



## **The Institute of Taxation**

## **Bye-laws, 2025**

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# The Institute of Taxation

## Bye-laws, 2025

### 1. Short Title and Extent

- (1) These Bye-laws may be called as the Institute of Taxation Bye Laws, 2025
- (2) They extend to the whole of Pakistan and Azad Jammu and Kashmir.

### CHAPTER – I PRELIMINARY

### 2. Interpretation

- (1) In these Bye-laws all words and expressions shall have the same meanings as are assigned to them in the Memorandum and Articles of Association of the Institute.
- (2) Any reference in these Bye-laws to Member, Affiliate, Associate, Fellow, Adviser or meeting shall, unless the contrary intention appears, be construed as a reference to Member, Affiliate, Associate, Fellow, Adviser and meeting respectively of the Institute.
- (3) In these Bye-laws unless there is anything repugnant in the subject or context:
  - (a) **“Annual Meeting”** means the annual general meeting of the members of the Institute;
  - (b) **“Articles”** means Articles of Association of the Institute;
  - (c) **“Board”** means the Board of Directors as constituted under the Articles of Association of the Institute.
  - (d) **“Bye-laws”** means the Institute of Taxation Bye-laws made under the Articles;
  - (e) **“Certificate of practice”** means a certificate granted under these Bye-laws entitling the holder to practice as a Certified Tax Professional or Certified Tax Adviser;
  - (d) **“Certified Tax Adviser”** means CTA who has been granted a Certificate of Practice by the Institute
  - (e) **“Certified Tax Manager”** means CTM who has passed CTM Knowledge and CTM Application levels
  - (f) **“Certified Tax Practitioner”** means FTA who has been granted a Certificate of Practice by the Institute
  - (g) **“Chief Operating Officer (COO)”** means the officer appointed by the Board and includes any person acting as COO under direction of the Board;
  - (h) **“Firm”** means a sole member in practice, a partnership, a limited liability partnership or a body corporate or a body unincorporated registered with the Institute for Tax Advisory services;
  - (i) **“Form”** means a form annexed to these Bye-laws or as may be revised by the Board from time to time;
  - (j) **“Institute”** means the Institute of Taxation incorporated u/s 42 of the Companies Act 2017.
  - (k) **“Memorandum”** means the Memorandum of Association of the Company.
  - (l) **“Principal place of business”** means the place of business registered by a member or, where more than one place of business is registered, the place of business indicated by the member as being his principal place of business;
  - (m) **“Registered address”** means in the case of a member in practice, his principal place of business and in the case of a member not in practice, the address last notified by him to the COO as his address for communication;
  - (n) **“Registered student”** means a person registered as student under these bye laws;
  - (o) **“Retired member”** means an Associate, Fellow or CTA of the Institute who is disabled or more than 65 years of age and who has ceased to be employed, or engaged in practice and has applied to the Institute for being considered as a retired member and the Board has approved



the application. Provided that a member will cease to be a retired member if he is employed again, or is engaged in practice or has applied on the prescribed form to the Institute to consider him as a regular member;

- (p) **"Schedule"** means the schedule annexed to these Bye laws;
- (q) **"Seal"** means the seal of the Institute;
- (r) **"Section"** means a section of the Articles.
- (s) **"Syllabus"** means syllabus as detailed in Schedule "A" and as may be revised by the Board from time to time;
- (t) **"Company"** means the company incorporated u/s 42 of the Companies Act 2017 in the name and style of "The Institute of Taxation".

**Words importing "persons" include "bodies corporate". Words importing the masculine gender include the feminine. Words in the singular include the plural and words in the plural include the singular.**

### **3. Form**

A Form shall be used in matters to which it purports to relate and all notes and directions contained therein shall be observed accordingly.

