scope of the motion to which it is proposed.

(2) The Chairman shall not allow an amendment to be moved which has merely the effect of a negative vote.

(3) The Chairman may refuse to allow an amendment which in his opinion is frivolous.

13. A motion may be amended by the omission, insertion, substitution or addition of words.

14. (1) When a motion or amendment is under debate, no proposal with reference thereto shall be made other than-

- a. an amendment of the motion or of the amendment, as the case may be;
- b. a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or *sine die*;
- c. a motion for closure, that is to say, a motion that the question be now put;
- d. a motion that the Council, instead of proceeding to deal with the motion, may pass to the next item on the agenda:
provided that no such motion or amendment shall be moved so as to interrupt a speech.

(2) It shall be in the discretion of the Chairman to put to or to refuse to put to the Council a proposal of the nature referred to in paragraph (b) of clause (1).

(3) Unless the Chairman is of the opinion that the motion for closure curtails of the right of reasonable debate, he shall forthwith put a motion that the question be now put, and if that motion is carried the substantive motion or amendment under debate shall be put forward:

Provided that the Chairman may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

15. A proposal to adjourn the debate to a specified date and hour may be made at any time provided that it shall not interrupt a speech and it shall be in the discretion of the Chairman to put or to refuse to put such a proposal to the Council.

16. A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Chairman.

17. When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the Chairman may direct:

Provided that the seconder of a motion or an amendment may, with the permission of the Chairman, confine himself to seconding the motion or amendment, as the case may be, and speak thereon at any subsequent stage of the debate.

18. During the meeting, the Chairman may at any time make any objection or suggestion or give information to elucidate any point to help the members in the discussion.

19. (1) The mover of an original motion and the mover of any amendment, if permitted by the Chairman, shall be entitled to a right of final reply:

Provided that any member at any stage of the debate may rise on a point of order, but no speech shall be allowed on that point:

Provided further that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

(2) No member shall, save with the permission of the Chairman speak for more than five minutes;

(3) A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made;

(4) Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it may be brought forward by any other member with the permission of the Chairman.

20. (1) When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the Chairman shall, before taking the sense of the Council thereon, state or read the Council the text of the original motion and of the amendment or amendments proposed.

(2) An amendment to a motion shall be put to the vote first.

(3) If there be more than one amendment to a motion, the Chairman shall decide in what order the amendment shall be taken.

21. When any motion involving several points has been discussed, it shall be in the discretion of the Chairman to divide the motion and put each or any point separately to the vote as he may think fit.

22. (1) The Chairman shall decide any point of order which arises and his decision shall be final.

(2) If any question of procedure arises in respect of matter for which these bye-laws make no provision, the Chairman shall decide the same and his decision shall be final.

PART IV

ELECTION OF THE GOVERNING BODY

23. In this Part—

- (a) “candidate” means;—
 - (i) a candidate for election as Chairman and Senior Vice-Chairman of the Governing Body, proposed and seconded by any valid member of the Council;
 - (ii) a candidate for election as Vice-Chairman of the Governing Body proposed and seconded by any member of the respective Province from which the candidate belongs to; and
 - (iii) a candidate for election as a member of the Governing Body proposed and seconded by a member of his discipline and Province;
- (b) “*Chairman*” means the Chairman of the Council; who shall be the Chairman of the Governing Body, elected by the members as per procedure prescribed in these bye-laws, and shall be an eminent professional engineer of known integrity, competence, standing and stature with a minimum of twenty-five years standing;
- (c) “discipline” means one or more disciplines which may have been grouped together for the purpose of election only;
- (d) “election” means an election to the Governing Body; and
- (e) “*Four Vice-Chairmen*” means the four Vice-Chairmen of the Council, who shall also be the four Vice-Chairmen of the Governing Body, elected one from each Province, by the voters registered in the respective Province and shall be eminent professional engineers of known integrity, competence, standing and stature with a minimum of twenty-five years standing;
- (f) “*Senior Vice-Chairman*” means the Senior Vice-Chairman of the Council, who shall also be the Senior Vice-Chairman of the Governing Body, elected by the members as per procedure prescribed in these bye-laws, and shall be an eminent professional engineer of known integrity, competence, standing and stature with a minimum of twenty-five years standing.

