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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 24th January, 2011

No. F. 22(28)/2009-Legis.—This Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 20th January, 2011 and is hereby published for general information:—

ACT No. II OF 2011

An Act further to amend the Pakistan Engineering Council Act, 1975

WHEREAS it is expedient further to amend the Pakistan Engineering Council Act, 1975 (V of 1976), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Pakistan Engineering Council (Amendment) Act, 2011.

(2) It shall come into force at once and shall be deemed to have taken effect on the 15th January, 2008.

(5)

Price : Rs. 20.50

[64(2011)/Ex. Gaz.]

2. **Amendment of preamble, Act V of 1976.**—In the Pakistan Engineering Council Act, 1975 (V of 1976), hereinafter referred to as the said Act, in the preamble, after first paragraph the following paragraphs shall be added, namely:—

“WHEREAS the Council shall regulate the engineering profession with the vision that the engineering profession shall function as a key driving force for achieving rapid and sustainable growth in all national, economic and social fields;

WHEREAS the Council shall as its mission set and maintain realistic and internationally relevant standards of professional competence and ethics for engineers, and licence engineers and engineering institutions to competently and professionally promote and uphold the standards;

AND WHEREAS, the Council, covering the entire spectrum of engineering disciplines, shall function as an apex body to encourage and promote the pursuit of excellence in engineering profession and to regulate the quality of engineering education and the practice of engineering and thereby promote rapid growth in economic and social fields in Pakistan”.

3. **Substitution of section 2, Act V of 1976.**—In the said Act, for section 2, the following shall be substituted, namely:—

“2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or the context,—

- (i) “Accreditation Committee” means the Accreditation Committee constituted under sub-section (1) of section 14;
- (ii) “accredited engineering qualification” means any of the qualification included in the First Schedule or the Second Schedule;
- (iii) “bye-laws” means bye-laws made under this Act;
- (iv) “Chairman” means the Chairman of the Council;
- (v) “constructor” means any person, partnership, corporate body or any other legal entity which or who is engaged in the business of construction and is licenced and registered as such;
- (vi) “consulting engineer” means any person, partnership, corporate body or any other legal entity which independently performs

study, prepared reports, makes design, supervises construction or undertakes any other similar advisory activities in engineering disciplines and is registered as such by the Council;

- (vii) "continued professional development" means the systematic maintenance, improvement and broadening of knowledge, understanding and skill, and the development of personal qualities necessary for the execution of professional and technical duties throughout the individual's working life;
- (viii) "Council" means the Pakistan Engineering Council constituted under section 3;
- (ix) "creativity" means innovation, invention, hypothesis, theories and such other actions in the realm of engineering profession contributory to development;
- (x) "engineering institution" means an institution within or without Pakistan which grants degree, diploma and certificate in engineering and related education and is accredited as such by the Council;
- (xi) "engineering products" means the products as a result of or the outcome of professional engineering works or engineering profession or both;
- (xii) "engineering profession" means engineering education and practices of engineering and technology;
- (xiii) "engineering public organization" means a department of the Federal Government or a Provincial Government, a Public Corporation, autonomous or semi-autonomous body, cantonment board, municipality, improvement trust or other local authority;
- (xiv) "engineering services" means services relating to study, preparation of reports, design, supervision, estimation, documentation, evaluation and advising in matters of engineering profession and engineering works;
- (xv) "engineering university" means a degree awarding university or institution as has more than fifty per cent of their undergraduate and postgraduate programmes as well as student population pertaining to engineering and are recognized as such;

