

# **THE INSTITUTION OF ENGINEERS, SRI LANKA**

- 1. Act No. 17 of 1968**
- 2. Act No. 3 of 1996 (Amendment)**
- 3. By-laws of the Institution (revised up to 26-10-2019)**
- 4. Code of Ethics (revised up to 28-10-2017)**

**Institute of Engineers, Ceylon,  
Act, No. 17 of 1968**

(31<sup>st</sup> May, 1968)

Act No.17 of 1968    AN ACT TO INCORPORATE THE INSTITUTION OF ENGINEERS, CEYLON

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| Short title                        | 1. This Act may be cited as the Institute of Engineers, Ceylon, Act.   |
| Incorporation of the Institute     | 2. From and after the 31 <sup>st</sup> day of May, 1968 such and so many persons as now are enrolled as corporate members of the Institution of Engineers, Ceylon, (so long as they continue to be corporate members) shall by virtue of these presents be members of and form a body corporate by the name of the "Institute of Engineers, Ceylon", by which name they shall have perpetual succession and a common seal and with full power and authority to use, alter, vary, break and renew such seal from time to time at their discretion. And by the same name shall and may sue and be sued in all courts and in all manner of action and suits and shall have power to do all other matters and things incidental or appertaining to a body corporate.   |
| General objects of the Corporation | 3. The general objects for which the Corporation is constituted are hereby declared to be- <ol style="list-style-type: none"><li>(a) to promote and advance the science and practice of engineering in all its branches in Sri Lanka;</li><li>(b) to help in the acquisition and interchange of technical knowledge by reading of original communications and discussions thereon, by establishing and maintaining technical libraries, publications on matters of professional interests and any such other means;</li><li>(c) to promote the study of engineering and to encourage original research with a view to facilitate the scientific and economic development and the conservation of the resources of Sri Lanka;</li><li>(d) to conduct examinations qualifying for membership of the Institute, to test the competence of persons engaged in engineering and to grant certificates of competence;</li><li>(e) to assess the eligibility of candidates for admission to the various grades of membership;</li><li>(f) to regulate the professional activities and to assist in maintaining high standards in the general conduct of its members;</li><li>(g) to give the Government and other public bodies and others the facilities for conference with and ascertaining the views of engineers as regards matters directly or indirectly affecting engineering;</li><li>(h) to encourage and assist in the settlement of disputes by arbitration and to nominate arbitrators and umpires;</li><li>(i) to foster co-ordination with similar institutes in Sri Lanka and other countries in furthering the objects of the Institute;</li><li>(j) to do all such other acts and things as are incidental or conducive to the attainment of the above objects or any of them.</li></ol> |

- Council of the Institute
4. The affairs of the Institute shall, in accordance with the by-laws in force for the time being, be administered by the Council consisting of the president, the vice-presidents and other members elected by the Institute in accordance with the by-laws.
- Power to make by-laws
5. (1) It shall be lawful for the Institute from time to time in general meeting of the Institute and by the requisite majority of the members voting to make by-laws for the management of the affairs of the Institute and the accomplishment of its objects.
- (2) The by-laws set out in the Schedule to this Act shall be deemed to have been made under subsection (1) and shall subject to the provisions of subsection (3) be for all purposes the by-laws of the Institute.
- (3) The by-laws in the Schedule or any of them, or any other by-laws made by the Institute under sub-section (1) may be altered, added to, amended or rescinded in general meeting of the Institute by the requisite majority of the members voting thereat.
- Power to acquire property and raise money
6. (1) The Institute shall be able and capable in law to acquire by purchase, gift, devise, bequest, exchange or in any other manner and hold any movable or immovable property and to dispose of any such property acquired or held by the Institute.
- (2) The Institute shall have the power to borrow or raise money for the purpose of the Institute and for the purpose of securing money to create, execute, grant or issue any mortgages, bonds or obligations and to pay off and re-borrow the money secured thereby or any part or parts thereof and to invest its funds in such manner as may be necessary or expedient for the furtherance of its objects.
- Debts due from and payable to the Institute
7. All debts and liabilities of the Institution of Engineers, Ceylon existing at the date of coming into operation of this Act shall be paid or discharged by the Corporation, and all debts due and subscriptions, contributions and fees payable to the said Institution of Engineers, Ceylon, shall be paid to the Corporation.
- Annual grant by Government to the Institute.
8. The Government may donate to the Institute annually an adequate grant to pursue its aims, and objects.
- Application of property, moneys etc.
9. All property movable and immovable acquired or held by the Institute and all moneys paid to or received by the Institute under this Act or the by-laws shall be held, used and applied by the Institute in accordance with the by-laws for the furtherance of its objects and subject to such by-laws, the Institute shall have the power from time to time to buy, sell, grant, convey, devise, assign, exchange or otherwise dispose of or mortgage any such property and invest its funds in such manner as may be necessary or expedient for the furtherance of its objects.
- Power to charge fees and subscriptions
10. The Institute shall be able and capable in law to charge-
- (a) such fees, as the Institute may deem reasonable, for admission to any examination conducted by the Institute;
- (b) fees for the election of persons to any class of membership of the Institute; and
- (c) such subscriptions and fees from members of the Institute, as the Institute may deem reasonable, in respect of the services provided by the Institute.

Disciplinary  
committees

11. The Institute shall have the power to appoint disciplinary committees and to take such other steps as may be found necessary from time to time for the control of professional standards and for the management of discipline among persons practicing or acting as engineers in Sri Lanka.

Saving of the  
rights of the  
Republic and  
others

12. Nothing in this Act contained shall prejudice or affect the rights of the Republic of Sri Lanka or of any body politic or corporate or any other persons except such as are mentioned in this Act and those claiming by, from or under them.

**Institute of Engineers, Ceylon (Amendment)  
Act, No. 3 of 1996**

[Certified on 08<sup>th</sup> February, 1996]

L.D.- O. 33/94.

AN ACT TO AMEND THE INSTITUTE OF ENGINEERS, CEYLON, ACT, NO. 17 OF 1968

WHEREAS an Institution called and known as "The Institute of Engineers, Ceylon" was incorporated by Act No. 17 of 1968 :

AND WHEREAS the members of the said Institute have adopted a resolution to amend its name to "Institution of Engineers, Sri Lanka", and it is for public advantage to effect such amendment :

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

Short Title	1. This Act may be cited as the Institute of Engineers, Ceylon (Amendment) Act, No. 3 of 1996.
Amendment of short title to Act No.17 of 1968	2. The short title of the Institute of Engineers, Ceylon, Act, No. 17 of 1968 (hereinafter referred to as "the principal enactment") is hereby amended by the substitution, for the words "Institute of Engineers, Ceylon", of the words "Institution of Engineers, Sri Lanka".
Amendment of the principal enactment and other written law	3. Wherever in any provision of the principal enactment or any written law, or in any marginal note thereto, or in any notice, communication, form, or other document issued, made, required or authorized by or under the principal enactment the word "Institute" in any context denoting the Institute of Engineers or the words "Institute of Engineers, Ceylon" occur, there shall be substituted for that word or those words, the word or words "Institution" and "Institution of Engineers, Sri Lanka", respectively.
Savings for contracts etc.	4. Every contract, agreement or other instrument or document whatsoever made, issued or executed prior to the date of commencement of this Act, and subsisting on that date by or in favour of the "Institute of Engineers, Ceylon", shall be deemed, from and after the date of commencement of this Act, to be and to have been made, issued or executed by or in favour of the "Institution of Engineers, Sri Lanka".
Validity of acts done prior to the commencement of this Act.	5. Any power exercised or any act done, by the Institution of Engineers, Sri Lanka prior to the date of commencement of this Act in pursuance, or supposed pursuance of any power conferred on it by the principal enactment shall be deemed, for all purposes, to have been validly exercised and done.
Sinhala text to prevail in case of inconsistency.	6. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

**Institute of Engineers, Ceylon,  
Act, No. 17 of 1968**

(Section 5)

**SCHEDULE**

BY-LAWS OF THE INSTITUTION OF ENGINEERS,  
SRI LANKA

**Interpretation**

1. In these By-Laws, if not inconsistent with the context :
  - i. "The Institution" means the Institution of Engineers, Sri Lanka, incorporated by Act No. 17 of 1968, established as the "Institute of Engineers, Ceylon" in 1956 as successor to the Engineering Association of Ceylon founded in 1906.
  - ii. "The Council" means the Council of the Institution.
  - iii. "Engineering" means all or any of those branches of Engineering science and practice, the advancement of which is recognised by Council, as being within the objects of the Institution as set forth in the Act.
  - iv. "Engineer" means an individual who is engaged in the practice of 'Engineering'.
  - v. "Secretary" means the Executive Secretary and includes any duly authorised deputy or assistant or any person appointed temporarily by the Council to perform the duties of the Secretary.
  - vi. "Month" means calendar month.
  - vii. "Regulations" means procedures to be followed as formulated by the Council and approved by the Corporate Membership.
  - viii. "Rules" means procedures to be followed as decided by Council.
  - ix. "Prescribed" means prescribed by Regulations, Rules or decisions of the Council.
  - x. "House" means all Corporate Members present at an Annual General Meeting or a Special General Meeting convened in accordance with the By Laws.
  - xi. Words importing the masculine gender include the feminine gender.
  - xii. Words in the singular shall include the plural, and words in the plural, shall include the singular.
  - xiii. When the duration of a session is in question, both terms 'session' and 'full session' shall imply the same period which is the duration between two consecutive AGMs of the Institution.