24. The Governing Body shall prepare the schedule of election so as to comply with the requirements of sub-section (6) of section 9 of the Act.

25. (1) There shall be an Election Committee constituted by the Governing Body, consisting of the Registrar and six professional engineers, with not less than twenty-five years standing and who are not members of the existing Governing Body, one of whom shall be designated as its convener.

(2) The members of the Election Committee shall not contest the election.

(3) The Election Committee shall remain constituted for ninety days after the declaration, by public notice, of the names of the elected candidates under bye-law 31.

(4) Election Committee shall be responsible for issuance of election instructions and operating procedures, not inconsistent with the provisions of the Act and Bye-laws made thereunder and shall also undertake actions as are deemed necessary and feasible to make the election process transparent.

25A: (1) Subject to the provisions of clause (i) of sub section (2) of section 9 of the Act, the Governing Body shall fix the number of seats for all Provinces proportionate to the number of engineers registered in each Province subject to a minimum of two, and allocate the seats so fixed to the disciplines having regard to the number of members belonging to that discipline.

(2) For the purpose of elections, the members belonging to Azad Jammu and Kashmir and Federal Capital Territory shall be grouped with the Province of Punjab, and members belonging to Federally Administrated Tribal Area and Gilgit-Baltistan shall be grouped with the Province of Khyber Pakhtunkhwa.

26. (1) For the purposes of election, the Election Committee shall, by giving notice through the press, call upon the members to elect a Chairman, a Senior Vice-Chairman, four Vice-Chairmen and such other number of members of the Governing Body from each Province as may be specified in such notice.

(2) (i) A member from any discipline may propose or second the name of one member from any discipline for election to the office of Chairman or Senior Vice-Chairman, or one member of his own Province for election to the office of the Vice-Chairman, or one member of his own Province and discipline for election to the member Governing Body; and

(ii) a member shall propose or second on one nomination paper only.

(3) Every proposal shall be made by a separate nomination paper which shall be signed by the proposer and the seconder and contain a certificate duly signed by the candidate to the effect that the candidate is qualified to be elected and consents to the nomination.

(4) Every nomination paper accompanied by a copy of domicile certificate of the nominee, and security money (non-refundable) in the shape of pay order or bank draft in favour of Council shall be delivered or sent by registered post or courier service to the Registrar according to the following fee structure, namely:-

- (a) Candidate contesting election for Chairman Rs. 30,000;
- (b) Candidate contesting election for Senior Vice-Chairman Rs. 25,000;
- (c) Candidate contesting election for Vice-Chairman Rs. 20,000; and
- (d) Candidate contesting election for member of Governing Body Rs. 7,500;

(5) A person may be nominated by more than one nomination papers.

26-A. A member whose name is removed from the register for a specified period on account of his having been punished for professional misconduct or infamous conduct and is later restored to the register shall be disqualified from being elected as a member of the Governing Body until the expiration of two terms of the Governing Body following such restoration and a member on whom the penalty of reprimand has been imposed shall be so disqualified for one term of the Governing Body following imposition of the penalty.

27. (1) The candidates, their proposers and seconders may attend the scrutiny of the nomination papers, and the Election Committee shall give them reasonable opportunity for examining all nomination papers delivered or sent to the Registrar under clause (4) of bye-law 26.

(2) The Election Committee shall, in the presence of the persons attending the scrutiny under clause (1), examine the nomination papers and decide any objection raised by any such person to any nomination.

(3) The Registrar shall endorse on each nomination paper the decision of the Election Committee accepting or rejecting it.

28. The Election Committee, shall after the scrutiny of nomination papers, prepare a list of candidates who have been validly nominated.

29. (1) Where after scrutiny under bye-law 28, the number of validly nominated candidates from a Province and discipline is less than or equal to the number of members to be elected from that Province and discipline, the Election Committee shall declare such candidates to be elected to the membership of the Governing Body and send a return to the Chairman.

(2) On receipt of the return under clause (1), the Chairman shall declare by public notice the names of the elected candidates.