- (xvi) "enrolment committee" means the enrolment committee referred to in sub-section (1) of section 17;
- (xvii) "Governing Body" means the Governing Body of the Council;
- (xviii) "learned societies" means institutions and associations for promotion of knowledge and excellence in engineering and technology;
- (xix) "Management Committee" means the Management Committee of the Council;
- (xx) "member" means a member of the Council and includes the Chairman, Senior Vice-Chairman, Vice-Chairman, professional engineers and registered engineers;
- (xxi) "operator" means any person, partnership, corporate body or any other legal entity which is engaged in the business of operating construction work and is licenced and registered as such;
- (xxii) "prescribed" means prescribed by bye-laws;
- (xxiii) "professional engineer" means a person who holds an accredited engineering qualification and after obtaining a professional experience of five years, whether working privately or in the employment of an engineering public organization, has passed the prescribed engineering practice examination and is registered as such by the Council;
- (xxiv) "professional engineering bodies" means professional engineering institutes, associations and such other bodies registered as such by the Council;
- (xxv) "professional engineering work" means the giving of professional advice and opinions, the making of measurements and layouts, the preparation of reports, computations, designs, drawings, plans and specifications and the construction, inspection and supervision of engineering works, in respect of—
 - (a) railways, aerodromes, bridges, tunnels and metal led roads;
 - (b) dams, canals, harbours, light houses;

- (c) works of an electrical, mechanical, hydraulic, communication, aeronautical power engineering, geological or mining character;
- (d) waterworks, sewers, filtration, purification and incinerator works;
- (e) residential and non-residential buildings, including foundations framework and electrical and mechanical systems thereof;
- (f) structures accessory to engineering works and intended to house them;
- (g) imparting or promotion of engineering education, training and planning, designing, development construction, commissioning, operation, maintenance and management of engineering works in respect of computer engineering, environmental engineering, chemical engineering, structural engineering, industrial engineering, production engineering, marine engineering and naval architecture, petroleum and gas engineering, metallurgical engineering, agricultural engineering, telecommunication engineering, avionics and space engineering, transportation engineering, air-conditioning ventilation, cold storage works, system engineering, electronics, radio and television engineering, civil engineering, electrical engineering; mechanical engineering and biomedical engineering, etc;
- (h) organizing, managing and conducting the teaching and training in engineering universities, colleges, institutions, Government colleges of technology, polytechnic institutions and technical training institutions;
- (i) preparing standard bidding or contract documents, construction cost data, conciliation and arbitration procedures; guidelines for bid evaluation, prequalification and price adjustments for construction and consultancy contracts; and
- (j) any other work which the Council may, by notification in the official Gazette, declare to be an engineering work for the purposes of this Act;

- (xxvi) "Register" means the Register maintained under section 16;
- (xxvii) "registered engineer" means a person who holds an accredited engineering qualification, whether working privately or in the employment of an engineering public organization and is registered as such by the council. Registered engineer shall perform all professional engineering works except independently signing design;
- (xxviii) "registered" means registered under this Act;
- (xxix) "Registrar" means the Registrar of the Council;
- (xxx) "Senior Vice-Chairman" means the Senior Vice-Chairman of the Council;
- (xxxi) "Think Tank" means a creative and innovative body to advise on engineering and national development plans;
- (xxxii) "Think Tank Committees" means bodies of eminent engineers constituted by the Council to assist in formulation of relevant policies relating to national development;
- (xxxiii) "University" means a University established by law in Pakistan and having an engineering faculty; and
- (xxxiv) "Subsidiary" means a body formed by the Government body of the Council to operate under its control and to perform its delegated functions."

4. **Addition of section 3A, Act V of 1976.**—In the said Act, after section 3, the following new section shall be inserted, namely:—

- "3A. *Executive powers of the Council.*—(1) The general direction and administration of the Council and its affairs shall vest in the Governing Body which may exercise all powers and do all acts and things that may be exercised or done by the Council.
- (2) Subject to the provisions of this Act, the bye-laws and the general or special delegation of powers by the Governing Body and the Management Committee, the Chairman shall be the Chief Executive of the Council and shall also be empowered to—
- (a) take any action or step in emergency which in his opinion requires immediate action as he may consider necessary, subject to

ratification by the Governing Body in its meeting immediately held thereafter; and

- (b) exercise the powers of the Council in the matters relating to its administration and the staff of the Council, who may delegate such powers to the Registrar subject to such conditions as he may specify in this regard.

- (3) The Council shall be funded through an initial grant by the Government and thereafter continuous financial support shall be provided besides that accrue from registrations for running the affairs of the Council."