**Constitution**

- 2. i. The Institution shall consist of Fellows and Members all of whom are collectively, referred to, as Corporate Members The Institution may also have attached to it Honorary Fellows, Companions, Associate Members, Affiliate Members, Associates titled Technician Engineers, and Student Members all of whom are collectively referred to as Non-Corporate Members.
- ii. a. The names of all Corporate and Non-Corporate Members shall be, entered in the Roll of the Institution (hereinafter referred to as 'the Roll'). The Roll shall be in electronic form and shall contain details pertaining to each Corporate and Non-Corporate member in the form specified by the Council from time to time. A member who changes his name in accordance with established practice shall thereupon inform the Secretary of his new name and the Secretary shall amend the Roll accordingly.
- b. Corporate Members, whom the Council deems to be duly qualified shall be called Chartered Engineers and entitled to use the abbreviated designation of CEng. The design and the structure of the Roll shall be in conformity with best industry (IT) standards and practices, and they shall ensure its security with provisions, for necessary backups that will ensure security and prevention of data loss.
- c. The management of the Roll shall be as directed and specified by the Council from time to time.
- iii. a. The Classes of membership shall be as follows:

<b>Corporate Member</b>	<b>Non-Corporate Member</b>
Fellow	Honorary Fellow
Member	Companion
	Associate Member
	Affiliate Member
	Associate
	Student Member

- b. Corporate Members of the Institution shall be entitled to the use of the following abbreviated designations appropriate to their class :
  - Fellow – FIE(Sri Lanka)
  - Member – MIE(Sri Lanka)
- c. Corporate Members of the Institution who are duly qualified shall be called Chartered Engineers and shall be entitled to the use of the following abbreviated designations appropriate to their class :
  - Fellow – CEng, FIE(Sri Lanka)
  - Member – CEng, MIE(Sri Lanka)

Associate Members shall be entitled to the use of the following abbreviated designation:  
AMIE(Sri Lanka)

Affiliate Members shall be entitled to the use of the following abbreviated designation:  
AfIMIE(Sri Lanka)

Associates whom the Council deems to be duly qualified shall be called Technician Engineers and entitled to use the abbreviated designation of :  
TEng, AIE(Sri Lanka)

## **Class of Members**

3. Fellows shall comprise every person who has been admitted or transferred into the Class of Fellow as long as his name is on the Roll as such.

Every candidate for admission or transfer to the Class of Fellow shall satisfy the Council that he:

- i. a. is more than 35 years of age;
- b. is a Member
- c. has had sufficient experience of a nature acceptable to the Council involving at least five years of responsibility in engineering superior to that required for Membership;
- d. is, disregarding temporary unemployment, engaged in the practice of or associated with engineering;

The Council may require any candidate to attend an interview conducted on its behalf in order that he may better satisfy the Council that he possesses the requisite qualifications.

**or**

- ii. a. possess a degree in engineering accredited by the Institution or an equivalent qualification accepted by the Institution.
- b. is more than 40 years of age.
- c. is a practicing engineering professional with at least 15 years service after graduation.
- d. has made an outstanding contribution to the development and advancement of engineering profession / industry/ society, towards the benefit of the mankind contributing to economic enhancement and recognition to his organization and to the country and has gained such eminence worthy of recognition.
- e. possess such knowledge in his field for active furtherance of the Engineering profession and is a fit person by all means to be enrolled as a Fellow.

The Council may invite such candidate to attend a discussion.

4. Members shall comprise every person who has been admitted into the Class of Member so long as his name is on the Roll as such.

- i. Every candidate for admission or transfer to the Class of Member shall satisfy the Council that he :
  - a. is more than 25 years of age;
  - b. has a degree in engineering accredited by the Institution or an equivalent qualification accepted by the Institution.
  - c. has had sufficient professional engineering training and practical experience as may be prescribed by the Council;
  - d. has discharged or has shown the capacity to take on professional responsibility as an engineer for a sufficient period of time;
  - e. has an aggregate of his engineering education, training and professional experience which is not less than eight years;and
  - f. is at the time of his application (disregarding temporary unemployment) engaged in the practice of or associated with engineering;



or

g. has been accepted for admission as a Member through the Mature Engineering Candidates' Route, as per relevant rules. The Mature Engineering Candidates' Route will cease to function after December 31, 2010.

h. Has been accepted for Admission as a Member through rules approved by the Council from time to time.

ii. The Council may require any candidate to attend a Professional Review conducted on its behalf in order that he may better satisfy the Council that he possesses the requisite qualifications.

5. Companions shall comprise every person who has been admitted to the Class of Companion so long as his name is on the Roll as such.

Every candidate for admission or transfer to the Class of Companion shall be of good education and shall satisfy the Council :

i. that he is more than 35 years of age :

ii. that disregarding temporary unemployment, he is engaged in the practice of or associated with engineering;

and

iii. a. that he has attained a position of responsibility as an Engineer;

or

b. that by his connection with engineering or otherwise is qualified to concur with engineers in the advancement of engineering.

6. Honorary Fellows shall be distinguished and eminent persons who accept the invitation of the Council to this class of membership.

7. Associate Members shall comprise every person who has been admitted to the Class of Associate Members so long as his name is on the Roll as such.

Every candidate for admission or transfer to the Class of Associate Members shall satisfy the Council :

i. that he is more than 21 years of age

and

ii. that he possess a four year full time degree in engineering recognized by the Institution or an equivalent qualification acceptable to the Council.

7A. Affiliate Members shall comprise every person who has been admitted to the Class of Affiliate Members so long as his name is on the Roll as such.

Every candidate for admission or transfer to the Class of Affiliate Members shall satisfy the Council :

i. that he is more than 21 years of age and

ii. that he possess a three year full time degree in engineering recognized by the Institution or an equivalent qualification acceptable to the Council

8. Associates shall comprise every person who has been admitted to the Class of Associate so long as his name is on the Roll as such.

Every candidate for admission or transfer to the Class of Associate shall satisfy the Council that he;

- i. is not less than 25 years of age
- ii. is one who is holding a post of engineer or one equivalent to that of an engineer in a recognised organisation as determined by the Council.

**and**

- iii. possesses technical qualifications and experience as determined by the Council.

9. Students shall comprise every person who has been admitted into the Class of Student so long as his name is on the Roll as such.

Every candidate for admission to the Class of Student shall be over 16 years of age. However if he is over 35 years of age he shall have to satisfy requirements given in By-Law.

10. Every candidate for admission as a Student shall satisfy the Council :

- i. that he has passed such qualifying examination or sections of such examination as may from time to time be accepted by the Council :

and

- ii. a. that he is undergoing a regular course of further education approved by the Council for the purpose of this By-Law;

or

- b. has indentured himself as an apprentice under the supervision of a Corporate Member of the Institution in a manner acceptable to Council.

A person may remain on the Roll as a Student or join the institution as a Student after he reaches the age of 35 years provided he pays the appropriate transfer/entrance fee and annual subscriptions under By-Law 34.

#### **Election of Honorary Fellows and Admission, Transfer, Resignation and Removal of Corporate and Non-Corporate Members**

11. The election of an Honorary Fellow shall be effected by the Council.

12. Every proposal for admission or transfer to the Class of Fellow shall be in such a form as the Council may prescribe. This proposal shall be supported by at least 4 Corporate Members, not less than 2 of whom shall be Fellows, certifying that they recommend the admission of the candidate from personal knowledge of him and that his application is worthy of consideration. However in lieu of 2 Corporate members, 2 Chartered or Professional Engineers or equivalent of Institutions recognized by the IESL, may support the application. Such proposal shall be delivered to the Secretary who shall submit it to Council for determination whether the candidate is suitable for admission as a Fellow in accordance with the By-Laws, Rules and Regulations in force.

13. Every proposal for admission or transfer to the Class of Member shall be in such a form as the Council may prescribe. This proposal shall be supported by at least 4 Corporate Members, certifying that they recommend the admission of the candidate from personal knowledge of him and that his application is worthy of consideration. However in lieu of 2 Corporate members, 2 Chartered or Professional Engineers or equivalent of Institutions recognized by the IESL, may support the application. Such proposal shall be delivered to the Secretary who shall submit it to Council for determination whether the candidate is suitable for admission to the Professional Review Examination in accordance with the By-Laws, Rules and Regulations in force.