(3) Where the number of candidates declared elected under clause (2) of bye-law 29 is less than the number of members of the Governing Body to be elected from a Province and discipline, fresh proceedings shall be commenced in accordance with the provisions of these bye-laws in respect of the seats remaining vacant.

(4) If the number of candidates exceeds the number of members of the Governing Body to be elected from a Province and discipline, the Election Committee shall arrange to hold physical balloting on the same day at a designated place notified by the Election Committee at Divisional level, considering neutrality, convenience and adequacy of space.

(5) The ballot papers referred to in clause (4) shall contain immutable security measures for example inscription of bar codes, water mark or any other identification marks.

29A. No candidate shall indulge in:—

- (i) canvassing through newspapers, pamphlets or hand bills; or
- (ii) exerting official pressure.

30. (1) Every member shall have as many votes as the number of members to be elected from the discipline to which he belongs besides one vote each for the office of Chairman, Senior Vice-Chairman and Vice-Chairman of his Province.

(2) For Physical Balloting, he shall obtain ballot paper from the presiding officer after showing his original National Identity Card.

(3) After satisfying himself about the identity of the voter, and ensuring that his name is included in the valid voters' list, the presiding officer shall issue the ballot paper to the voter.

(4) On receipt of ballot paper from the presiding officer, each member shall,—

- (a) go into the booth and stamp or mark the ballot paper secretly;
- (b) fold the ballot paper and drop in the relevant ballot box in presence of the presiding officer; and
- (c) collect his identification card or paper from the presiding officer, and leave.

31. (1) Immediately after close of the balloting, counting of votes shall be done in the presence of the candidate or his representative if present, at all polling stations and results along with the votes cast shall be transmitted to Election Committee at Islamabad as soon as possible. A certified copy of the result shall be given to representatives of candidates at each polling station.

(2) On the completion of counting, the Election Committee shall compile the results from all polling stations and then prepare and certify a return of election and submit the same to the Chairman within five days after polling.

(3) On the receipt of the return of the election under clause (2), the Chairman shall declare by public notice the names of the elected candidates.

(4) A candidate declared elected on more than one offices shall retain only one office and shall inform the Registrar in writing, within seven days of the declaration of result by public notice, the office he desires to retain, failing which his election to all the offices shall stand null and void and consequently the candidate acquiring next highest votes, shall stand elected on the respective office.

(5) In case of vacancy occurring due to relinquishing of an office under clause (4), or by reason of death or for any other reason, the candidate acquiring next highest votes in the election for that tenure of the Governing Body, shall stand elected. In case there is no such candidate left then the vacancy shall be filled in by the Governing Body through co-option till the next elections are held.

32. Any objection or complaint against the election may be filed by any candidate or member within forty five days after the declaration by public notice, of the names of the elected candidates under bye-laws 31 with the Election Committee which shall, after holding an inquiry, decide the issue; and the decision of the Committee shall be final.

THE SUMMONING AND HOLDING OF GOVERNING BODY MEETINGS AND THE CONDUCT OF BUSINESS THERE AT

33. The meetings of the Governing Body shall be generally governed by the provisions of Part III of these bye-laws.

34. (1) The Governing Body shall meet before the annual general meeting of the Council and at such other times and places as the Chairman may determine:

Provided that at least three meetings of the Governing Body shall be held in one year.

(2) Notice of agenda of a meeting of the Governing Body shall ordinarily be circulated fifteen days before the meeting.

(3) The quorum for a meeting of the Governing Body shall be thirty per cent of its total membership.

(4) The Governing Body may invite any member to attend its meeting but the member so invited shall have no right of vote.

(5) An extra ordinary meeting of the Governing Body shall be called by the Chairman within fourteen days of the request received by him duly signed by not less than thirty percent of the total members of the Governing Body, and stating business proposed to be transacted at the meeting.

34A. (1) If the Registrar is of the opinion that any matter is of urgent nature and a meeting of Governing Body is not likely to be held within one month, he may, with the approval of the Chairman, circulate the matter in the form of a draft resolution to each member of the Governing Body under registered cover with the request that it may be returned to him so as to reach him by the date specified therein which shall not be later than ten days from the date of its, issue, indicating clearly whether or not he approves of the resolution.

