

The Nepal Engineering Council Act, 2055 (1999)

Date Of Royal Seal and Publication

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Act No. 23 of the year 2055

An Act Made to Provide for Nepal Engineering Council

Preamble: Whereas, it is expedient to make the provision of Nepal Engineering Council in order to make the engineering profession effective in the Kingdom of Nepal and mobilize it in a systematic and scientific manner as well as to provide for, among other matters, the registration of the names of engineers as per their qualification;

Now, therefore, be it enacted by Parliament in the twenty-seventh year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

Chapter -1

Preliminary

1. **Short Title and Commencement:**

(1) This Act may be called " The Nepal Engineering Council Act, 2055(1999)."

(2) This Act shall come into force on such date as His Majesty's Government may, by publishing a notification in the Nepal Gazette, specify.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,

- a. "Council" means the Nepal Engineering Council established under Section 3.
- b. "Chairman" means the Chairman of the Council.
- c. "Member" means the Member of the council and this term also means and includes the chairman and Member-Secretary of the Council.

- d. "Engineer" means a person who holds at least a Bachelor's Degree in an engineering subject from an academic institution recognized by the council.
- e. "Engineering Profession" means the profession to be practiced by the engineers who have acquired the technical knowledge and skill in the subjects referred to in the Annex.
- f. "Registration Book" means the Registration Book prepared under section 15.
- g. "Registered Engineer" means the engineer whose name has been registered in the Registration Book.
- h. "Registrar" means the person appointed under Section 27.
- i. "Subject Committee" means the Subject Committee constituted under Section 32.
- j. "Prescribed" or "As Prescribed" means prescribed or as prescribed in the Rules made under this Act.

Chapter-2

Establishment, Constitution, Functions, Duties and Powers of the Council

- 3. **Establishment of Nepal Engineering Council** : The Nepal Engineering Council has hereby been established in order to mobilize the engineering profession in a systematic and scientific manner by making it effective, as well as to make provision for, among other matters, the registration of the names of engineers as per their qualifications.

- 4. **Council to be an Autonomous Body:**
 - i. The council shall be an autonomous and corporate body with perpetual succession.
 - ii. The council shall have a separate seal of its own for all of its business and transactions.
 - iii. The Council may, like an individual, acquire, use, own, sell or distribute movable and immovable properties or make provision of them by any other manner.
 - iv. The council may sue or be sued in its name like an individual.

5. Constitution of the Council :

- i. The council established under Section 3 shall consist of the following Members:-
 - a. An engineer nominated by His Majesty's Government from amongst the engineers who have at least fifteen years' experience in the engineering profession after having obtained a Bachelor's Degree in subject of engineering.
- Chairman
 - b. An engineer nominated by His Majesty's Government from amongst the engineers who have at least ten years' experience in the engineering profession after having obtained a Bachelor's Degree in a subject of engineering.
- Vice- chairman
 - c. Five engineers nominated by His Majesty's Government from amongst the engineers engaged in the engineering profession.
-Member
 - d. President, Nepal Engineers Association - Member
 - e. Five engineers elected by Nepal Engineers Associations -Member
 - f. One Campus Chief nominated by His Majesty's Government from amongst the Campus Chiefs of the Engineering Colleges. -Member
 - g. Representative, Institute of Engineering, Tribhuvan University - Member
 - h. Two Engineers nominated by the Council - Member
 - i. Registrar - Member-Secretary
- ii. While making the nomination and conducting election of the Member in accordance with clauses (c) and (e) of the sub-section (1), such nomination and election are required to be made or conducted from separate subjects of the engineering profession on the subject-wise basis.
- iii. Until election is held for the Members as referred to in clause(e) of sub-section (1), the engineers nominated by the Nepal Engineers Association shall be the Member of the council.
- iv. In making nomination for the representative in accordance with clause (g) of sub-section (1), such nomination shall be made from amongst the engineers.
- v. The council may, if it deems it necessary, invite any expert to participate at the meetings of the council.

6. The Tenure of Office of the Members:

- I. The tenure of office of the Members nominated or elected to the Council shall be four years. The Members whose tenure of office has expired may be re-nominated or re-elected, subject to the other provisions laid down in this Act.
- II. If any seat of a Member falls vacant prior to the expiry of the tenure of office, the seat of the Member so fallen vacant shall be filled through nomination or election of another member for the remainder of the tenure.