14. a. A list of those candidates who are accepted for admission to the Professional Review Examination conducted by the Institution, or who are exempted therefrom shall be circulated among Corporate Members at appropriate times during the year. After the lapse of at least one month after the issue of such lists, during which time the Secretary will be prepared to receive for report to the Council, communications respecting the qualifications or character of any candidate, and provided the candidate is successful at the related Professional Review Examination, the Council shall declare the candidate admitted.
- b. A list of those candidates whom the Council has decided as eligible for admission as Fellows under By-Law 12 shall be published and circulated to all Corporate Members. After the lapse of at least two weeks from the date of such publication, during which time the Secretary will be prepared to receive for report to the Council, communications respecting the qualifications or character of any candidate, the Council if satisfied that he is a fit and proper person to become a Fellow shall declare the candidate admitted.
15. Admission to the Class of Companions, Associate Members, Affiliate Members, Associates and Students of persons qualified in accordance with By-Laws 5, 7, 7A, 8 and 9 respectively shall be by the Council in accordance with the conditions set forth in the By-Laws, Rules and Regulations.
16. Every proposal for admission or transfer shall contain an undertaking signed by the candidate to the effect that he will conform to the By-Laws, Rules and Regulations in force or as may be in force from time to time and that he will promote the aims and objects of the Institution. The proposal shall be accompanied by the prescribed fees and subscriptions.
17. It shall be a condition of the admission or transfer of every member that his proposal contains no untrue or misleading statement relating to himself; the admission of any such member may be annulled by a resolution of the Council, if after due inquiry the Council is satisfied that the particulars given in the proposal were in some respect incorrect or misleading, or if an inquiry instituted by Council reveals that prior to election the member had been guilty of conduct unworthy of a member of the Institution.
18. Every person duly admitted or transferred as a member shall be so informed and his name entered on the Roll.
19. Every Corporate Member, every Associate Member, every Affiliate Member and every Associate who has been admitted to respective membership shall receive an appropriate certificate in English, with a translation in Sinhala or Tamil, if requested. This certificate will remain the property of the Institution and in the event of the holder ceasing to be a member, shall on request be returned to the Institution.
20. Every Corporate Member after admission, shall if he so desires, at the first ordinary meeting at which he is present, be introduced by the President or Chairman of such meeting.
21. A member may by notice to the Secretary in writing inform the Council of his desire to resign his membership after payment of all dues. The Council may accept such resignation or take such other action as it deems fit.

#### **Privileges of Non-Corporate Members**

22. Non-Corporate Members may partake in the educational and learned society activities. They shall not have voting rights at Elections to Council or in issues affecting the conduct of the affairs of the Institution.

#### **Examinations**

23. The Council shall conduct for approved candidates 'The Institution Examinations' according to rules prescribed from time to time.

24. i. The Council may from time to time recognise such University degrees or other similar qualifications as after scrutiny it deems suitable for exemption from the whole or part of the Institution Examinations.
  - ii. The Council may at anytime withdraw recognition of any such qualification.
25. The Council may in its discretion permit persons not otherwise qualified under By-laws 4 and 7 to sit the Institution Examinations.

### **Professional Conduct**

26. A Corporate Member practicing in partnership with any person who is not a Corporate Member of the Institution shall not use or permit to be used after the title of such Firm the designation "Chartered Engineers", or describe or permit the description of such Firm in any way as "Chartered Engineers"
27. No person who has ceased to be on the Roll shall make use of any designation implying connection with the Institution.
28. All members are required to order their conduct so as to uphold the dignity, standing and reputation of the Institution.
29. i. Without prejudice to the generality of the last preceding By-law the Council may for the purpose of ensuring the fulfillment of this requirement, make, amend and rescind Rules to be observed by members with regard to their conduct in any respect which may be relevant to their position or intended position as members of the Institution and may publish directions or pronouncements as to specific conduct which is to be regarded as proper or as improper.
- ii. In pursuance of the objectives of the above mentioned clause the Rules of conduct to be observed by the members of the Institution shall be those listed in the Code of Ethics given as Appendix I with the By-laws of the Institution. These Rules of conduct shall be binding on all members of the Institution.

### **Disciplinary Action**

Any member of the Institution against whom an allegation of misconduct is made shall be dealt with by the appointed person/s according to the procedures set out in the Disciplinary Procedure approved by the Council from time to time.

30. For this purpose 'misconduct' shall include but not be limited to the following;
- i. breach of any By-Laws or Regulations relating to professional conduct or the Code of Ethics or non-observance of Rules, directions or pronouncements made or given thereunder;
  - ii. holding membership of an institution or body which is engaged in activities detrimental to the objects of IESL;
  - iii. usage of name affixed with qualifications that are identical or similar to that given by the Institution if such qualifications have been awarded by any other organization which is not upto the professional standing of the Institution. Such misconduct shall be punishable by suspension for a minimum period of 10 years or permanent disenrollment;
  - iv. impersonation in voting with or without the consent of other voter;
  - v. any other conduct which is deemed by the Council as improper.

31. The Council may from time to time,
- i. set up a Disciplinary Committee comprising three Fellows at least one of whom shall be a Past President to investigate and report to Council on any allegation of improper conduct on the part of a member ;
  - ii. determine the terms of reference of such Disciplinary Committee.

If the Disciplinary Inquiry is against the President or the President Elect, all of the three members of the Disciplinary Committee shall be Past Presidents. The Council may select these three Past Presidents from outside the Panel selected at the beginning of the session.

32. Any member against whom an allegation of improper conduct has been made and who, in the opinion of the Council, based on the findings of a Disciplinary Committee set up under By-law 31 is guilty of such conduct shall be liable to such penalties as the Council may determine in accordance with By-law 33.

33. Any member against whom a complaint is received by the Council shall be informed in writing by the President of the Institution of the alleged complaints and shall be given an opportunity to vindicate himself of the charges. If the member concerned is President himself, he shall be informed in writing by the President-Elect or in his absence a Vice President elected for this purpose by the Council, on a decision of the Council, of the alleged complaints and shall be given an opportunity to vindicate himself of the charges.

If the member is unable to vindicate himself his case will be referred by the Council to the Disciplinary Committee for investigation and report to Council.

The Council may by resolution expel or suspend for any period from membership, reprimand, admonish or otherwise penalize/punish any member found guilty of improper conduct. Where any member has been suspended or otherwise penalized/punished by the Council, the Council shall state the period for which such punishment shall be effective depending on the gravity of the offence the member has been found guilty of. The Council may direct that such member shall make a contribution towards the expenses of the hearing before the Disciplinary Committee.

A member shall not be expelled except by a majority decision taken at a meeting of the Council at which at least two thirds of the membership of the Council is present.

### **Subscriptions**

34. i. The Annual Subscriptions and Entrance Fees payable by members shall be at rates proposed by the Council from time to time and passed in General Meeting in terms of By-law 86(b).

It shall be the responsibility and duty of members to ensure that their annual subscriptions remain paid upto date.

- ii. The transfer fee payable by a member shall be half the transfer fee to the higher class provided he has been a member for at least three years in the appropriate lower class.

35. A Corporate Member or Companion or Associate may continue in his respective class at half rates of subscription on reaching the age of 60 years provided he has been a subscription paying member for a minimum period of 30 years.

- a. A Corporate Member or Companion or Associate on completion of 40 years of membership of the Institution shall be eligible for election by Council to Honorary Life Membership in the respective class and shall on such election not be required to pay annual subscriptions.

- b. i. A candidate for admission to the class of Associate Members or Affiliate Members who makes his application within one year of obtaining the required qualifications shall not be required to pay subscription fee for the year of applying. He shall pay only the entrance fee or the transfer fee as applicable. However, the normal subscriptions shall be paid from the 2<sup>nd</sup> year of membership.
- ii. A candidate for admission to the class of Student Member, shall not be required to pay subscription fee in the first year of membership. He shall pay only the entrance fee or the transfer fee as applicable. However, the normal subscriptions shall be paid from the 2<sup>nd</sup> year of membership.

(Note : The above exemptions from subscription fee shall be valid only for the period January 1, 1996 to December 31, 1996 in the first instance and shall be extended by Council if the scheme proves successful in attracting larger numbers in to these categories of membership.)

37. Annual subscriptions are due on 1<sup>st</sup> January of each year for the year then commencing. If subscriptions are not paid by 31<sup>st</sup> October of an year, names of such members shall be removed from the Roll of members, after giving a period of one month's notice, by letter sent by Registered Post.

The acceptance of annual subscriptions from a person who has ceased to be a member shall not create any presumption as to membership of the Institution. Re-instatement shall be in accordance with By-law 42.

38. Any member admitted after the 1<sup>st</sup> of July of an year shall be called upon to pay only half the annual subscription for that year.
39. Every member shall be liable for the payment of his annual subscription until he has signified to the Secretary in writing his desire to resign having previously paid all arrears, including the subscription for the year current at the date of his notice, or until he has forfeited his right to remain in or be attached to the Institution.
40. Every member on transfer to another class shall pay the full subscription for the year current for that class and any subscription he may have already paid for that year shall be accounted as part payment thereof.
41. In the case of any Corporate Member or Companion or Associate whose earning capacity has been adversely affected by ill-health, advanced age, or otherwise the Council may, at its discretion, waive the subscriptions which may be due.

#### **Re-instatement of former members**

42. Any application for re-instatement as a member shall be examined and reported upon by a Committee appointed by Council. The member so applying shall be liable to pay the arrears of subscription due at the time his name was removed from the Roll. Council may re-instate the applicant under such terms and conditions as it deems fit. In addition to any penalties which the Council may impose at its discretion in special cases, the member upon re-instatement may be called upon to pay the total of annual subscriptions covering the period when his name was off the Roll. He will not be entitled to any publications for the period when his name was off the Roll.