(2) If, on receipt of the response from the members of the Governing Body by the date specified it is found that the one-third of the total number of members have responded and more than fifty percent of such members have supported the resolution, it shall be deemed to have been passed by the Governing Body.

(3) The resolution passed, as aforesaid, shall be placed before the Governing Body, during its next meeting for information.

PART V

MODE OF APPOINTMENT OF OTHER COMMITTEES AND CONDUCT OF BUSINESS AT SUCH MEETINGS

35. (1) The Council may appoint one or more committees consisting of its members for the consideration of any special business.

(2) The convener of such committee shall be appointed by the Council at the time of appointment of the committee.

(3) The quorum to constitute a meeting of such committee shall be thirty percent of the total number of members of the committee.

(4) The reports of such committees shall be submitted to the Governing Body which will present it to the council at its next meeting along with its views.

(5) All provisions of these bye-laws pertaining to meetings of the Council and Governing Body shall *mutatis mutandis* apply to meetings of other committees of the Council.

PART VI

MINUTES OF THE MEETING OF THE COUNCIL AND GOVERNING BODY

36. A record of the proceedings of the meetings of the Council and the Governing Body shall be preserved in the form of minutes which shall be authenticated, after confirmation, by the signature of the Chairman.

37. (1) A copy of the minutes of each meeting of the Council shall be submitted to the Chairman within fifteen days of the meeting and after authentication by him shall then be sent to each member within thirty days after authentication by the Chairman.

(2) A copy of the minutes of a meeting of the Governing Body shall be submitted to the Chairman within ten days of the meeting and after authentication by him shall then be sent to the members of the Governing Body within four days after authentication by the Chairman.

38. The minutes of each meeting of the Council shall contain such motions and amendments as have been moved and adopted, or negated, with the name of the mover and the seconder, but without any record of comments or observations made by any member at the meeting.

39. If any objection regarding the correctness of the minutes is received by the Registrar within fifteen days of the dispatch of the minutes, such objection together with the minutes as

recorded and authenticated shall be put before the next meeting of the Council or the Governing Body, as the case may be, for information, and no question shall be raised except as to the correctness of the records of the meeting.

Provided that, if no objection regarding a decision taken at a meeting is received within fifteen days of the dispatch by the Registrar of the minutes of that particular meeting, such decision may, if expedient, be put into effect before the confirmation of the minutes at the next meeting:

Provided further that the Chairman may direct that action be taken on a decision of the Council or the Governing Body, as the case may be, before the expiry of the period of fifteen days.

40. The minutes of the meetings of the Council and the Governing Body shall, as soon as is practicable after their confirmation, be printed in a volume which shall be permanently preserved.

41. A record of the proceeding shall be kept of the observations, discussions at the meetings of the Council and Governing Body in as accurate a manner as possible. The detailed proceedings of the meetings, which shall be treated as confidential, and kept in the office but shall be open for inspection by members.

PART VII

RESIGNATION OF MEMBERS AND FILLING OF CASUAL VACANCIES

42. A member of the Governing Body may by writing under his hand addressed to the Chairman resign from his membership and his resignation shall take effect on the date specified by him in this behalf or on the date of receipt of his resignation by the Chairman, whichever is later.

43. When a casual vacancy occurs in case of a nominee by reason of death or resignation of a member of the Governing Body or for any other reason, it shall be reported forthwith by the Chairman to the relevant authority which shall take steps to have the vacancy filled by nomination by the authority by which that member was nominated.

PART VIII

POWERS AND DUTIES OF THE CHAIRMAN AND SENIOR VICE-CHAIRMAN

44. The Chairman shall exercise such powers and perform such duties as are conferred or imposed on him by the Act, these bye-laws and the standing orders of the Council and the Governing Body. He shall do such acts as he considers necessary in the furtherance of the objects for which the Council is established.

45. If office of the Chairman is vacant or for any reason he is unable to perform the duties of his office, the Senior Vice-Chairman shall exercise the powers and perform the duties of the Chairman or in the absence of both, the Vice-Chairman having seniority in professional standing shall exercise the powers and perform the duties of the Chairman.