7. Disqualifications for Being a Member: Any of the following persons shall not be eligible to be nominated or elected to the post of a Member of the council :-

- a. Non-Nepalese Citizen
- b. The person whose name has been removed from the Registration Book.
- c. The person whose property has been divided proportionately among the creditors for having failed to pay the debts due to the creditors (bankrupt person).
- d. The person who has been punished by a court upon being convicted in a criminal charge involving moral turpitude, and
- e. The mentally disordered person.

8. Circumstances to Terminate the Membership : The membership of the Council shall be deemed to have been terminated in the following circumstances:-

- a. If he is disqualified under Section 7.
- b. If the resignation tendered from the office of the Member is accepted,
- c. If he, without giving prior notice with the reasons to the Council, absents himself from the meetings of the Council for three consecutive times,
- d. If he dies.

9. Functions, Duties and Powers of the Council: In addition to the functions, duties and powers set forth elsewhere in this Act, the Council shall have the functions, duties and powers as follows :

- a. To prepare and implement the policy, plan and programmes as required for carrying out the engineering profession in a proper manner.
- b. To recognize, as prescribed, the academic institutions providing the engineering education and certificates and degrees granted by such institutions.

- c. To determine the qualifications required for practicing the engineering profession and to register as prescribed with the Council the names of the persons having possessed the specified qualifications.
- d. If a registered engineer violates the professional code of conduct as prescribed or does not comply with it, to remove the name of such engineer from the Council by fulfilling the procedures as prescribed.

10. Meetings and Decision of the Council:

- 1) The meeting for the Council shall generally be held four times in a year. Provided that the Chairman may, if he so desires, also convene the meeting for more than the said times.
- 2) The meetings of the Council shall be held at the time and venue specified by the Chairman.
- 3) The presence of more than fifty percent Members of the total number of Members of the Council shall be deemed to have constituted a quorum for the meeting of the Council.
- 4) The Chairman shall preside over the meetings of the Council and, in his absence, the Vice-Chairman shall preside over. In the absence of both the Chairman and Vice-Chairman, the person selected by the Members present in the meeting from among themselves shall preside over the meeting.
- 5) The opinion of a majority shall be binding in the meeting of the Council and, in the event of tie of votes, the person presiding over the meeting may exercise the casting vote.
- 6) The decisions of the Council shall be authenticated by the Member-secretary.
- 7) Other procedures regarding the meetings of the Council shall be as determined by the Council itself.

Chapter-3

Provisions Regarding the Registration of Name

11. **Prohibition to Practice Engineering Profession without Getting Registered name** : After one year from the date of commencement of this Act, no person shall practice the engineering profession without getting his name registered in the Council.

12. Application to be Made for the Registration of Name :

- 1) Any person desirous to register his name in the Council shall be required to make an application to the Council in a format as prescribed.
- 2) The persons, who are practicing the engineering profession at the time of commencement of this Act, shall be required to make applications in accordance with sub-section (1) within six months from the date of commencement of this Act in order to get registered their names in the Council.
- 3) The persons making applications in accordance with sub-section (1) or (2) to get registered their names shall have to enclose the certificates, degrees and other documents related thereto obtained from the academic institutions as well as the fees as prescribed with the application.

13. **Inquiry on Application:** The Registrar shall carry out necessary inquiry on the application registered in accordance with Section 12 and submit it to the concerned Subject Committee.

14. Examination and Recommendation on the Application:

- 1) The subject Committee shall conduct necessary examination on the application submitted by the Registrar in accordance with Section 13.
- 2) If any matter appeared to be unclear in conducting examination pursuant to sub-section (1), the Subject Committee may demand necessary evidence and documents from the concerned applicant in order to make clear the matters related thereto.
- 3) It shall be the duty of the concerned applicant to Submit the evidence and documents demanded under sub-section (2) to the Subject Committee.
- 4) The Subject Committee shall, if it found the name of the applicant being eligible to be registered in the Council upon conducting an examination in accordance with sub-sections (1), (2) and (3), make a recommendation to the Council therefor.