5. **Substitution of section 4, Act V of 1976.**—In the said Act, for section 4, the following shall be substituted, namely:—

- "4. *Chairman, Senior Vice-Chairman and Vice-Chairmen.*—(1) There shall be a Chairman, Senior Vice-Chairman and four Vice-Chairmen of the Council who shall be eminent professional engineers of known integrity, competence, standing and stature with a minimum of twenty-five years of standing.
- (2) The Chairman and Senior Vice-Chairman shall be elected by members from amongst themselves in such manner as may be prescribed.
- (3) Four Vice-Chairmen shall be elected one from each Province by the votes registered in the respective Province.
- (4) The Chairman, Senior Vice-Chairman and Vice-Chairmen shall hold office for a term of three years but no person shall hold office for more than two consecutive terms.
- (5) When the Chairman by reason of absence from Pakistan or any other cause is unable to perform his functions, the Senior-Vice Chairman for the time being shall perform the functions of Chairman until the Chairman returns to Pakistan or, as the case may be, resumes his functions."

6. **Amendment of section 5, Act V of 1976.**—In the said Act, in section 5,—

- (a) in sub-section (1), for the words "Executive Committee" the words "Governing Body" shall be substituted; and

- (b) in sub-section (2), in clause (c), for the words "Executive Committee" the words "Governing Body" shall be substituted.

7. **Amendment of section 8, Act V of 1976.**—In the said Act, in section 8,—

- (a) for clause (a), the following shall be substituted, namely:—

“(a) maintenance of a Registrar of persons qualified to work as registered engineers, professional engineers, consulting engineers, constructors and operators;”;

- (b) for clause (b), the following shall be substituted, namely:—

“(b) accreditation of engineering qualifications for the purpose of registration of registered engineers, professional engineers;”;

- (c) for clauses (k) and (l) the following shall be substituted, namely:—

“(k) formation of such committees and subsidiaries as may be prescribed;

(l) assistance to the Federal Government as a Think Tank;

(m) promotion of engineering profession in totality;

(n) encouragement, facilitation and regulation of working of professional engineering bodies for creativity and as custodian of engineering under the umbrella of the Council;

(o) ensuring and managing of continued professional development through engineering academies and professional bodies;

(p) establishing standards for engineering contracts, cost and services;

(q) facilitating engineering sector industries;

(r) coordinating between various engineering forums and Federal Government;

(s) providing forum for arbitrations, pertaining to disputes in construction and consultancy contracts; and

- (t) performance of all other functions connected with, or ancillary or incidental to, the aforesaid functions.”.

8. **Substitution of section 9, Act V of 1976.**—In the said Act, for section 9, the following shall be substituted, namely:—

- “9. *Governing Body.*—(1) There shall be a Governing Body which shall be the principal executive authority of the Council for supervising and governing the affairs and functions assigned to the Council by or under this Act and bye-laws.
- (2) The Governing Body, besides Registrar, shall be composed of the following sixty-five professional engineers registered with the Council with a minimum twenty years standing, namely:—
- (a) the Chairman, Senior Vice-Chairman and four Vice-Chairmen one from each Province who shall also be the Chairman, Senior Vice-Chairman and Vice-Chairmen of the Governing Body;
 - (b) the Registrar;
 - (c) two distinguished professional engineers to be nominated by the Federal Government one member each from Azad Jammu and Kashmir and Gilgit-Baltistan;
 - (d) one distinguished professional engineering to be nominated by each Provincial Government;
 - (e) Five Vice-Chancellors of engineering universities (one nominated by each Provincial and one by the Federal Government);
 - (f) President or Chairman Association of Consulting Engineers (Pakistan);
 - (g) President or Chairman All Pakistan Contractors or their nominee;
 - (h) Elected President of the Institute of Engineers of Pakistan;
 - (i) Forty members to be elected in the prescribed manner in proportion to the number of engineers registered in each Province, by the valid professional and registered engineers whose names are borne on the Register on the thirtieth June of the year in which elections to the Governing Body are to be held, physical balloting will be held and no proxy voting to be permitted;