PART IX

APPOINTMENT, POWERS AND DUTIES OF THE REGISTRAR AND OTHER STAFF OF THE COUNCIL

46. The terms and conditions of appointment of the Registrar shall be such as may be determined by the Governing Body.

47. (1) The Registrar shall act as Secretary to the Council and the Governing Body and shall perform such duties as are imposed on him by the Act, these bye-laws and Standing Orders of the Council Governing Body. He shall be responsible for the safety of all the assets of the Council and the control and management of the office, accounts and all correspondence and shall perform all such duties as may be required by the Governing Body for the purposes of the Act. He shall attend and record proceedings of the meetings of the Council, the Governing Body and other Committees.

(2) The Registrar shall, not less than ninety days before the expiration of the term of any existing appointment draw the attention of the Chairman to the approaching vacancy. The Governing Body shall appoint or nominate such other officers as deemed necessary to carry out the purposes of the Act.

48. All officers and members of staff shall retire on attaining the age of sixty years:

Provided that the Governing Body may in its discretion re-employ any officer or member of staff on such terms and conditions as it may determine.

49. The powers and duties of the officers and staff shall be such as may be laid down from time to time in the Standing Orders framed by the Governing Body.

50. Subject to the approval of the Chairman, the Registrar shall appoint the ministerial staff and other staff as may be required from time to time at a reasonable rate of remuneration.

PART XI

FINANCE AND ACCOUNTS

52. The Council is authorized to receive registration and renewal fees from registered engineers, professional engineers, consulting engineers, constructors and operators, grants and continuous support from the Federal Government, Provincial Governments, donations from private persons and bodies and proceeds of sales of reports.

53. (1) The bankers of the Council shall be any of the scheduled banks of Pakistan.

(2) All funds of the Council shall be paid into the Council's accounts and shall be withdrawn by means of cheques signed by the Chairman and the Registrar. The Chairman may authorize two members of Governing Body to sign the cheques as second signatory:

Provided that the Chairman may authorize head of the Finance Department to sign cheques up to the value of five hundred thousand rupees as second signatory.

(3) The Cheque books shall remain in the custody of head of the Finance Department.

54. Such funds of the Council as are in excess of the current requirements may, with the approval of the Governing Body, be invested in the following manner:—

- a. in promissory notes, stocks or other securities of the Federal Government or of any Provincial Government;
- b. in national savings schemes;
- c. in fixed deposits in scheduled banks.

55. The investment of the funds of the Council shall be made in the name of the Council. The custody of the receipts shall remain in charge of Head of the Finance Department who shall be personally responsible for ensuring custody subject to treasury rules and shall be verified once in six months with the Register of Securities maintained under bye-law 63 and a certificate of verification shall be recorded by the Registrar and countersigned by the Chairman.

56. The Registrar, in consultation with the head of Finance Department, shall prepare detailed estimates of the receipts and expenditures for the next financial year and shall submit the same for approval of the Governing Body at a meeting to be held for the purpose and for sanction by the Council at the annual general meeting.

57. The funds of the Council shall not be appropriated to expenditure on any item which has not been sanctioned by the Council except with the prior approval of the Governing Body.

58. The primary units of appropriation shall be the pay of the officers, pay of the establishment, allowances and honoraria, contingencies and the provident funds contributions.

59. The Chairman shall have power to re-appropriate funds from one unit of appropriation to another within the total sanctioned estimates. Copies of the orders of sanctions of such re-appropriations by the Chairman shall be placed before the Governing Body.

60. (1) The Chairman shall have the power to sanction capital expenditure up to two million rupees in each case provided for in the approved budget. The Registrar shall have power to sanction capital expenditure up to one million rupees in each case and all type of revenue expenditure provided for in the approved budget.

(2) Sanction of capital expenditure beyond to million rupees shall be passed by the Management Committee.

61. A permanent imprest of one hundred thousand rupees shall be made to the Registrar.

62. The Registrar shall be the certifying officer in respect of traveling, halting and other allowances to members of the Governing Body, other committees, officers and staff of the Council and the Chairman for those of the Registrar.