### **4. Notice to Members**

- (1) A notice required under the Articles and the Bye-laws to be given or sent to a member shall be sent at the registered email address or registered postal address of the member and for proving that such notice has been given or sent it shall be sufficient to prove that such notice was properly addressed and emailed/posted.
- (2) The non-receipt of any notice shall not invalidate any resolution passed, or proceedings of meeting detailed in such notice.

## **CHAPTER – II**

### **MEMBERS OF THE INSTITUTE**

#### **5. Register**

The Register of Members shall be maintained in **form “I”**.

#### **6. Type of Members**

1. Affiliate member
2. Associate member
3. Fellow member
4. Certified Tax Adviser
5. Sponsoring member
6. Honorary member

#### **7. Requirements for Membership**

Below are the requirements to become a member of the Institute. All members must carry the personae of good fame, integrity and character:

##### **Affiliate Member (AITP)**

All Affiliate Members of the Institute are recognized as non-voting members. To be eligible as an Affiliate Member one must satisfy any of the following criteria:

- Has successfully passed CTM examinations of the Institute, PIPFA member or holds university degree in Bachelor of accounting/commerce or an equivalent qualification from an Institute accredited education provider; or
- Would otherwise qualify for admission as an Associate Member of the Institute but does not carry any relevant tax experience in Pakistan; or
- Is enrolled in the Institute’s CTA – Skills level course; or
- Is employed by any Revenue Authority engaged in tax administration; or
- Has an interest in the affairs of the Institute for whom Board resolves to admit as an Affiliate.

##### **Associate Member (ATA)**

A member who holds at least one-year relevant tax experience, and satisfies any of the following criteria:

- Passed CTA – Skills level examinations of the Institute or the equivalent examination of a recognised tax institute; or
- Passed ACIT examinations of the Institute or the equivalent examination of a recognised tax institute; or
- A member of Institute of Chartered of Accountants of Pakistan (ICAP), Institute of Cost and Management Accountants of Pakistan (ICMAP) and similar professional accounting body; or
- An advanced stage student (CAF/Intermediate) of ICAP, ICMAP and similar professional accounting body (up till the date specified by the Board); or
- Barrister, Lawyer or Advocate; or
- Registered Income Tax Practitioner, provided he carries post registration relevant tax experience of five years; or
- Is or had been employed by any Revenue Authority engaged in tax administration at the position of Deputy Commissioner or above; or
- Voting member of another recognized international tax institute.

##### **Fellow Member (FTA)**

A member who holds at least three-years relevant tax experience, and satisfies any of the following criteria:

- Meets the Associate membership criteria (as stated above) and has passed CTA - Professional level examinations of the Institute or the Institutes recognised equivalent; or

- Has a Master of Tax Degree from a recognized university or an equivalent; or
- A fellow member of ICAP, ICMAP and similar professional accounting body (up till the date specified by the Board); or
- A Barrister, Lawyer or Advocate (up till the date specified by the Board); or
- Honorary or sponsoring members of the Institute.

#### **Certified Tax Adviser (CTA)**

A member who satisfies the following criteria:

- Meets the core voting membership criteria (as stated Bye-law 21); and
- Meets the Fellow membership criteria (as stated above); and
- Has successfully passed CTA – Advanced level examination of the Institute.
- A sponsoring member of the Institute, provided he carries at least five years relevant tax experience.

#### **Sponsoring Member**

The person who has sponsored the initiative of the Institute in the capacity of:

- Subscriber to the Memorandum and Articles of the Company;
- Members of the first Advisory Board of the Institute.

#### **Honorary Member**

The person who has been approved as an honorary member by the Board of the Institute because of his:

- Extraordinary interest in the affairs of the Institute; or
- Members of the first Board of the Institute of Taxation of Pakistan; or
- Members of the first Advisory Board of the Institute.