15. **Registration of Name:** If the Council considers it appropriate to register in the Council the name of the applicant recommended by the Subject Committee for the registration of name after having conducted necessary examination in accordance with Section 14, it shall decide to register the name of such applicant in the Registration Book of the Council prepared in format as prescribed.

16. **Name Registration Certificate to be Issued:** The Registrar shall register in The Registration Book the name of the applicant in respect of whom a decision is taken to Register the name by the Council pursuant to section 15, and shall issue the Name registration Certificate to the applicant in a format as prescribed.

17. **Information to be Given if a Decision is Taken not to Register the Name:** If the Council finds any reason which makes it inappropriate to register the name of any applicant submitting an application for the registration of name in the Council and the Council therefore, decides not to register the name; then the Registrar shall have to give the information of such matter to the concerned applicant in writing.

18. **Name to be Removed from the Registration Book:**

- 1) Except in the following circumstances, the name of a registered engineer shall not be removed from the Registration Book :-
 - a) If he becomes mentally unsound.
 - b) If his property has been divided proportionally among the creditors for having failed to pay the debts due to the creditor.(If he becomes bankrupt),
 - c) If a motion submitted to a meeting of the Council to remove he name from the Registration Book on the charge of violating the professional code of conduct as prescribed is passed by a two-thirds majority,
 - d) If he is convicted by a court in a criminal charge involving moral turpitude,
 - e) If the name of a person who does not possess the required qualifications has happened to be registered by fraud or error.
- 2) Prior to the submission of the motion to remove the name of any registered engineer from the Registration Book on a charge as referred to in clauses (c) and (e) of sub-section (1) to a meeting of the Council, the Council shall constitute an inquiry committee requiring to submit a report after having conducted an inquiry in regard to the charge imposed on such a person.
- 3) The procedures to be followed by the Inquiry Committee constitute under sub-section(2) while conducting the inquiry shall be as prescribed.

19. **Certificate to be Cancelled:** In cases where the Council takes a decision to remove the name from the Registration Book in accordance with Section 18, the Registrar shall have to remove the name of such person from the Registration Book, cancel the Name Registration Certificate issued in

accordance with Section 16 and give information of such matter to the concerned person.

20. Name to be Registered Again:

- 1) If the decision to remove the name from the Registration Book is taken on the occurrence of the circumstances as referred to in clauses (a), (b) and (c) of sub-section (1) of Section 18; the concerned person may after a duration of at least one year from the date on which such decision for removal is taken, submit an application to the Council in accordance with Section 12 with specifying the justifiable reasons therein for re-registration of the name.
- 2) In case an application is submitted for re-registration of the name in accordance with sub-section (1); the Council may, if it considers it justifiable to re-register the name of such applicant, decide to re-register the name accordingly.
- 3) In cases where the Council decided to re-register the name of the applicant in accordance with sub-section (2), the Registrar shall have to re-register the name of such applicant in the Registration Book and issue a certificate of re-registration of name to the applicant in a format as prescribed.

Chapter-4

Recognition of Certificates of Academic Qualification or degree

21. Recognition of Certificates of Academic Qualification or Degree:

- 1) The Council shall recognize the certificates of academic qualification or degree in an engineering subject granted by any academic institution.
- 2) The names of the certificates of academic qualification or degrees recognized by the Council pursuant to sub-section (1) and the names of the academic institutions granting such certificates or degrees shall be published in the Nepal Gazette.

22. Details May Be Demanded:

- 1) In course of recognizing the certificate of any academic qualification or degree in accordance with Section 21, the Council may demand the set curriculum for such certificate of academic qualification or degree and the specified terms and conditions for admission as well as other details related thereto from the concerned academic institution.

- 2) It shall be the duty of the concerned academic institution to make available the necessary details as demanded by the Council in accordance with sub-section (1).

23. Inspection of Examination:

- 1) In course of recognizing the certificate of any academic qualification or degree pursuant to Section 21 or after granting such recognition, the Council may appoint and send an inspector to carryout inspection in regard to the system of examination to be conducted by the concerned academic institution granting the said certificate of academic qualification or degree.
- 2) The inspector sent under sub-section (1) shall not have the right to interfere in any manner in the examination in course of carrying out inspection.
- 3) The inspector carrying out the inspection of examination in accordance with sub-section (2) shall have to prepare a report on the matters found by him in course of carrying out the inspection of examination and submit such report to the Council.