63. The Council shall keep the following accounts and registers:—

1. A Cash Book.
2. A Classified Abstract.
3. A Register of Securities.
4. A Register of Stock and Furniture.
5. A Register of Stock of Cheque Books.
6. A Register of Leave Account.
7. A Register of Provident Fund Contributions.

64. (1) Monthly account shall be compiled in the Classified Abstract according to the primary units of appropriation. Suitable secondary units may be opened at the discretion of the Registrar who shall be responsible for the due preparation and maintenance of all accounts and registers.

(2) The audit of the accounts of the Council shall be conducted by a firm of chartered accountants appointed by the Council.

(3) The audit report shall be placed before the Governing Body and the Council.

PART XII

MAINTENANCE, COMPILATION AND PUBLICATION OF THE REGISTER

65. (1) Any person possessing a accredited engineering qualification may apply to the Registrar in Form PEC-1 alongwith proof of possessing such qualification and the required documents for registration as a registered engineer and on approval by the Enrolment Committee constituted under section 17, the Registrar shall on receipt of the prescribed fee, register him in the appropriate part of the Register and issue a certificate of registered engineer on Form PEC-7.

(2) (a) A registered engineer after having an experience of minimum five years in the practice of engineering and having passed the prescribed Engineering Practice Examination (EPE) of the Council, may apply to Registrar on Form PEC-5B, for registration as professional engineer (PE), alongwith sufficient evidence in support of his eligibility, regarding—

- (i) possessing accredited engineering qualification;
- (ii) acquisition of minimum 17 CPD points; and
- (iii) passing of EPE examination:

Provided that an applicant who acquired accredited engineering qualification prior to April, 2005 after having a minimum experience of ten years in the practice of engineering may also apply to Registrar on Form PEC-2 for registration as professional engineer (PE), alongwith sufficient evidence in support of his eligibility, regarding—

- (A) possessing accredited engineering qualification;
- (B) 3.4 CPD points per year from the 10th July, 2010 upto maximum 17 CPD points; and
- (C) interview by Enrolment Committee to assess his areas of experience and application of engineering skills and understanding; and

(b) The Registrar, after approval by the Enrolment Committee, shall register the applicant and issue on Form PEC-4B a certificate of registration as professional engineer.

(3) When a person is granted a temporary license under section 12, the period for which and the conditions subject to which the license has been granted shall be recorded in the Register.

(4) The Registrar shall maintain an index card in Form PEC-2 showing the particulars, specimen signatures and photograph of each member.

69. (1) The Registrar shall maintain a Register of registered engineers and professional engineers in all disciplines, in separate parts for each discipline, in Form PEC-3, and shall from time to time revise the Register and publish it in the manner prescribed in these Bye-laws.

(2) Each page of the register shall be numbered and verified by the Registrar's signatures.

70. Any person whose name has been entered in the Register shall be supplied with a copy each of the code of conduct, code of ethics and these bye-laws.

71. (1) The Registrar shall, as and when directed by the Council, cause to be printed and published in an alphabetical order any part of the Register.

(2) At the end of each printed part of the Register, there shall be entered the following entries, namely:—

- (a) the total number of registered engineers and professional engineers, in that part of the Register printed previously; and
- (b) the number added or omitted by registration, restoration or removal since the previous printing of that part of the Register.

(3) Each printed part of the register shall be issued to the members on demand.

PART XIII

FEE

72. (1) A certificate of registration issued under provisions of the Act, shall remain in force until the thirty-first day of December of the year in which it is issued and shall thereafter be renewable for any number of years not exceeding three years at a time upon payment of the following fee, namely:—

(a) Registered Engineers

- (i) Initial registration of persons obtaining accredited engineering qualifications from Pakistan Rs.1000/-.
(including Rs. 400 as one time registration fee and Rs.200 per year for first three years);
- (ii) Initial registration of persons obtaining accredited engineering qualifications from outside Pakistan Rs.5000
(including Rs.4400 as one time registration fee and Rs.200 per year for first three years);
- (iii) A Registered Engineer shall obtain subsequent renewal within six months of its expiry on payment of Rs.500 per year, failing which a surcharge of Rs.500 per year shall be imposed;
- (iv) A Registered Engineer who has attained the age of sixty years and is unemployed shall be exempted from the payment of annual renewal fee for the rest of his life and his renewal card shall be issued upon his request.