### **8. Admission of Members**

- (1) An applicant for registration as a member shall satisfy the Board of his having fulfilled the conditions specified by the Articles and these Bye-laws in such manner as the Board may deem necessary and the Board, being so satisfied, shall register him on payment of the prescribed fees. The application of membership shall be on **form “II”** and shall be submitted to the COO.
- (2) The application for the membership shall be seconded by an existing member of the Institute.
- (3) Every person before becoming a member shall undertake to be bound by the Articles and the Bye-laws in force at the time of his admission or which may thereafter from time to time be made.
- (4) A member whose membership has been ceased because of any reason shall be required to apply for re-registration by paying a fee as prescribed by the Board from time to time. The application of re-registration as member shall be on **form “III”** and shall be submitted to the COO.

### **9. Removal of Name from Members’ Register**

- (1) The Board may remove from the Register the name of any member of the Institute: –
  - (a) who is dead; or
  - (b) from whom a request has been received to that effect; or
  - (c) who has not paid any prescribed fee payable by him; or
  - (d) who is found to have been subject, at the time when his name was entered in the Register, or who, at any time thereafter, has become subject, to any of the disabilities mentioned in the Articles, Bye-law 10, or who, for any other reason, has ceased to be entitled to have his name borne on the Register.
- (2) The Board shall remove from the Register the name of any member who is not entitled to remain a member under these Bye-laws.

### **10. Disabilities**

- (1) A person shall not be entitled to have his name entered in or borne on the Register if he:
  - (a) has not attained the age of twenty-one years at the time of his application for the entry of his name in the Register; or
  - (b) is of unsound mind and stands so adjudged by a competent court; or
  - (c) is an undischarged insolvent; or

- (d) having been discharged of insolvency, has not obtained from the court a certificate stating that his insolvency was caused by misfortune without any misconduct on his part; or
  - (e) has been convicted by a competent court, whether within or outside Pakistan, of an offence involving moral turpitude and punishable with imprisonment of two years, or of an offence, not of a technical nature, committed by him in his professional capacity unless in respect of the offence committed he has either been granted a pardon, or, on an application made by him in this behalf, the Federal Government has, by an order in writing removed the disability; or
  - (f) has been removed from the membership of the Institute on being found on inquiry to have been guilty of professional or other misconduct:
- (2) Provided that a person who has been removed from membership for a specified period shall not be entitled to have his name entered in the Register until the expiry of such period.

## **11. Certificate of Membership**

- (1) If an application for membership of the Institute is accepted by the Board the applicant's name shall be entered in the register as an Affiliate, an Associate, a Fellow, or CTA as the case may be, and a Certificate of Membership **in form "IV"** under seal shall be issued to him.
- (2) In the event of the name of a member being removed from the Register under the provisions of the Articles and these Bye-laws, the Certificate of Membership shall be forthwith returned to the COO.

## **12. Certificate of Member in Practice**

- (1) An FTA or CTA member may apply to the Board in **form "V"** for a Certificate of Member in Practice entitling him to practice as Certified Tax Practitioner or Certified Tax Adviser, respectively, throughout Pakistan. The application shall be addressed to the COO and shall be accompanied by the requisite fee. If the application is granted by the Board, the certificate under seal shall be issued in **form "VI"**, subject to the payment of the annual fee; the validity of the certificate shall be extended from year to year by a certificate in writing by the COO in **form "VII"**.
- (2) A member in practice, on ceasing to be in practice, shall inform the COO immediately of the fact of his having done so, but in any case, not later than one month from the date he ceases to be in practice, and shall return the Certificate of Practice to the COO.

## **13. Fees**

- (1) Every person, along with the application for membership, shall pay to the Institute the registration and subscription fee applicable to him as prescribed by the Board from time to time.
- (2) An Affiliate, on being admitted as an Associate; an Associate, on being admitted as a Fellow; and likewise, a Fellow, on being admitted as a CTA will apply for advancement in membership through **form "VIII"** and will pay membership advancement fee as prescribed by the Board from time to time.
- (3) Annual subscription, in all cases, shall become due on the first day of July each year.

