

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:-

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| (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.