(b) Professional Engineers

- (i) Pakistan nationals Rs. 5500
(including Rs.500 as one time registration fee and Rs.5000 as life subscription);
- (ii) Foreign nationals
Registration fee of Rs.500 and Rs.3000 per year for subsequent renewals.

(c) Temporary Licensees Rs.3000 per year.

(2) Processing fee of two thousand rupees per case shall be charged for endorsement of postgraduate engineering or other qualifications, acquired by an engineer on his registration certificate already issued. In case of appeal or review, the fee shall be doubled.

(3) Registration shall be allowed in more than one discipline of engineering in which double fee shall be charged. However, the individual concerned shall have only one voting right in his main discipline as indicated in his application at the time of his first registration.

(4) The Council shall charge such fees as may be specified by Governing Body on recommendation of Accreditation Committee from time to time to meet and cover the expenses of all types of visits necessary for accreditation process.

73. (1) Every member who applies to the Registrar for a duplicate copy of his registration certificate or an alteration in his name shall pay to the Registrar a fee of one thousand rupees and shall furnish a newspaper cutting, if any, undertaking and such particulars as the Registrar may direct:

Provided that a female member who applies for the change of her name by reason of her marriage shall be exempted from payment of such fee.

(2) The duplicate registration certificate shall be issued in Form PEC-4A or PEC-4B duly stamped on the top with the words "DUPLICATE".

74A. On renewal of registration the Registrar shall issue renewal card to every registered engineer or professional engineer, as the case may be, in Form PEC-5A, or PEC-5B, respectively.

PART XIV

ENQUIRY AGAINST PROFESSIONAL ENGINEERS AND CONSULTING ENGINEERS

75. When information is received that a registered engineer or professional engineer, hereinafter referred as the accused, has been guilty of conduct which *prima facie* constitutes professional misconduct, the Registrar shall make an abstract of such information and of such further information as he may have subsequently obtained.

76. When the information in question is in the nature of complaint by a person or body charging the accused with professional misconduct, such complaint shall be made in writing, addressed to the Registrar and shall state the grounds of complaint and shall, except while the complaint is made by Government department, be accompanied by one or more declarations as to the facts of the case.

77. Every declaration must state the description and true place of abode of the declarant and, where the fact stated in a declaration is not within the personal knowledge of the declarant, the source of information and grounds for the belief, of the declarant in its truth must be accurately and fully stated.

78. (1) The abstract and all other documents bearing on the case together with any complaint that may have been lodged shall be submitted by the Registrar to the enrolment committee and if the committee is of the opinion that there are sufficient reasons to proceed

against the person or the organization to whom the complaint relates, it may either proceed to inquire into the complaint itself or refer the complaint to a Tribunal of Inquiry. The committee may instruct the Registrar to ask the accused by means of a registered letter for explanation within fourteen days of the receipt of notice and after expiry of that time, the documents with the explanation, if any, shall be referred for consideration to the enrolment committee which shall, if the case falls within section 17 or section 20, proceed to decide the case in terms of that sections and in such case it shall have power to cause further investigations to be made and further evidence to be taken and, if necessary, obtain further legal or other advice.

(2) On the completion of its investigation, the enrolment committee shall pass such orders as it is competent to pass under sub-section (4) of section 22.;

79. (1) In case, the complaint is referred to a Tribunal of Inquiry, the Tribunal shall fix a date of hearing and send a notice to the accused in writing.

(2) The notice under clause (1) shall—

- (i) specify the nature and particular of the charge;
- (ii) appoint the date on which the Tribunal intends to deal with the case; and
- (iii) call upon the accused to answer the charge in writing and to appear before the Tribunal on the appointed date.

80. The notice referred to in bye-law 79 shall be sent at least twenty-one days before the date of the inquiry and shall be accompanied by a copy each of the Act and these bye-laws. A copy of the notice shall, at the same time, be sent to the complainant, if any.