## **14. Particulars to be supplied by Members**

Every member shall inform the COO of any change of address, or place or places of business or employment by notifying through **form "IX"** and shall also supply the Board with any other information relating to his practice or employment which the Board may reasonably require for carrying out the provisions of the Articles and the Bye-laws.

## **CHAPTER – III**

### **BOARD OF THE INSTITUTE**

#### **15. Constitution of the Board.**

- (1) There shall be a Board of the Institute for the management of the affairs of the Institute and for discharging the functions assigned to it under the Articles and these Bye-laws.
- (2) The first Board shall be composed of such members of the Board as mentioned in the Articles; and every other Board shall be elected as per the Articles and provisions of sub-section (1) to (4) and section 159 of the Companies Act 2017.

#### **16. Office bearers of the Board**

- (1) The office bearers of the Board shall be President, Senior Vice President, Vice President - Executive and Vice President - Finance. The office bearers shall be elected by the members of the Board.
- (2) The Board shall elect office bearers of the Institute amongst members at its first meeting to be held within one month of its formation.
- (3) The office bearers shall hold office for a period of one year from the date on which they are elected and shall be eligible for re-election.
- (4) Notwithstanding the expiration of their term of office, the office bearers shall continue to hold office until new office bearers are elected in accordance with these Bye- laws.

#### **17. Resignation from the Board and Casual Vacancies**

- (1) A member of Board may at any time resign his membership by writing under his hand addressed to the CEO of the company and the seat of the member shall become vacant when such resignation is accepted by the Board.
- (2) A member of the Board shall be deemed to have vacated his seat if he is declared by the Board to have been absent without sufficient excuse from three consecutive meetings of the Board.
- (3) Any casual vacancy in the Board shall be filled by nomination by the Board within 30 days of the vacancy and the person so nominated shall hold office until a new Board is constituted.
- (4) No act done by the Board shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

#### **18. Alternative or Substitute Directors**

- (1) An existing director may, with the approval of the board of directors, appoint an alternate director to act for him during his absence from Pakistan of not less than ninety days. The alternate director ipso facto vacate office and when director appointing him returns to Pakistan.
- (2) A person shall be eligible for appointment against casual vacancy or to act as alternate director only if he is a member and is not already a director of the company.

## **CHAPTER – IV**

### **ELECTIONS TO THE BOARD**

#### **19. Date of Elections**

- (1) The Directors of the Institute (Company) shall be elected in accordance with the provisions of the sub-section (1) to (4) of the section 159 of the Companies Act 2017, in the manner prescribed in the Bylaws.
- (2) To hold and supervise the elections of the Directors the President of the Institute shall appoint an Election Committee comprising of three (3) members of the Institute, not less than 60 days before the date of election.
- (3) The election shall be in electronic form and a voter shall cast his vote online through e-voting during the time for election appointed by the election committee.
- (4) There shall be e-voting and the voter desiring to vote shall do so in the manner provided for under these Bylaws. A Voter shall not be allowed to exercise his voting right through a proxy.

#### **20. Procedure for e-voting**

- (1) Voting shall be kept open on the date of the AGM announced by the Directors for elections from 5am to 5pm.
- (2) The election committee shall close the voting at the hours appointed under Bye-law 19 (1) or any time extended by the Election Committee.
- (3) The Election Committee, as soon as practical after the close of the voting, in the presence of candidates or their agents who may be present, prepare the result of e-voting, as well as the number of votes cast in favor of each candidate and shall prepare a statement thereof.
- (4) The Election Committee shall present the statement in the AGM and shall upload the statement on the official website of the Institute accessible to the Members and also display the same before the persons present at the designated offices of the Institute.
- (5) Detailed guidelines on e-voting as well as the username and password shall be provided by the Election Committee to all voters at least 10 days before the date of election.