24. Recognition to be Withdrawn:

- 1) Considering the details received in accordance with Section 22 from the concerned academic institution in respect of the certificate of any academic qualification or degree to which the recognition is granted under Section 21 or the report received in accordance with sub-section (3) of Section 23, if the Council thinks that the curriculum, conditions for admission and the examination system set by such academic institution are not appropriate and sufficient; then, it shall submit its report in this respect to His Majesty's Government.
- 2) His Majesty's Government may, upon receipt of the report of the Council in accordance with Sub-section (1), seek clarification in that respect from the concerned institution.
- 3) His Majesty's Government shall consider in regard to the clarification submitted and received as sought from the concerned academic institution pursuant to sub-section (2) and conduct necessary inquiries, if any such inquiry is required to be conducted into any other matter in that respect; and consequently, His Majesty's Government may, on the basis of such inquiry as well, withdraw the recognition of the certificate of any academic qualification or degree granted by such academic institution on and after any specific date.
- 4) The notification on the withdrawl of recognition of the certificate of any academic qualification or degree in accordance with sub-section (3) shall be published in the Nepal Gazette.

Chapter -5

Functions, Duties and Powers of the Chairman, Vice-Chairman and Registrar

25. **Functions, Duties and Powers of the Chairman:** In addition to the functions, duties and powers set forth elsewhere in this Act, the Chairman shall have the following functions, duties and powers :-

- a) To determine the priority order of the matters to be discussed in the meeting of the Council,
- b) To monitor and evaluate or cause to be monitored or evaluated the plans and programmes being carried out by the Council and to give necessary directions in regard thereto,
- c) To carry out or cause to be carried out the business and transactions of the Council in a systematic, effective and proper manner,
- d) To perform other functions as prescribed

26. **Functions, Duties and Powers of the Vice-Chairman:** It shall be the duty of the Vice-Chairman, in the absence of the Chairman, to perform or exercise the functions, duties and powers to be performed or exercised by the Chairman under this Act.

27. **Appointment and Functions, Duties and Powers of the Registrar:**

- 1) His Majesty's Government may appoint the Registrar of the Council from amongst the persons who have possessed the qualifications required for the registration of name in the Council.
- 2) In addition to the functions, duties and powers set forth elsewhere in this Act, the Registrar shall have the following functions, duties and powers:-
 - a) To carry out the business of general administration and management of the Council,
 - b) To make or cause to be made arrangements for the supervision and control of the fund and for management and taking care as well as for repair and maintenance of the assets of the Council,
 - c) To formulate the annual programme and plan of the Council and Submit them to the Council,
 - d) To prepare the statement of annual income and expenditure and supplementary income and expenditure of the Council,
 - e) To implement the budget, plan and programme approved by the Council,

- f) To make arrangement for carrying out the internal and sinal audit of the Council,
- g) To act as a liaison officer between the Council and engineers,
- h) To carry out or cause to be carried out other functions as directed by the Council,
- i) To carry out other functions as prescribed.

Chapter-6

Fund of Council

28. Fund of the Council:

- 1) The council shall have a separate fund of its own.
- 2) The fund referred to in sub-section (1) shall include the following amounts:-
 - a) The amount received from His Majesty's Government,
 - b) The amount received as a loan, donation, assistance or foreign individual, institution, government or international association or organization,
 - c) The amount received for the services made available on behalf of the Council,
 - d) The amount received from any other source.
- 3) The Council shall be required to obtain the prior approval of His Majesty's Government before it receives a loan, donation, assistance, grant or contribution or gift from any foreign individual, institution, government or international association or organization in accordance with clause (b) of sub-section (2).
- 4) The amount received to the fund of the Council shall be deposited by opening a bank account in any commercial bank.
- 5) The operation of the fund and account of the Council shall be as prescribed.

29. Accounts and Audit:

- 1) The accounts of the income and expenditure of the Council shall be maintained as prescribed.
- 2) The audit of the Council shall be carried out as prescribed.
- 3) His Majesty's Government may, if it so desires, examine or caused to be examined the books and accounts of the Council.