81. In every case in which the Enrolment Committee resolves that an inquiry shall be instituted and a notice for an inquiry is issued accordingly, the complainant, if any, and the accused, shall, upon request in writing for that purpose signed by him or his legal representative, be entitled to be supplied by the Tribunal with a copy of any declaration, explanation, answer or other document given or sent to the Tribunal by or on behalf of the other party, which such other party will be entitled, on proper proof, to sue at the hearing as evidence in support of, or in answer to, the charge specified in the notice of inquiry.

82. An application made by the accused between the date of issue of the notice and the date appointed for the hearing of the charge shall be dealt with by the Chairman in such manner as he may think fit.

83. All material documents which are to be laid before the Tribunal as evidence in regard to the case shall be furnished to each member of the Tribunal before the hearing of the case.

84. At the hearing of the case by the Tribunal, the complainant and accused may be represented or assisted by a legal representative.

85. Where a complainant appears personally or through a legal representative, the order of the procedure shall be as follows:—

- (1) The Registrar will read to the Tribunal the notice of the inquiry addressed to the accused.
- (2) The complainant will then be invited to state his case himself or through his legal representative, and to produce his evidence in support of it. At the conclusion of the complainant's evidence, his case will be closed.
- (3) The accused will then be invited to state his case himself or through his legal representative and to produce his evidence in support of it. He may address the Tribunal only once either before or at the conclusion of his evidence.
- (4) At the conclusion of the accused's case, the Tribunal will, if the accused has produced evidence, hear the complainant in reply on the case generally but will hear no further evidence, except in very special case in which the Tribunal may think it right to receive such further evidence. If the accused produces no evidence, the complainant will not be heard in reply, except by special leave of the Tribunal.
- (5) Where a witness is produced by any party before the Tribunal, he will first be examined by the party producing him. The Tribunal may refuse to admit in evidence any declaration where the declarant is not present or declines to submit to cross-examination.
- (6) The Chairman and members of the Tribunal may put questions to any witness.

86. Where there is no complainant, or no complainant appears, the order of the procedure shall be as follows:—

- (1) The Registrar will read to the Tribunal the notice of inquiry addressed to the accused and will state the facts of the case and produce before the Tribunal the evidence by which it is supported.
- (2) The accused will then be invited to state his case himself or through his legal representative and to produce his evidence in support of it. He may address the Tribunal only once either before or at the conclusion of his evidence.

87. (1) Upon the conclusion of the case, the Tribunal shall deliberate thereon in private and, at the conclusion of the deliberation, the Chairman of the Tribunal shall call upon the Tribunal to vote on the question whether the accused is guilty of professional misconduct.

(2) The Tribunal shall, after deciding by a majority of votes whether the accused is guilty of professional misconduct or not, forward its recommendations to the Enrolment Committee.

88. If the name of any registered engineer or professional engineer is removed from the Register as a result of the inquiry or otherwise, the Registrar shall forthwith send intimation of any such removal to the University, licensing body or bodies from whom the said engineer received his qualification or qualifications, and shall request them not to admit him, without previous reference to the Council, to any examination for any new qualification which is registerable in the Register.

89. (1) Any person whose name has been removed from the Register may prefer an appeal to the Enrolment Committee for restoration of his name within thirty days of the communication of the order.

(2) Every application under clause (1) shall be accompanied by—

- (a) a declaration affirming that the applicant is the person whose name was originally registered;
- (b) a statement of the circumstances in which the name of the applicant had been removed from the Register;
- (c) a statement giving the grounds on which the restoration of the name of the applicant to the Register is sought;
- (d) any one or more of the following documents:—
 - (i) applicant's degree,
 - (ii) his Registration certificate in original,
 - (iii) a certificate from two professional engineers or consulting engineers as to his identity.

(3) Where the Enrolment Committee is satisfied that the circumstances in which the name of a person was removed from the Register no longer exist and approves of the restoration of the name to the Register, the Committee shall direct the Registrar to restore his name to the Register and to inform the persons and the authorities mentioned in bye-law 88 accordingly.

Amended vide S.R.O. 256(I) 2015 dated March 31, 2015.