#### **21. Members eligible to vote.**

- (1) A member whose is eligible to vote and his name stands entered in the Register on the date immediately preceding 60 days of the day of nomination shall be entitled to vote in the election to the Board provided that such a member shall cease to be so entitled if on the date of the e-voting his name stands removed from the Register, as a result of disciplinary action.
- (2) To be eligible as a voting member one must be FTA or CTA of the Institute and satisfies any of the following criteria:
  - Holds a degree or postgraduate award from a chartered university or an equivalent institution in the discipline of accounting, commerce or business; or
  - Have completed the academic qualifications required to be a legal practitioner; or
  - Have completed the CTM examination requirements; or
  - Member of a recognised professional accountancy institute or association; or
  - Have/had been in the revenue services for more than 10 years; or
  - Registered with Tax Authorities as an income tax practitioner; or
  - Voting member of a recognised professional international tax institute or association.

## **22. Qualifications of members to contest for election**

Subject to the clauses of these Bye-laws, an FTA or a CTA, who is entitled to vote shall be eligible to contest for election.

## **23. List of voters**

- (1) At least 45 days before the date of e-voting the COO shall notify the members: a list of the members with postal addresses, email addresses and telephone numbers, eligible to vote; and
- (2) Objection to the list, shall be made within 15 days of the issue of the voters list to the Election Committee. The decision on the application will be communicated, by the Election Committee within 10 days, which will be final and binding on all the members.

## **24. Nominations**

The nomination of a candidate shall be in the prescribed **form "X"** duly signed by the candidate and by the proposer and the seconder both of whom shall be persons entitled to vote and shall be forwarded by courier service or hand delivery to the Election Committee so as to reach it not later than 16:00 hours Pakistan standard time on the nomination date.

## **25. Fee for election**

A candidate for election shall pay, up to two (2) nomination forms in all a fee of Rupees three thousand through a demand draft or a direct bank transfer, not later than the time appointed for receiving nomination, to the Institute which shall be non-refundable. For each additional nomination form a fee of Rupees five thousand shall be payable by the candidate.

## **26. Scrutiny of nominations**

- (1) The Election Committee shall scrutinize the nomination papers of all the candidates and shall endorse on each nomination paper its decision whether it accepts or rejects the nomination.
- (2) The Election Committee shall record in brief the reasons for rejecting a nomination.
- (3) The Election Committee shall reject a nomination if it is satisfied that:
  - a) the candidate was ineligible to contest for election; or
  - b) the proposer or the seconder was not qualified to subscribe to the nomination paper; or
  - c) the signature of the candidate or the proposer or the seconder was not genuine; or
  - d) there had been a failure to comply with clauses of Bye-law 24 above;
  - e) the prescribed fee for election has not been paid.

Provided that the rejection of a nomination paper by reason of any irregularity in respect of that nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper.

- (4) If a propose or a seconder incurs any disability by reason of the operation of the provisions of the Articles or these Bye-laws subsequent to the date of signing the nomination, it shall not invalidate the nomination paper.
- (5) In case where a nomination paper or more than one nomination papers were filed and one or more of each nomination papers of a candidate has or have been rejected, the Election Committee shall give notice of its decision together with a brief statement of its reasons therefor to the candidate concerned by registered post or courier service or email registered with the Institute within 5 days of the nomination date.
- (6) A candidate whose nomination has been rejected may within five (5) days of the issue of the communication, prefer an appeal to the Chairman Election Committee whose decision shall be final and will be made within three (3) days. Such an appeal shall be sent under registered cover or through courier service or by hand delivery. Appeal not preferred within the time limit shall be summarily rejected.

## **27. Preparation of list of valid nominations**

- (1) The Election Committee shall, after the scrutiny of nomination papers prepare a list of validly nominated candidates and cause a copy of the list to be sent by registered post or courier service or email registered with the Institute to each candidate within five (5) days of the nomination date.
- (2) The list shall contain full names in alphabetical order and membership number of validly nominated candidates.

## **28. Withdrawal of candidature**

- (1) Any validly nominated candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Election Committee before 16:00 hours, Pakistan standard time on the withdrawal date.
- (2) A notice of withdrawal under sub-regulation (1) shall, in no circumstances, be open to cancellation.