Chapter-7

Miscellaneous

30. Offences and Punishment and Penalties:

- 1) An offence under this Act shall be deemed to be committed if any person practices the engineering profession without getting his name registered in the Council pursuant to Section 11.
- 2) The person who commits an offence referred to in sub-section (1) may be liable to a punishment with a fine of an amount upto three thousand rupees or with an imprisonment of a duration of upto three months or both.
- 3) Except as provided for in sub-section (2), any person who commits any act violating this Act or the Rules made under this Act shall be liable to a fine of an amount of upto two thousand rupees.

31. Dissolution of the Council:

- 1) If His Majesty's Government considers that the Council has failed to exercise the powers conferred to it by this Act or the Rules made under this Act or abused the powers or exercised the powers more than those conferred to it or failed to perform the duties to be performed by the Council in accordance with this Act or Rules made under this Act, His Majesty's Government may, then, dissolve the Council.
- 2) After the dissolution of the Council in accordance with sub-section (1), His Majesty's Government shall take under its custody the fund and assets of the Council and may carry out all the business and transactions to be carried out by the Council under this Act or the Rules made under this Act pending the constitution of another Council, or may form a committee and cause such committee to carry out the said business and transactions.
- 3) His Majesty's Government shall constitute another Council in accordance with Section 5 generally within three months from the date of dissolution of the Council pursuant to sub-section (1).
- 4) After the constitution of another Council pursuant to sub-section (3), His Majesty's Government shall hand over the fund and assets taken by it under its custody in accordance with sub-section(2) to the said.

32. Subject Committee and Other Committees may be constituted:

- 1) The Council may constitute the Subject Committee and other Committees as required.
- 2) The functions, duties and powers of the Subject Committee and the Committees constituted under sub-section (1) shall be as fixed by the Council.

33. **Meeting Allowance and Other Facilities of the Members:** The meeting allowance and other facilities of the Member and the members of the Subject Committee and other Committees constituted under Section 32 shall be as prescribed.
34. **Employees of the Council:**
- 1) The Council may appoint the employees as required.
 - 2) The terms and conditions of service and facilities of the employees appointed in accordance with sub-section (1) shall be as prescribed in the bye-laws.
35. **The Authority to Carry out Inquiry and Investigation and to Insitute a Law Suit:** The authority or body to carry out the inquiry and investigation of the offences referred to in Section 30 and to institute a law suit as well as the procedures related thereto shall be as prescribed by His Majesty's Government by publishing a notification in the Nepal Gazette.
36. **Contact with His Majesty's Government :** The Council shall, in making contacts with His Majesty's Government, do so through the Minisrty of Work and Transport.
37. **Power to Make Rules and Bye-laws:**
- 1) In order to implement the objective of this Act, the Council may make necessary Rules and the Rules so made shall come into force only after they are approved by His Majesty's Government.
 - 2) The Council may make necessary bye-laws without making them contrary to this Act and the Rules made in accordance with sub-rule (1).
38. **Addition May Be made to the Annex:** His Majesty's Government may add the engineering subjects as required to the Annex by publishing a notification to that effect in the Nepal Gazette.

Annex
(Relating to Clause (e) of Section 2)
Engineering Profession

1. Civil Engineering
 - (a) General
 - (b) Highway
 - (c) Sanitary
 - (d) Building and Architect
 - (e) Irrigation
 - (f) Hydrology
 - (g) Hydro-power
 - (h) Airport
2. Electrical
 - (a) General Electrical
 - (b) Aviation Electrical
3. Electronic and Communication
4. Mechanical
 - (a) General Mechanical
 - (b) Aviation Mechanical
 - (c) Construction Equipment Repair and Maintenance
5. Aeronautical
6. mining
7. Chemical
8. Metallurgical
9. Metrology
10. Meteorology
11. Geology
 - (a) General
 - (b) Hydro-geology
 - (c) Engineering Geology
12. Civil Aviation Operation and Engineering
 - (a) Civil Aviation Operation
 - (b) Flight Operation
 - (c) Aviation Fire Services
13. Survey
14. Chemistry
15. Agri-irrigation Engineering