#### **The Officers**

43. The Officers of the Institution shall be the President, the Immediate Past President, the President – Elect, the three Vice Presidents, the Honorary Secretary, the Honorary Treasurer and the Executive Secretary.

## The Council

44. The Council shall consist of the following members :
- i. The President
  - ii. Two Past-Presidents
  - iii. President – Elect
  - iv. Three Vice-Presidents
  - v. Honorary Secretary
  - vi. Honorary Treasurer
  - vii. Chairmen of Sectional Committees as per By-Law 98.
  - viii. Six Fellows
  - ix. Ten Members of whom FIVE shall be under 40 years of age at the time of closing of nominations for the election.
45. a. The Council shall hold office from the assumption of office following one Annual General Meeting, to the end of the next Annual General Meeting, which period shall be deemed to be a Session.
- b. If a situation arises where a Council cannot function due to an insufficiency of Members of Council in office to form a quorum, then the President, if he is in office, or the President Elect or the most recent Past-President available for the purpose of this By-law, or the Executive Secretary shall summon a Special General Meeting to fill vacancies in Council for the remainder of the Session. Such appointments will be deemed to have been made under By-law 59.
46. a. President-Elect shall be elected by the Corporate Membership from among those who have held office as Vice President for at least one full Session at the time of closing of nominations for the election. The President Elect shall hold office in Council for one full Session and shall assume the post of President at the end of the Session. In the event where the President Elect is incapacitated to hold office for whatever reason, an election shall be held to replace him from among the general membership who is qualified to hold such office as above.
- b. For the session 1999/2000, a President shall also be elected by the Corporate Membership, from among those who have held office as Vice President.
47. In the absence of the President, the President Elect or in his absence the Senior Vice President shall officiate as President. The order of seniority of Vice-Presidents shall be in accord with the duration of their tenure of that office. In the event of seniority not being established in this manner, Council shall determine seniority for the particular Session.
48. a. The Vice Presidents shall be elected by the Corporate Membership from among the Class of Fellows who have been on the Roll as Fellows for more than five (05) years by the time of taking over office as Vice President and served in Council at least for two (02) sessions by the time of taking over office as Vice President OR has served as a Chairman of a Sectional Committee for 3 sessions of which at least one session as a Fellow by the time of taking over office as Vice President. They will hold office for one session provided they have not held this office for five consecutive sessions immediately preceding such appointment.
- b. No one who has held the office of President for a full term or part thereof (other than acting for the President) shall be eligible to hold the offices of Vice President, President Elect or President.
49. One Past-President resident in Sri Lanka and continuing as a member of the Institution will be elected by the Corporate Membership as a member of the Council. The out-going President shall be the other Past-President in Council, provided he is also resident in Sri Lanka and continues to

be a member of the Institution. If for any reason the out-going President ceases to be a member of the Council or is unable to perform in Council, the Council is empowered to fill his vacancy by nominating another Past-President.

50. Six Fellows and ten members shall serve on Council for two consecutive sessions at a time and shall be elected by the Corporate Members. 3 Fellows and 5 Members shall retire at the end of their two sessions term (except during the course of the first Session after these By-Laws come into force, the Council shall choose by the drawing of lots the name of 1 Fellow who is to vacate his seat in Council at the end of the first Session).

## **Elections**

51. All elections to Council in accordance with By-laws 46,48,49,50,71,73 and 98 shall be for the terms as specified in the relevant By-laws.

Any vacancy during a Session in any position in Council shall be filled without undue delay in accordance with By-law 59(i).

- 52 (a) A list of Corporate Members whose names extracted from the updated 'Roll' maintained under By-Law 2(ii)a, as at 04.00 p.m. on 31<sup>st</sup> March shall be eligible for voting in the Elections to the next Council. The list of such Corporate Members (hereinafter called and referred to as the 'voters') shall be made available for reference at the Institution immediately after this date. Any appeal for the correction of voters list shall be submitted to the Secretary giving valid reasons in writing within 15 days after the publication of voters list. The Secretary shall after due consideration to the reasons brought forth and after obtaining the approval of the Council finalize the voters list on or before 15<sup>th</sup> May.

- (b) The Secretary shall issue to the voters, at least two months before the Annual General Meeting, a notice calling for nominations for all positions in the Council. He will list the positions and give clearly the basis on which such nominations should be made. Eligibility criteria for nominations shall have been fulfilled by the candidates at the time of closing of nominations for the election.

A Corporate Member who is qualified and eligible for the election for a particular post in the council, may seek election to one post only at an election.

A Continuing Member of the Council under By-Law 50 shall not be eligible to contest another post unless he resigns from the post to be made effective at the end of the current session. A member who has been found guilty of improper conduct by the Council shall also not be eligible to contest any post or sit in the Council. Each candidate shall be nominated by 4 Corporate Members. In the case of Chairmen of Sectional Committees the nomination papers shall be signed by 4 Corporate Members of the respective disciplines.

The nomination papers shall carry the written consent of the candidate.

Nominations shall close 21 days from the date of issue of notice calling such nominations.

In the event any position of the incoming Council is vacant a Corporate Member who is qualified and eligible for the election for that post shall be appointed by the Council at its first meeting.

53. The Council shall take a secret postal and /or electronic ballot among the voters on the nominations received following the procedure laid down in By-laws 53 to 56.

A postal and /or electronic ballot paper shall be sent to every voter at least 30 days before the Annual General Meeting and shall contain all the names of the members duly nominated for election. The names of the members nominating a candidate together with his qualifications and the appointments held by him should be given on a separate list accompanying a postal and /or



electronic ballot paper. No member shall vote for more candidates in each group than are prescribed in the postal and /or electronic ballot paper.

54. The Council shall appoint a Past-President or a Fellow as a Returning Officer for the conduct of any voting by ballot. He will be known as the Chief Returning Officer. He shall be assisted by two or more Corporate Members as Assistant Returning Officers who will be appointed by Council. The voting shall be conducted as per Rules framed under this By-law. The Chief Returning Officer will report results to the Council.
55. In the event of a candidate who has been nominated on the postal and /or electronic ballot paper ceasing to be eligible for election after the postal and /or electronic ballot papers have been prepared, the postal and /or electronic ballot paper shall not be invalidated and the elections shall proceed with respect to the remaining candidates.
56. In the event of the Chief Returning Officer being unable to report the election of the prescribed number of Members of the Council owing to an equality of votes, the Council which is conducting the election will by a majority vote decide such cases.
57. A member elected as representative of his class shall continue to be a Member of the Council for that class notwithstanding his transfer to another class.
58. The office of a member of Council shall be vacated if he gives notice in writing of his wish to resign and which notice is accepted by the Council; if he ceases to be a member of the Institution; if he becomes bankrupt or is declared to be of unsound mind; if he is found guilty of improper conduct by the Council or if he absents himself from three consecutive meetings of Council without obtaining approval of Council and Council resolves that he be deemed to have vacated his office.
59.
  - i. The Council shall be competent to act notwithstanding any vacancy and may at any time during the Session fill any vacancy by appointing for the remainder of the term a member who is qualified and eligible for election to the vacancy that has occurred.
  - ii. Names of the Officers of the Institution and other members of Council elected for the ensuing Session shall be announced by the Chairman of the Annual General Meeting at the meeting. These names together with all Resolutions passed at such Annual General Meeting shall be posted to the membership within two weeks of such Annual General Meeting.

### **Powers and Proceedings of the Council**

60. The direction and management of the concerns of the Institution are vested in the Council, subject to the provisions of the By-laws and of all resolutions of General Meetings duly summoned and held in accordance with the By-laws when any such resolution has been duly passed and recorded and signed by the Chairman of that particular meeting.
61. The decisions of the Council on all matters dealt with by them in accordance with the provisions of the By-laws, Regulations and Rules and of such resolutions as aforesaid, shall be final and binding on all matters.

62. The Council shall meet as often as the business to the Institution may require and at every meeting ten members shall constitute a quorum.
63. The Council may appoint Committees which may consist of Members of Council only or Members of Council and other members. All Committees shall conform to any directions that may be given to them by the Council and subject to such directions, may regulate their procedure as they think fit.
64. In the absence of the President, the President – Elect failing which a Vice-President present shall take the Chair. In the absence of the President, President – Elect and all the Vice-Presidents, the meeting shall proceed to elect a member to take the Chair.
65. All questions shall be decided in the Council by a majority of Members of Council present. In the case of equality, the Chairman shall have a casting vote.
66. A statement of funds of the Institution, and of the receipts and payments during the past financial year, shall be made under the direction of the Council, and, after having been verified and signed by the Auditor, shall be laid before the Annual General Meeting.
67. The Council shall draw up a yearly report on the state of the Institution, which shall be presented at the Annual General Meeting.
68. The Council may make, amend and rescind Regulations for the purpose specified in the By-laws, but so that the same be not repugnant to those By-laws and provided that no such Regulation, amendment or rescission shall come into operation until the same has been approved by a General Meeting of the Institution.
69. The Council may make, amend and rescind Rules for the better ordering of any matters referred to in the By-laws, other than matters to be governed by Regulations, but so that the same be not repugnant to these By-laws or Regulations.