## **29. Intimation of final list of nominations to voters**

The Election Committee shall omit from the list of validly nominated candidates the names of candidates who have withdrawn their candidature and send the final list of such candidates, hereinafter referred to as contesting candidates, to all the candidates and voters by registered post or by officially provided email and by hosting on the website of the Institute at least twenty (20) days before the date of e-voting.

## **30. Death or cessation of membership of a candidate**

- (1) If a validly nominated candidate who has not withdrawn his candidature dies or otherwise ceases to be a member before the date of election, the election shall be conducted among the remaining candidates.
- (2) The votes cast in favour of any such candidate shall be ignored for counting purposes.

## **31. Uncontested election, etc.**

Where after the scrutiny under Bye-law 26 or after the withdrawal under Bye-law 28 the number of validly nominated candidates remains equal to or less than the number of members to be elected, such candidates shall be deemed to have been elected and the Election Committee shall declare such candidates to be elected.

## **32. Admissible number of votes to a voter**

A voter shall have as many number of votes as the number of vacancies to be filled and he shall cast the vote in the manner as prescribed in the section 19 of the Companies Act 2017.

## **33. Voting Arrangement**

There shall be a secret chamber or chambers, equipped with ballot papers and computers having computerized voting, at the place where AGM is being held for voting by voters in person, and an online web-based voting portal for members eligible to cast votes remotely.

## **34. Ballot Paper**

- (1) The ballot paper, computerized voting for casting votes in person at the place where AGM is being held, and the online web-based voting portal for members eligible to cast votes remotely shall display a list of the validly nominated candidates.
- (2) The online web-link for the e-voting portal for members eligible to cast votes shall be emailed to the e-election officer at least ten (10) days before the voting day.

## **35. Assistants to Election Committee**

The Election committee may appoint such persons and election officers as it thinks fit to assist in carrying out duties under these Bye laws.

## **36. Manner of casting vote in-person at the place of AGM**

- (1) On receiving the permission to vote using the computerized voting at the place of AGM, the voter shall forthwith proceed into secret chamber set apart for the purpose and shall record his votes on the computer screen by pressing the button or icon containing the names of the candidates of his choice and then pressing the "Enter" button or icon, and leaving the secret chamber.
- (2) Where the computer screen is left "on" without pressing the "Enter" button or icon on the secret chamber, it shall be treated as cancelled.

## **37. Procedure at the place of AGM**

- (1) Polling shall be kept open on the date of balloting from 09:00 hours to 17:00 hours without any break.



- (2) The Election Officer shall close the polling booth or booths at an election station at the end of the day, at the hour appointed under clause (1) and no voter shall be admitted thereto after that hour.
- (3) No person shall be permitted to vote after the hour fixed for the close of the poll, except the persons present within the building, tent, room or enclosure at the place where AGM is being held have not voted but are waiting to vote.
- (4) The election officer or the person appointed by the Election committee shall, as soon as practicable after the close of the poll, in the presence of any candidates or their polling agents who may be present, count the total number of votes cast, the number of valid and invalid ballot papers as well as the number of votes cast in favour of each candidate and shall prepare a statement hereof including the votes cast using the computerized voting and present the same to the chair of the Election committee.
- (5) Any candidate or his polling agent may sign the statement if he so desires.

### **38. Manner of the compilation of the result of voting**

The Election Committee shall prescribe the manner of counting for the final counting of votes and shall intimate the same to all the contesting candidates.

### **39. Declaration of results**

Such number of candidates as there are vacancies to be filled receiving the highest number of votes shall be declared elected by the Chairman of the Election Committee after the completion of the counting of the votes. In the event of an equality of votes between two or more candidates for the last vacancy or vacancies, lots shall be drawn by the Chairman of the Election Committee and the candidates in whose favour lot is drawn shall be declared elected.