- (j) Elected President of Pakistan Engineering Congress; and
- (k) One nominee each from the following Ministry or organizations of the Federal Government, not below the BPS-20, namely:—
 - (i) Planning Commission;
 - (ii) Ministry of Science and Technology;
 - (iii) Higher Education Commission.
- (3) The members of the Governing Body, other than the Registrar, shall hold office for a term of three years and no person shall hold office for more than two consecutive terms.
- (4) The members of the Governing Body shall be nominated or, as the case may be, elected not less than fifteen days before the term of the outgoing members is due to expire.
- (5) The Governing Body shall hold at least three meetings per year, the quorum for which shall be thirty per cent of the total membership of the Governing Body.
- (6) The election of members of the Governing Body under clause (i) of sub-section (2) shall be held so as to conclude not less than fifteen days before the term of the outgoing members is due to expire.”.

9. **Insertion of section 9A, Act V of 1976.**—In the said Act, after section 9, the following new section shall be inserted, namely:—

- “9A. *Management Committee.*—(1) There shall be a Management Committee, to oversee working of the Secretariat to run the affairs of the Council in accordance with the provisions of this Act and bye-laws.
- (2) The Management Committee shall be composed of the following, namely:—
- (a) Chairman;
 - (b) Senior Vice-Chairman; and
 - (c) Four Vice-Chairmen.

- (3) The tenure of the Management Committee shall be the same as that of the Governing Body. The Management Committee shall hold meetings at least once in a quarter, the quorum for which shall be three.”.

10. **Substitution of sections 10 and 11, Act V of 1976.**—In the said Act, for sections 10 and 11, the following shall be substituted, namely:—

“10. *Accreditation of engineering qualifications granted by institutions in Pakistan.*—(1) The engineering qualifications granted by engineering institutions in Pakistan which are included in the First Schedule shall be the accredited engineering qualifications for the purposes of this Act.

- (2) Any engineering institution in Pakistan which grants an engineering qualification not included in the First Schedule may apply to the Council to have such qualification accredited and the Council may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein.

11. *Accreditation of foreign engineering qualifications.*—(1) The engineering qualifications granted by engineering institutions outside Pakistan which are included in the Second Schedule shall be accredited engineering qualifications for the purposes of this Act.

- (2) Any engineering qualification granted by an engineering institution outside Pakistan not included in the Second Schedule may be accredited by the Council, and the Council may, by notification in the official Gazette, amend the Second Schedule so as to include such qualification therein.”.

11. **Substitution of section 12, Act V of 1976.**—In the said Act, for section 12, the following shall be substituted, namely:—

“12. (1) The Enrolment Committee may grant to any person, domiciled outside Pakistan who does not hold an accredited engineering qualification but who holds an engineering degree or who is a corporate member of an engineering body, society, institute or association accredited by the Council of respective country, a temporary licence for a specific project to work as an associate of a professional engineer; the professional engineer shall sign and seal the plans and specifications for the project.

- (2) The Enrolment Committee may, if it feels that such action is warranted by special circumstances, grant to a person referred to in sub-section

(1) a temporary licence to work as the engineer in charge of a specific project for so long as he is assisted by a professional engineer.

- (3) The Enrolment Committee may, for works to be carried out at the discretion of an engineering public organization, grant a temporary licence to any person on the recommendation of such organization.
- (4) Any person to whom a temporary licence has been granted shall, during the period for which the licence is valid, be subject to the provisions of this Act and the bye-laws.”.

12. Amendment of section 13, Act V of 1976.—In the said Act, in section 13, for the word “recognized” the word “accredited” shall be substituted.

13. Substitution of section 14, Act V of 1976.—In the said Act, for section 14, the following shall be substituted, namely:—

- “14. *Accreditation of engineering institutions.*—(1) The Council shall constitute an Accreditation Committee for organizing and carrying out a comprehensive program of accreditation of engineering universities, colleges and institutions etc. according to the criteria approved by the Governing Body in consultation with Higher Education Commission.
- (2) The curricula of courses of studies in various disciplines of engineering and minimum level and standard of such courses including lectures, laboratory, design, drawing and field work shall be examined and scrutinized by the Accreditation Committee who shall submit its report to the Governing Body for approval.”.