### **The Secretaries**

70. There shall be two Secretaries, one of whom shall be the Honorary Secretary and the other an Executive Secretary. They shall accept lawful directions in writing from the President and such written directions shall be tabled at the next Council meeting for ratification.
71. The Honorary Secretary shall be elected by the Corporate Membership from among the Corporate Members and shall hold office for one Session. He shall not hold office for more than four consecutive Sessions.

It shall be the duty of the Honorary Secretary under the direction of the Council to arrange the Council's Agenda, to attend meetings of the Council, to make minutes of the proceedings of such meeting and to circulate or read the minutes of the preceding meeting and such communications that may be required to be circulated or read.
72. The Executive Secretary shall be appointed by the Council. It shall be the duty of the Executive Secretary under the direction of the Council, to conduct the correspondence of the Institution, to attend the meetings of the Institution and of Committees; to circulate or read the minutes of the proceedings of previous meetings and such Communications as may be ordered to be circulated or read; to superintend such publications as the Council may direct; to have charge of the library; to effect the collection of subscriptions, fees, grants and other revenues and the preparation of accounts of receipts and expenditure; to incur expenditure authorised by Council; to present all accounts to the Council for inspection and approval; to be responsible for all Institution Examinations and for the administration of the Secretariat and to conduct all ordinary business of the Institution. The Executive Secretary, not being a Member of Council, is not entitled to vote.

- (b) The Deputy Executive Secretary shall be appointed by the Council and shall assist the Executive Secretary in the discharge of his duties, and will also act for the Executive Secretary in his absence, unless specified otherwise.

### **The Honorary Treasurer**

73. The Honorary Treasurer shall be elected by the Corporate Membership from the Corporate Members and shall hold office for one Session. He shall not hold this office for more than four consecutive Sessions.
74. It shall be the duty of the Honorary Treasurer under the direction of Council to prepare for approval a statement of estimated revenue and expenditure for the new financial year and to present to the Annual General meeting the Statement of Accounts for the previous financial year. He shall also prepare such other reports as may be required from time to time in respect of Council's finances.

### **The Auditors**

75. The Auditors shall be elected at each Annual General Meeting. The Auditor shall retire at the next following Annual General Meeting but shall be eligible for re-election.
- The Auditor shall be a Firm qualified to practice as Auditors in Sri Lanka. In the event of an elected Auditor being unable to act, the Council shall appoint another qualified Auditor in its place to act till the next Annual General Meeting.
76. The Auditor shall have access at reasonable times to the books of accounts and all relevant documents of the Institution and shall be entitled to receive such information and explanations as may be required from the Officers of the Institution.
77. The Auditor shall forthwith bring to the notice of the Council if in his opinion any of the books, documents or records which the Institution should maintain are not being properly kept or if he is unable to obtain any information or explanation required from any Officer.
78. The Auditor shall make a report to the Council on the accounts examined by him and the report shall state whether in his opinion the balance sheet for the financial year is properly drawn up so as to exhibit a true and correct view of the state of the Institution's affairs according to the best of his information and the explanations given to him and as shown by the books of the Institution.

### **Finance**

79. The Council shall cause true and up-to-date accounts to be kept of all sums of money received and expended by the Institution and of matters in respect of which such receipt or expenditure takes place and of all the property, credits and liabilities of the Institution.
80. All moneys received by or on behalf of the Institution shall be paid into the account of the Institution at a Bank approved by the Council. The Institution receipts signed by the Secretary or other officer authorised by Council shall be issued in respect of all money received.
81. "All payments from the funds of the Institution, with the exception of payments made from Petty Cash Imprest approved by the Council and as provided for in By Law 105 (v) shall be effected by order of the Council by means of cheques signed by the Executive Secretary and the Honorary Treasurer or by another Officer of the Council. Where however the Executive Secretary be not available for the signing of the cheques through illness or such other good reason, then the President shall authorize the Deputy Executive Secretary in writing to sign cheques in place of the Executive Secretary for the duration of the non-availability of the Executive Secretary to sign such

cheques. If the Executive Secretary and the Deputy Executive Secretary are both not available then the President will authorize an officer of the Institution (By-Law 43) in writing to sign cheques during the period of their non-availability. The Deputy Executive Secretary or such other person authorised in writing as herein before stated to sign instead of the Executive Secretary shall obtain receipts in respect of all such payments.”

82. The Council shall from time to time decide what portion of its funds should be invested. The Council may also at any time, sell the whole or any part of such investments and appropriate the proceeds of such sales to current expenditure.
83. All monies of the Institution nor required to meet current expenditure of the Institution may be deposited in guaranteed State Investments and/or invested in the purchase of land, buildings or other property as the Council may determine, and the Council shall have power from time to time to vary such deposits or investments.
84. The financial year of the Institution shall close on the thirty first day of December in each year until otherwise determined by the Council.

#### **The Seal**

85. The Secretary shall be responsible for the safe custody of the common seal of the Institution. The seal shall be affixed to such certificates, deeds and documents as are authorised by the Council to be sealed in the presence of three persons from the Officers of the Institution under By-law 43 provided that one such signatory shall be the President or a Vice-President, and they shall sign every instrument to which the seal of the Institution is so affixed in their presence.

#### **The Annual General Meeting**

86. a. The Annual General Meeting shall be held at a Convenient date between 1<sup>st</sup> August and 31<sup>st</sup> October at such place and at such hour as may be decided by the Council, to receive and deliberate upon the Report of the Council on the state of the Institution, with the Annual Statement of Accounts and the report of the Auditor thereon, to receive a report on the election to the Council and to appoint an Auditor and to consider and decide upon any motions duly received. Notice of the Annual General Meeting shall be given to each member not less than one hundred and twenty (120) days before the meeting and shall be sent to each Corporate member. Twenty Corporate Members shall be a quorum at an Annual General Meeting.
- b. Any resolutions which are to be taken up at the Annual General Meeting must be received by the Secretary at least 42 days before such meeting except in the case of those relating to By-laws which must be received by the Secretary at least 90 days before the meeting.

Resolutions relating to By-laws shall be passed on to By-laws Revision Committee by the Council to obtain its observations. These resolutions when presented to the general membership should accompany the observations of the By-laws Revision Committee.

Resolutions shall be passed by a simple majority except in the case of those relating to By-laws which shall require a majority of two-thirds. There shall be at least 50 Corporate Members present at the time of voting.

“Two thirds majority shall mean that the number voting in favor is equal to or more than two thirds of the total number of eligible voters present in the house at the time of voting.”

- c. All resolutions received in terms of 86 (b) and duly proposed and seconded by Corporate Members shall be circulated with the comments of Council, if any.

- d. The Council will not veto or refrain from circulating any resolution given notice of by any Corporate Member.
- e. The responsibility for the proper arrangement of the Annual General Meeting, the presentation of the Minutes and Council's Annual Report will rest with the Honorary Secretary. The responsibility for the proper conduct of the AGM will rest with the President.

### **Special General Meeting**

- 87. i. A Special General Meeting of Corporate Members may be convened by the Council at any time for the purpose of considering and deciding upon motions proposed by the Council.
  - ii. The Secretary shall in consultation with the Council call a Special General Meeting on a requisition in writing of 20 Corporate Members. Such requisition shall state the matters to be brought before and the motions if any to be considered at such Special General Meeting. A Special General Meeting on such requisition shall be called within 42 days of the presentation of such requisition to the Secretary except in the case of motions relating to By-laws. In the case of requisition relating to By-laws, Special General Meeting shall be called within 90 days of the presentation of such requisition.
  - iii. At least 14 days notice shall be given to each member of Special General Meetings and 50 members entitled to vote shall be a quorum.
  - iv. Resolutions shall be passed by a simple majority except in the case of those relating to By-laws which shall require a majority of two-thirds. Resolutions so passed shall be binding.
  - v. Draft minutes of a Special General Meeting shall be circulated to all Corporate Members by the Secretary within 30 days of such meeting.
  - vi. Such minutes shall be confirmed at the next General Meeting of the Institution's Special, Annual or otherwise.
88. Resolutions passed at Annual General Meetings or Special General Meetings must be in conformity with the Act.
89. Ordinary meetings shall be held on such days and at such hours as may be appointed by the Council for the reading and discussion of original communications submitted by or through a member and/or for such other purposes as in the opinion of the Council will further the objects of the Institution. Wherever possible ten clear days' notice of Ordinary Meetings shall be given to each member.
90. Each member shall have the privilege of introducing one visitor to be present at every ordinary meeting of the Institution. The Council shall have power on special occasion to suspend this privilege.
91. No question shall be discussed or motion be proposed at any ordinary meeting relating to the direction and management of the concerns of the Institution.

### **Proceedings of Meetings**

- 92. Subject to the provisions of the by-laws the meetings of the Institution shall be conducted as prescribed by the Council from time to time. The Chairman shall regulate the proceedings and his ruling shall be final on all matters not specifically dealt within the By-laws.
- 93. In the absence of the President and all the Vice-Presidents, the Chair shall be taken by a Member of the Council; but if no Member of the Council present is willing to act, the meeting shall elect a chairman from the Corporate Members present.
- 94. The accidental omission to give notice of a meeting of the Institution to, or the non-receipt of notice of such a meeting by, members entitled to receive notice shall not invalidate the proceedings of that meeting.