### **40. Notification of results**

- (1) The names of all the candidates declared elected shall be officially notified by the Election Committee to the candidates and members of the Institute within 15 days of the date of election.
- (2) The names of persons elected to the Board shall be published.

### **41. Election not to be invalid due to accidental omission, etc.**

No election shall be deemed to be invalid merely by reason of any accidental irregularity or informality in the conduct of the election including accidental omission to send or delay in providing particulars required to e-voting to a voter or accidental delay or any change in the election schedule necessitated on account of any circumstances beyond control.

### **42. Disciplinary action against a member in connection with conduct of election**

- (1) A member shall be liable to disciplinary action by the Board if he adopts one or more of the following practices with regard to the election to the Board, namely: –
  - (a) Canvassing, in violation of defined procedures, conducted by a candidate directly or indirectly through others for his/her election.  
*Explanation:* For the purpose of this clause, the term canvassing includes holding election meetings and/or paying/providing for meals and refreshment to other members and projecting himself through banners, posters and badges either personally and/or through supporters but excludes contacting individual voters through paying personal visits, telephone calls or emails.
  - (b) Bribery that is to say, any gift, offer or promise of any gifts or gratification to any person by a candidate or any other person, with his connivance, with the object, directly or indirectly, of:
    - (i) inducing a member to stand or not to stand as a candidate at an election or rewarding him for such an act or omission; or
    - (ii) inducing a member to withdraw his candidature or rewarding such withdrawal; or
    - (iii) inducing a voter to vote or not to vote at an election, or rewarding for such an act or omission.*Explanation.–* For the purpose of this clause, the term gratification is not restricted to pecuniary gratification or gratifications estimable in money but it includes all forms of entertainment and all forms of employment of rewards, but it does not include the payment of any *bona-fide* expenses incurred at, or for the purpose of election;

- (c) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or by any other person, with his connivance, with the free exercise of any electoral rights.
- (d) The publication by a candidate or by any other person, with his connivance; of any statement which is false, and which he either believes to be false or does not believe to be true or in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
- (e) The obtaining or procuring or abetting, or attempting to obtain or procure by a candidate or by any other person, with his connivance, any assistance of the furtherance of the prospects of the candidates' election from any person serving under the Government of Pakistan or the Government of any of the Provinces other than the giving of vote by such person, if he is a member entitled to vote.
- (f) The hiring of procuring, whether on payment or otherwise, of a vehicle by a candidate or by any other person, with his connivance, for the conveyance of voters.
- (g) The receipt by a member, or an agreement by a member, to receive any gratification: –
  - (i) as an inducement or reward for standing or not standing as candidate; or
  - (ii) as an inducement or reward for withdrawing his candidature; or
  - (iii) as an inducement or reward for himself or any other person for voting or refraining from voting; or
  - (iv) as an inducement or reward for inducing or attempting to induce any voter to vote or refrain from voting; or
  - (v) for inducing or attempting to induce any candidate to withdraw his candidature; or
- (h) Contravention or misuse of any of the provisions of this chapter or making of any false statement knowing it to be false while complying with any of the provisions of this chapter.

#### **43. Election disputes or complaint.**

- (1) Where any dispute or complaint arises regarding election, the aggrieved party shall address the application to the Board and shall send it to the COO by registered post. Application not dispatched within ten days of the declaration of election results shall be summarily dismissed and the aggrieved party informed accordingly.
- (2) The COO shall refer the dispute or complaint to the Tribunal comprising of three (3) members of the Institute appointed by the President of the Institute at least ten (10) days before the date of election to deal with such disputes. The Tribunal shall decide on the matter within ten (10) days of the date of the matter referred and send the report containing final decision to the Chair of Board.

## **CHAPTER – V**

### **MEETINGS AND PROCEEDINGS OF THE BOARD**

#### **44. Meetings of the Board**

- (1) The first meeting of a Board shall be held within one (1) month of the date of its being constituted and thereafter it shall meet at least once in every three (3) months at such time and place as the Chair of the Board may determine.
- (2) The proceedings of the Board meeting shall be conducted in accordance to the provisions of the Articles and of the Companies Act 2017.