14. Amendment of section 15, Act V of 1976.—In the said Act, in section 15,—

- (a) in the marginal note, for the word “recognition” the word “accreditation” shall be substituted;
- (b) for sub-section (1), the following shall be substituted, namely:—

“(1) When upon report by the Accreditation Committee, it appears to the Council that the courses of study and examination to be gone through in any engineering institution in Pakistan in order to obtain an accredited engineering qualification or the standards of proficiency required from candidates in any examination held for the purpose of granting such qualification are not such to secure to person holding such qualification the knowledge and

skill requisite for the efficient practice of engineering, the Council shall forward the report to the engineering institution concerned with an intimation of the period within which it may submit its explanation to the Council;” and

- (c) in sub-section (2), for the word “recognized” the word “accredited” shall be substituted.

15. Amendment of section 16, Act V of 1976.—In the said Act, in section 16,—

- (a) for sub-section (1), the following shall be substituted, namely:—

“(1) The Council shall maintain in the prescribed manner a Register in which shall be entered the names and other particulars of persons possessing accredited engineering qualifications whose application for registration as registered engineers, professional engineers, consulting engineers, constructors and operators are, from time to time, granted by the Council.”;

- (b) for sub-section (3), the following shall be substituted, namely:—

“(3) Every registered engineer, professional engineer, consulting engineer registered under this Act shall be entitled to receive a certificate of registration under the hand of the Registrar.”; and

- (c) after sub-section (4), the following new sub-section shall be substituted, namely:—

“(5) Every constructor and operator registered under this Act shall be entitled to receive a licence under the hand of the Registrar.”.

16. Substitution of section 17, Act V of 1976.—In the said Act, in section 17, for sub-sections (1) and (2), the following shall be substituted, namely:—

- “(1) Every application for registration and every case of removal of a name from the Register shall be considered by an enrolment committee consisting of the Chairman; Senior Vice-Chairman and Vice-Chairman and three other members, being engineers, of not less than twenty years’ standing, nominated by the Governing Body.

- (2) The enrolment committee in its discretion may refuse to permit the registration of any person or direct the removal altogether or for a specified period from the Register of the name of any registered

engineer, professional engineer, consulting engineer, constructor or operator who has been convicted of any such offence as implies in the opinion of the committee a defect of character after providing such person an opportunity of being heard, and shall record reasons for action under this section.”.

17. Amendment of section 18, Act V of 1976.—In section 18,—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) Any registered engineer, professional engineer, consulting engineer, constructor or operator aggrieved by an order under sub-section (1) of section 17 for the removal of his or its name from the Register may, within thirty days of the communication of the order, prefer an appeal to the Governing Body.”; and

(b) in sub-section (2), for the words “Executive Committee”, the words “Governing Body” shall be substituted.

18. Substitution of section 19, Act V of 1976.—In the said Act, for section 19, the following shall be substituted, namely:—

“19. (1) The Registrar shall remove from the Register the name of any registered engineer, professional engineer, consulting engineer, constructor or operator.—

(a) who has died or, as the case may be, which has ceased to exist;

(b) who or which has failed to have his or its certificate of registration renewed within one year of the date of its expiry; or

(c) whose name has been directed under sub-section (2) of section 17 or sub-section (7) of section 22 to be removed from the Register.

(2) The Registrar shall restore to the Register the name of any registered engineer, professional engineer, consulting engineer, constructor or operator whose name has been removed from the Register under clause (b) of sub-section (1) if such registered engineer, professional engineer, consulting engineer, constructor or operator applies for such restoration and pays the prescribed fee.

(3) The Council may, in its discretion, after the expiry of not less than one year following the removal from the register of the name of any registered engineer, professional engineer, consulting engineer, constructor or operator grant registration to such registered engineer,

professional engineer, consulting engineer, constructor or operator if he or it applies for registration."