95. No business shall be transacted at any meeting of the Institution unless a quorum is present. If the number of members present is not sufficient to form a quorum the meeting shall not be held. No General Meeting of the Institution shall be held if there is no quorum within half an hour of the time prescribed for such meeting.
96. At all meetings of the Institution questions shall be decided according to the requisite majority of votes properly given thereat and in the case of a tie the Chairman shall have a casting vote.
97. The Chairman may with the consent of the members present (and shall if so directed by the members present), adjourn the meeting but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. Seven days' notice of adjournment and of the business to be transacted at the adjourned meeting shall be given to all members.

The Chairman shall not terminate the meeting without the consent of the members present.

### **Sectional Committees and Visits to Works**

98. i. Sectional Committees shall be formed to engage in learned society activities, and for this purpose shall arrange Meetings, Seminars, Discussions, Visits and the like.

For the present the Sections shall be

- a. Civil Engineering
- b. Mechanical Engineering
- c. Electrical, Electronic & Telecommunication Engineering
- d. Agricultural & Plantation Engineering
- e. Chemical and Process Engineering
- f. Building Services Engineering
- g. Information Technology & Computer Engineering

The Sections may be increased in number by the Council as and when it becomes necessary to do so, with approval of the House.

Each Sectional Committee shall comprise a Chairman who shall be a Corporate Member, and representatives with 2 Fellows, 4 Members, 3 Associate Members, 3 Affiliate Members and 3 Companions and Associates.

The Chairman, who will sit in Council, shall be elected by postal and/or electronic vote along with other Corporate Members of Council in accordance with By-Laws 51 to 56.

The Chairman shall hold office for one Session. He shall not hold this office for more than three consecutive Sessions.

Immediately after the new Council takes office, the Chairman of each Sectional Committee shall summon a General Meeting of all Corporate Members, Companions, Associate Members, Affiliate Members and Associates in the respective discipline. Such a meeting shall elect 2 Fellows, 4 Members, 3 Associate Members, 3 Affiliate Members and 3 for Companions and Associates to form the Committee for the ensuing Session.

- ii The Council may convene informal meetings and arrange such visits as in their opinion will further the objects of the Institution. Unless otherwise decided by the Council all visits shall be open to all members. Arrangements for a member to visit engineering or any other works are made by the Council as agent for such member and the Council will not be liable for any injury, loss or inconvenience caused to any member in consequence of his visit.

## **Referendum by Postal and / or Electronic Vote**

99. The Council when it considers it expedient to obtain the views of the general membership or when it deems advisable to obtain directions from the general membership on any matters connected with the activities of the Institution, other than revision of By-laws, may call for a poll of all Corporate Members in accordance with By-law 100. Matters referred for a poll shall be framed in the form of a Resolution which shall be in accordance with the Act.

100. Upon a Resolution of the Council in terms of By-law 99, the Secretary in consultation with the Council shall arrange for a poll, by postal and/or electronic vote.

The Secretary shall send a copy of the Resolution and postal and /or electronic ballot paper to each Corporate Member whose address as registered at the Institution. There shall be at least 21 days between the dispatch of postal and /or electronic ballot papers and the closing of the poll. The Council shall appoint at least three Scrutineers to supervise all aspects of the poll including the security and the dispatch of the postal and /or electronic ballot papers and the counting of the votes. The Scrutineers shall report to Council. The Scrutineers' decision on any matter directly connected with the poll shall be final. Any Resolution carried by a majority of the votes polled shall be deemed to be binding.

Results of the poll shall be posted on the Notice Board at the Institution headquarters and posted on the official web site.

## **Notices**

101. Any notice may be served upon, or any communication may be sent to any member by the Secretary either by hand or through the post addressed to such member at his address as registered at the Institution.

102. Any notice of communication, if served or sent by post, shall be deemed to have been served. In proving such service or sending it shall be sufficient to prove that the notice or communication was properly addressed and posted.

## **Inspection of Records and Accounts**

103. The Minutes of all General Meetings of the Institution shall be open to all Corporate Members at all reasonable times on previous notice to the Secretary in writing. The minutes of any meetings of the Council shall be open to the inspection of any Member of the Council at all reasonable times. The Accounts of the Institution shall be open to any Member of the Council and by previous arrangement with the Secretary to any other member.

## **Access to the Property of the Institution**

104. All library books, drawings, and publications which are the property of the Institution shall be accessible to members and subscribers at all reasonable times with the consent of the Council. None of the property of the Institution shall be taken out of the premises of the Institution without due authority.

## **Board of Trustees**

105. i. There shall be a Board of Trustees, subject to the direction of Council, constituted to take over immovable property on lease in the names of the Trustees comprising the Board of Trustees on behalf of the Institution of Engineers, Sri Lanka. The Board of Trustees shall also manage the Site, Buildings and other properties (immovable or otherwise) of the Headquarters of the Institution. The Board of Trustees shall be entrusted with the collection of the necessary funds and with the construction and management of the Headquarters, they shall also be in charge of the Benevolent Fund of the Institution of Engineers and disburse the interest received on Capital as directed by Council.

- ii. The Board of Trustees shall consist of five members elected by the Council. Every Trustee so elected shall continue in Office as such until expiry of his term of office until he resigns, becomes incapable of functioning, dies or is removed from Office of Trustee by a resolution of the Council duly passed by a two-thirds majority of the members present and voting. In any of the said events the Council shall in manner aforesaid elect a new Trustee and pending such election the authority of the full Board of Trustees shall be vested in the remaining Trustees.

The Board of Trustees shall elect its Chairman. The Secretary shall be the Secretary of the Institution. The Board shall frame its own regulations provided that nothing in the regulations so framed shall be in conflict with the Act, By-laws Regulations and Rules of the Institution.

The Board of Trustees shall submit minutes of its meetings and make an Annual Report to the Council.

- iii. The terms of Office of every member of the Board shall be three years with the proviso that a retiring member shall be eligible for re-election provided that no member, shall serve a continuous period exceeding six years.
  - iv. The Board of Trustees may receive Grants from the Institution.
  - v. The Board of Trustees is authorised to open a Bank Account called "The Institution of Engineers Headquarters Building Fund Account" as well as Savings Deposits in the State Bank with the money, endowments etc.; made on behalf of the Benevolent Fund. All cheques and disbursements made on these accounts shall be signed by the Chairman of the Board of Trustees and the Secretary.
106. There shall be a By-laws Revision Committee, whose responsibility shall be to study and review and make recommendations re. deleting, amending or adding By-laws in keeping with the Act. The Committee shall consist of 12 members with the President as Chairman and consisting of 2 Past Presidents, 1 Vice President in Council and 2 Fellows all nominated by the Council and 6 other Corporate Members elected by the membership at the Annual General Meeting. The quorum shall be 5 members. The Council may fill any vacancies if and when they so occur.
107. The findings of the Committee shall be circulated through the Council to the membership.

### **Registration Board**

108. The Institution shall establish a Registration Board to regulate matters related with and development of International Professional Engineers.
109. The Registration Board shall be named as the Institution of Engineers, Sri Lanka Registration Board for International Professional Engineers
110. The Board shall function independently subject to the general policies of the Institution.
111. The composition of the Board shall be:
  - (i) The President of the Institution of Engineers, Sri Lanka shall be the ex-officio Chairman of the Board for the duration of his/her period of Office.
  - (ii) The Deputy Chairman who shall be a Fellow of the Institution, nominated by the Council of the Institution from a list of three Fellows, proposed by a Committee appointed by the Council of the Institution.



- (iii) The Immediate Past President and the President-Elect shall be ex-officio members of the Board during their terms of office in those capacities.
  - (iv) Three (3) Corporate Members of the Institution representing each of the disciplines Civil, Electrical, Mechanical and one Corporate Member representing all other disciplines nominated by the Council of the Institution.
  - (v) Seven (7) Corporate Members of the Institution who shall be not below the rank of senior Lecturers Grade 1, nominated by the Council of the Institution, out of which one each shall be from among the academic staff members of the Engineering Faculties of the University of Peradeniya, University of Moratuwa and University of Ruhuna and from the Faculty of Engineering Technology of the Open University of Sri Lanka and one each of the remaining three (3) from among the academic staff members in the field of engineering of any other Institute (State or Private) conducting a four year full time Engineering Degree Programme recognized by the Institution.
  - (vi) Two (2) Corporate Members of the Institution from the state sector, holding or who have held not less than the rank of Chief Engineer or equivalent and have had a minimum of ten (10) years post-Charter experience, nominated by the Council of the Institution.
  - (vii) Four (4) Corporate Members of the Institution from the Private Sector having a minimum of ten (10) years post-Charter experience, nominated by the Council of the Institution.
  - (viii) Chairman of the IESL Accreditation Board
112. (i) The members of the Registration Board except the first Board, shall hold office for a term of four years, but may be re-nominated by the Council provided they have not served the two previous consecutive terms. This shall not apply to the Chairman whose term is defined in 111(i).
- (ii) However the term of office in the membership in the first Board, half of the members excluding the Deputy Chairman of the Board shall terminate at the expiry of two years from the date of appointment. This Board shall at its very first meeting determine by draw of lots, the members whose term of office shall so terminate.
113. A corporate Member of The Institution, fulfilling the prescribed requirements of the board and having his name entered in the register at the order of the board, shall be called an International Professional Engineer and shall be entitled to use the abbreviations IntPE (Sri Lanka) after his or her name, and shall be able to use such insignia, emblems etc. as the Board may prescribe and award as long as his name is on the Register.

### **Accreditation Board**

115. The Institution shall establish the Board of Accreditation for Engineering and Technical Education in order to ensure quality control and quality assurance in engineering & technical education.

116. The Accreditation Board shall be named as the Institution of Engineers, Sri Lanka Board of Accreditation.
117. The Board shall function independently subject to the general policies of the Institution.
118. The Council of the Institution shall frame by-laws regarding the function and management of the Board.
119. The composition of the Board shall be :
- (i) The Chairman shall be an eminent Practitioner/Teacher in engineering to be nominated by the Council of the Institution from a panel of three eminent Practitioners / Teachers proposed by a committee appointed by the Council of the Institution.
  - (ii) The President of the Institution of Engineers, Sri Lanka who will be an ex-officio member of the Board for the duration of the period of his term of office.
  - (iii) The Immediate Past President and the President-Elect shall be ex-officio members of the Board during their terms of office in those capacities.
  - (iv) Seven (7) Corporate Members of the Institution who shall be not below the rank of Senior Lecturer Grade 1, nominated by the Council of the Institution , out of which one each shall be from among the academic staff members of the Engineering Faculties of the University of Peradeniya, University of Moratuwa and University of Ruhuna and from the Faculty of Engineering Technology of the Open University of Sri Lanka and one each of the remaining three (3) from among the academic staff members in the field of engineering of any other Institute (State or Private) conducting a four year full time Engineering Degree Programme recognized by the Institution.
  - (v) Six (6) Corporate Members of the Institution from the industry and nominated by the Council of the Institution.
  - (vi) Two (2) Corporate Members of the Institution who are Professors / Emeritus Professors and nominated by the Council of the Institution.
  - (vii) Member of the University Grants Commission who is in charge of the Standing Committee relevant to engineering
120. (i) The Chairman and the members of the Board except the first Board, shall hold office for a term of four years, and may be re-nominated by the Council provided they have not served the two previous consecutive terms.
- (ii) However the term of office in the membership in the first Board, half of the members excluding the Chairman of the Board shall terminate at the expiry of two years from the date of appointment. This Board shall at its very first meeting determine by draw of lots, the members whose term of office shall so terminate.
121. **Provincial Chapters and District Centres within Sri Lanka**
- Provincial Chapters may be formed for the benefit of members residing outstations and shall operate according to rules set up by the Council.

- i. Provincial Chapters shall engage in learned society activities and for this purpose shall arrange Meetings, Continuing Professional Development Programmes Seminars, Discussions, Visits and the like.
- ii. Provincial Chapters shall also promote membership drives in their respective Provinces and may arrange to collect the subscription fees of the members according to rules set up by the Council.
- iii. Provincial Chapters may set up District Centres in their respective Provinces with a view to decentralizing their activities which shall operate according to the rules set up by the Council.

122. **Overseas Chapters**

- i. Overseas Chapters may be formed for the benefit of members residing in the respective regions and shall operate according to rules set up by the Council.
- ii. Overseas Chapters shall engage in learned society activities and for this purpose shall arrange Meetings, Seminars, Discussions, Visits and the like.
- iii. Overseas Chapters shall also promote membership drives in their respective regions and may arrange to collect the subscription fees of the members according to rules set up by the Council.

123. There shall be Standing Committees named as given below:

- a. Professional Standards Management Committee
- b. Professional Affairs Committee
- c. Education Committee
- d. Finance and Procurement Committee
- e. Library Publications, Publicity and Conferences Committee
- f. Continuing Professional Development Committee

Each Standing Committee shall be chaired by the President, President Elect, or a Vice President.

Duties, responsibilities and the terms of reference of the above Standing Committees shall be set out by the Council from time to time.

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## Appendix I

### CODE OF ETHICS

1. Engineers shall hold paramount the health, safety and welfare of the public and proper utilization of the funds and other resources in the performance of their professional duties. It shall take precedence over their responsibility to the profession, sectoral or private interests, employers or to other engineers.
2. Engineers shall always act in such a manner as to uphold and enhance the honour, integrity and dignity of the profession while safeguarding public interest at all times.
3. Engineers shall be committed to the need for sustainable management of the planet's resources and seek to minimize adverse environmental impacts of their engineering works or applications of technology so as to protect both present and future generations.
4. Engineers shall build their reputation on merit and shall not compete unfairly.
5. Engineers shall perform professional services only in the areas of their competence.
6. Engineers shall apply their skills and knowledge in the interest of their employer or client for whom they shall act, in professional matters, as faithful agents or trustees, so far as they do not conflict with the other requirements listed here and the general public interest.
7. Engineers shall give evidence, express opinions or make statements in an objective and truthful manner.
8. Engineers shall continue their professional development throughout their careers and shall actively assist and encourage engineers under their direction to advance their knowledge and experience.

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## RULES

### Clause 1

Engineers shall hold paramount the health, safety and welfare of the public and proper utilization of the funds and other resources in the performance of their professional duties. It shall take precedence over their responsibility to the profession, sectoral or private interests, employers or to other engineers.

As the first requirement places the interests of the community above all others, Engineers –

<b>Rule 1.1</b>	shall be objective and truthful in writing professional reports, issuing statements or submitting testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.
<b>Rule 1.2</b>	Shall endeavour at all times to maintain engineering services essential to public welfare.
<b>Rule 1.3</b>	Shall work in conformity with recognized engineering standards so as not to jeopardize the health, safety and welfare of the public.
<b>Rule 1.4</b>	Shall not participate in assignments that would create conflict of interest between their clients / employers and the public and shall advise the client of their concerns.
<b>Rule 1.5</b>	Shall, in the event of their judgment being over-ruled in matters pertaining to health, safety and welfare of the community, inform their clients or employers of the possible consequences and bring to the clients' / employers' notice their obligations as professionals to inform the relevant authority.
<b>Rule 1.6</b>	Shall contribute to public discussion on engineering matters in their areas of competence; if they consider that by so doing they can constructively advance the wellbeing of the community.
<b>Rule 1.7</b>	Having knowledge of any alleged violation of this Code by others shall co-operate with the proper authorities in furnishing such information or assistance as may be required.
<b>Rule 1.8</b>	Shall not knowingly participate in any act, which will result in waste or misappropriation of public funds.
<b>Rule 1.9</b>	Shall actively contribute to the wellbeing of the society and, when involved, in any engineering project or application of technology, shall, where appropriate, recognize the need to identify, inform and consult affected parties to help resolve problems involved.

### Clause 2

Engineers shall always act in such a manner as to uphold and enhance the honour, integrity and dignity of the profession while safeguarding public interest at all times.

This requires that the engineering profession should endeavour by its behaviour to merit the highest esteem of the community. It follows therefore, that engineers:

<b>Rule 2.1</b>	Shall not involve themselves with any business or professional practice, which they know to be fraudulent or dishonest in nature.
<b>Rule 2.2</b>	Shall not associate with other persons, corporations or partnerships to conceal unethical acts.

<b>Rule 2.3</b>	Shall not continue in partnership with, or act in professional matters with any engineer who has been removed from membership of this Institution because of improper conduct.
<b>Rule 2.4</b>	Shall promote the principle of engagement of engineers upon the basis of merit.
<b>Rule 2.5</b>	Shall uphold the principle of adequate and appropriate remuneration for professional engineering staff in keeping with their qualifications and market price.

### Clause 3

Engineers shall be committed to the need for sustainable management of the planet's resources and seek to minimize adverse environmental impacts of their engineering works or applications of technology so as to protect both present and future generations.

To this end engineers –

<b>Rule 3.1</b>	Shall carefully evaluate adverse environmental impacts <i>of their actions</i> and incorporate practical remedial measures to minimize them.
<b>Rule 3.2</b>	Shall consider theoretical, legislative, regulatory and policy aspects of environmental protection and sustainable management of the available resources.
<b>Rule 3.3</b>	<i>Shall work in close co-operation with members of other professions and disciplines on achieving sustainable development.</i>
<b>Rule 3.4</b>	Shall critically analyze how the proposed project or the application of technology relates to sustainability considerations.
<b>Rule 3.5</b>	Shall identify and assess options for material recovery and disposal.
<b>Rule 3.6</b>	Shall analyze opportunities for resource and energy conservation and, design appropriately optimized systems.

### Clause 4

Engineers shall build their reputation on merit and shall not compete unfairly.

This requirement is to ensure that engineers shall not seek to gain a benefit by improper means. It follows that engineers –

<b>Rule 4.1</b>	Shall neither pay nor offer, directly or indirectly, inducements to others.
<b>Rule 4.2</b>	Shall not attempt to supplant another engineer, employed or consulting, who has been appointed, without his consent.
<b>Rule 4.3</b>	Shall neither falsify nor misrepresent their own or other's qualifications, experience and prior responsibilities.