19. Amendment of section 20, Act V of 1976.—In the said Act, in section 20,—

- (a) in sub-section (1), for the words "professional engineer or consulting engineer" the commas and words "registered engineer, professional engineer, consulting engineer, contractors or operator" shall be substituted; and
- (b) after sub-section (3), the following new sub-section shall be added, namely:—

"(4) The Enrolment Committee may also take *suo moto* notice of a professional misconduct by registered engineer, professional engineer, consulting engineer, constructor or operator or an engineering organizations whether in the public or in private sector; and shall follow the same procedure as provided in sub-sections (1) and (2)."

20. Amendment of section 21, Act V of 1976.—In the said Act, in section 21,—

- (a) for the words "Executive Committee" wherever occurring, the words "Governing Body" shall be substituted; and
- (b) in sub-section (1), for the words "professional engineers and consulting engineers" the words "registered engineers, professional engineers, consulting engineers, constructors and operators" shall be substituted.

21. Amendment of section 22, Act V of 1976.—In the said Act, in section 22,—

- (a) in sub-sections (1) and (2), for the words "professional engineer, or consulting engineer" the commas and words "registered engineer, professional engineer, consulting engineer, contractors or operator" shall be substituted.
- (b) in sub-section (7A), for the words "Executive Committee" the words "Governing Body" shall be substituted.

22. Amendment of section 24, Act V of 1976.—In the said Act, in section 24, in sub-section (2), for the words "Executive Committee" the words "Governing Body" shall be submitted.

23. **Amendment of section 25, Act V of 1976.**—In the said Act, in section 25,—

- (a) for the words “Executive Committee”, wherever occurring, the words “Governing Body” shall be substituted; and
- (b) in sub-section (2), in clause (g) for the figure “17” the figure “22” shall be substituted.

24. **Amendment of section 25A, Act V of 1976.**—In the said Act, in section 25A,—

- (a) for the words “Executive Committee” and “University Grants Commission” the words “Government Body” and “Higher Education Commission” shall respectively be substituted;
- (b) in clause (e), for the words “recognition” the word “accreditation” shall be substituted; and
- (c) in clause (f), for the word “recognized” the word “accredited” shall be substituted.

25. **Amendment of section 27, Act V of 1976.**—In the said Act, in section 27,—

- (a) in sub-section (3) for the words and comma “professional engineer, or consulting engineer” the words and commas “registered engineer, professional engineer, consulting engineer, constructor or operator” shall be substituted; and
- (b) after sub-section (5), the following new sub-section shall be inserted, namely:—

“(5A) No person shall, unless registered as a registered engineer or professional engineer, hold any post in an engineering organization where he has to perform professional engineering work.”.

26. **Amendment of section 28, Act V of 1976.**—In the said Act, in section 28,—

- (a) in clause (d), for the full stop at the end, the semicolon and word “;or” shall be substituted and thereafter the following new clause shall be added, namely:—

- “(e) affect the rights of the members of the Governing Body constituted for the term commencing from the year 2008 and ending in 2010.”

27. Amendment of section 30, Act V of 1976.—In the said Act, in section 30, in sub-section (3), for the word “if” the word “it” shall be substituted.

28. Insertion of section 30B, Act V of 1976.—In the said Act, after section 30A, the following new section shall be inserted, namely:—

- “30B. *Validation of actions.*—Anything done, actions taken, orders passed, instruments made, proceedings initiated, process or communications issued, powers conferred, assumed, exercised by the Council or its officers and servants on or after the 15th January, 2008, and before the commencement of the Pakistan Engineering Council (Amendment) Act, 2009 shall be deemed to have been validly done, made, issued, taken initiated, conferred, assumed and exercised and shall have, and shall be deemed always to have had, effect accordingly.”

29. Amendment of the First Schedule, Act V of 1976.—In the said Act, in the First Schedule,—

- (a) for the brackets and letter “(i)” brackets and letter “(ii)” shall be substituted; and
- (b) for the word “Recognized”, wherever occurring, the word “Accredited” shall be substituted.

30. Amendment of the Second Schedule, Act V of 1976.—In the said Act, in the Second Schedule,—

- (a) for the brackets and letter “(i)” brackets and letters “(ii)” shall be substituted; and
- (b) for the word “Recognized”, wherever occurring, the word “Accredited” shall be substituted.

KARAMAT HUSSAIN NIAZI,
Secretary.