<b>Rule 4.4</b>	Shall respect others and not maliciously do anything to tarnish, directly or indirectly, the reputation, prospects or business of others.
<b>Rule 4.5</b>	Shall not use the advantage of a privileged position to compete unfairly with other engineers.
<b>Rule 4.6</b>	Shall exercise due restraint in explaining their own work and shall refrain from unfair criticism of the work of other engineers.
<b>Rule 4.7</b>	Shall give proper credit for professional work to those to whom credit is due.
<b>Rule 4.8</b>	Shall not resort to any form of plagiarism in their work. <i>(new) This includes use of such materials as written text, statistics or similar data, diagrams, illustrations and photographs in reports, publications, examination answers, coursework submitted for academic or professional qualifications etc., without permission, acknowledgement or reference, as if it is the person's own work.</i>
<b>Rule 4.9</b>	Shall act with due regard to intellectual property rights of others in their work.
<b>Rule 4.10</b>	Shall not engage in unfair competition including charging of extremely high or low professional fees compared to market rates, in delivering professional services

#### Clause 5

Engineers shall perform professional services only in the areas of their competence.

To this end engineers –

<b>Rule 5.1</b>	Shall undertake assignments only when qualified by education and experience in the specific technical fields involved. If an assignment requires qualifications and experience outside their fields of competence they shall engage competent professionals with necessary qualifications and experience and keep the employers and clients informed of such arrangements.
<b>Rule 5.2</b>	Shall not affix their signature to any designs or documents dealing with subject matter in which they lack competence, or to any plan or document not prepared under their direction or control.

#### Clause 6

Engineers shall apply their skills and knowledge in the interest of their employer or client for whom they shall act, in professional matters, as faithful agents or trustees, so far as they do not conflict with the other requirements listed here and the general public interest.

It follows that engineers –

<b>Rule 6.1</b>	Shall at all times avoid all known or potential conflicts of interest that involve the engineer himself. They should keep their employers or clients fully informed on all matters, including financial interests, which could lead to such a conflict, and under no circumstances should they participate in any decision which could involve them in conflict of interest.
<b>Rule 6.2</b>	Shall when acting as administrators of a contract be impartial between the parties in the interpretation of the contract. This requirement of impartiality shall not diminish the duty of engineers to apply their skill and knowledge in the interests of their employers or clients.

<b>Rule 6.3</b>	Shall not accept compensation, financial or otherwise from more than one party for services on the same project, unless the circumstances are fully disclosed and agreed to, by all interested parties.
<b>Rule 6.4</b>	Shall neither solicit nor accept financial or other valuable consideration, including free engineering designs, from material or equipment suppliers for specifying their products (except such designs obtained with the knowledge and consent of the employer or client).
<b>Rule 6.5</b>	Shall neither solicit nor accept gratuities, directly or indirectly from contractors or their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.
<b>Rule 6.6</b>	<i>Shall not accept a commission, fee, reward or other benefit from a Third Party, while advising a client.</i>
<b>Rule 6.7</b>	Shall advise their clients or employers when as a result of their studies they believe that a project will not be viable.
<b>Rule 6.8</b>	Shall neither disclose nor use confidential information gained in the course of their employment without express permission, except where public interest and safety are involved.
<b>Rule 6.9</b>	Shall not complete, sign, or seal designs and/or specifications that are not safe to the public health and welfare and in conformity with accepted engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

## Clause 7

Engineers shall give evidence, express opinions or make statements in an objective and truthful manner.

It follows that –

<b>Rule 7.1</b>	Engineers professional reports, statements or testimony before any tribunal shall be objective and such opinions shall be expressed only on the basis of adequate knowledge and technical competence in the area, but this does not preclude a considered judgment based intuitively on experience and wide relevant knowledge.
<b>Rule 7.2</b>	Engineers shall reveal the existence of any interest, pecuniary or otherwise that could be taken to affect their judgment in a technical matter about which they are making a statement or giving evidence.

## Clause 8

Engineers shall continue their professional development throughout their careers and shall actively assist and encourage engineers under their direction to advance their knowledge and experience.



It follows therefore, that engineers –

<b>Rule 8.1</b>	Shall encourage their professional employees and subordinates to further their education, and
<b>Rule 8.2</b>	Shall take a positive interest in and encourage their fellow engineers actively to support the Institution and other bodies, which further the general interest of the profession.

### **GUIDELINES FOR PROFESSIONAL CONDUCT**

1. Engineers shall be guided in all their professional relations by the highest standards of integrity.
  - a. Engineers shall admit and accept their own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify their decisions.
  - b. Engineers shall advise their clients or employers when they believe a project will not be successful.
  - c. Engineers shall not accept assignments outside their employment to the detriment of their regular work or interest. Before accepting any assignments outside their employment they will notify their employers and obtain their prior permission.
  - d. Engineers shall avoid any act tending to promote their own interest at the expense of the dignity and integrity of the profession.
  
2. Engineers shall at all times strive to serve the public interest.
  - a. Engineers shall seek opportunities to be of constructive service in civil affairs and work for the advancement of the safety, health and well being of their community.
  - b. In public or private sector employment engineers shall refrain from participating knowingly in any act that will result in waste or misappropriation of employers funds.
  
3. Engineers shall refrain from all conduct or practice which is likely to discredit the profession or deceive the public.
  - a. Engineers shall refrain from using statements containing material misrepresentation of fact, or omitting material fact.
  - b. Engineers shall refrain from showmanship, or self-laudation or from attempting to attract clients thereby and making derogatory statements about others. Consistent with the foregoing Engineers may advertise for recruitment of personnel.
  - c. Consistent with the foregoing. Engineers may publish articles in the press or in technical journals but such articles shall not imply credit to the author for work performed by others.
  
4. Engineers shall not disclose confidential information concerning the business affairs or technical processes of employers without their consent.
  
5. Engineers shall not be influenced in their professional duties by conflicting interests.
  - a. Engineers shall not accept financial or other considerations, from material or equipment suppliers for specifying their product.

- b. Engineers shall not accept commissions or allowances, directly or indirectly from contractors or other parties in connection with the work for which the Engineer is responsible.
  - c. Consistent with the foregoing Engineers may publish articles in the press on in technical journals but such articles shall not imply credit to the author for work performed by others.
- 6. Engineers shall uphold the principle of appropriate and adequate compensation for those engaged in engineering work.
  - a. Engineers shall not accept remuneration from either an employee or employment agency for giving employment.
  - b. Engineers, when employing other engineers, shall offer a salary according to professional qualifications, experience and recognised standards.
- 7. Engineers shall not compete unfairly with other engineers to obtain employment or advancement in employment or in seeking professional engagements by taking advantage of their position, by criticizing other engineers, or by other improper or questionable means.
  - a. Engineers shall not request, propose, or accept a professional commission under circumstances in which their professional judgment may be compromised.
  - b. Engineers in salaried position shall accept part-time engineering work only with the expressed permission of the employer and at recognised rates for such work.
  - c. Engineers shall not use equipment, supplies laboratory, or office facilities of an employer to carry out outside private work without the consent of the employer.
- 8. Engineers shall not attempt to injure, maliciously or falsely, (directly or indirectly) the professional reputation, prospects, practice or employment of other engineers, nor indiscriminately criticize other engineers' work. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
  - a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated for unethical practices.
  - b. Engineers in governmental, industrial or educational employ are entitled to review and evaluate the work of other engineers when so required by their employers.
  - c. Engineers in sales or industrial employ shall not criticize products of other manufacturers which are similar to their own.
- 9. Engineers shall accept personal responsibility for their professional activities.
  - a. Engineers shall conform with state registration laws in the practice of engineering.
  - b. Engineers shall not use association with a non-engineer, a corporation, or partnership, as a 'cloak' for unethical acts, but must accept personal responsibility for their professional acts.
- 10. Engineers shall give credit for engineering work of other engineers to whom credit is due, and will recognise the proprietary interests of others.
  - a. Engineers shall, when possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

- b. Engineers using designs supplied by client shall recognise that the designs remain the property of the client and shall not be duplicated by the Engineer for others without expressed permission.
  - c. Engineers, before undertaking work for others which may result in the engineers producing inventions, plans, designs, improvements or other such, which may justify copyrights or patents, should enter into a position agreement regarding ownership.
  - d. Engineers' designs, data, records, and notes referring exclusively to an employer's work shall not be used for another client unless with the expressed permission of the employer for whom such work was carried out.
11. Engineers shall cooperate in extending the effectiveness of the profession by interchanging information and experience with other Engineers and Students and will endeavour to provide opportunity for the professional development and advancement of engineers under their supervision.
- a. Engineers shall encourage Engineer employees' efforts to improve their education.
  - b. Engineers shall encourage Engineer employees to attend and present papers at professional and technical society meetings.
  - c. Engineers shall urge Engineer employees to become registered engineers at the earliest possible date.
  - d. Engineers shall assign a professional engineer duties of a nature to utilise his full training and experience, insofar as is possible, and delegate lesser functions to sub-professionals or to technicians.
  - e. Engineers shall provide a prospective employee with complete information on working conditions and proposed status of employment, and after engaging will keep such employees informed of any proposed changes.