#### **45. Notice of Board Meeting**

- (1) Notice of the time and place of the intended meeting shall be sent at the registered address of every member of the Board not less than seven (7) days before such meeting and such notice shall so far as practicable, contain a statement of the business to be transacted at such meeting along with necessary working papers.
- (2) The meeting of the Board shall be called by the Chairman on his own accord or as a request of the Chief Executive (or any three (3) Directors).  
Provided that, in case of urgency, a meeting may be summoned to meet any time by the Chairman who shall inform the members of the subject matter to be considered at the meeting and the reasons for which he considers the matters to be urgent.

#### **46. Presiding over Meeting**

Meetings of the Board shall be presided over by the Chairman, and in his absence, by the person elected by the members of the Board present from amongst themselves.

#### **47. Quorum at Meeting**

At least one third ( $1/3^{\text{rd}}$ ) of the total number of Directors or two (2) Directors whichever is higher, for the time being of the Institute (Company), in-person or through video link shall constitute a quorum of the Board meeting. If the quorum is not available within half an hour from the time appointed for the meeting, the meeting shall stand adjourned to such future time and date as the person presiding may appoint.

Provided that where a meeting has been adjourned for want of quorum, any business which was intended to be transacted at the original meeting may be transacted at such adjourned meeting, notwithstanding that there is no quorum.

#### **48. Adjournment of Meeting**

Subject to the clauses of the Bye-laws the person presiding over a meeting of the Board may, with the consent of majority of the members of the Board present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left un-finished at the previous meeting. No notice shall be necessary for holding an adjourned meeting, unless it is so decided by the Board at the time of adjourning the meeting.

#### **49. Passing of Resolution at a Meeting**

At meeting of the Board and in the event of difference of opinion the vote of the majority shall prevail unless otherwise required by the Articles or these Bye-laws and, in the event of equality of votes, the presiding officer shall have and exercise a second or casting vote.

#### **50. Resolution through Circulation**

A resolution in writing signed by all Directors for the time being entitled to receive notice of the meeting of the Board or affirmed by them in writing shall be as valid and factual as if that had been passed at a meeting of the Directors duly convened and held.

#### **51. Record of Minutes**

Proper minutes shall be kept of the proceedings of the meetings of the Board and shall contain every resolution passed and decision taken at each meeting. The minutes shall be signed by the person

presiding over the meeting or the meeting held next thereafter, and the minutes so signed shall be sufficient evidence on the matters stated therein.

## **52. Absence of Member of the Board**

- (1) Before a member of the Board leaves Pakistan for a period exceeding sixty (60) days, he shall intimate to the Board the date of his departure from, and the date of his expected return to Pakistan and shall either tender his resignation or apply to the Board for leave of absence. On receipt of such application the Board may in its discretion grant leave of absence.
- (2) If any member leaves Pakistan for a period exceeding sixty (60) days without making either of the courses mentioned in sub-Bye-law 1 and his absence from Pakistan results in his absence from three consecutive meetings of the Board, he shall be liable to be declared by the Board, to have been absent without sufficient excuse from such meetings and shall cease to be the member of the Board or Standing Committee as the case may be .
- (3) If any member, while in Pakistan, fails to attend the Board or any Standing Committees meeting, for consecutive three occasions without seeking leave of absence he shall cease to be the member of the Board or Standing Committee as the case may be.

## **CHAPTER – VI**

### **MEETINGS AND PROCEEDINGS OF THE INSTITUTE**

#### **53. Annual General Meeting**

The annual general meeting of the Institute (Company) for transacting the ordinary annual business of the Institute (Company), namely the appointment of auditors and fixing their remuneration, the acceptance and consideration of the annual report of the Board and the accounts of the Institute with the auditors' report thereon shall be held in Lahore or elsewhere in Pakistan on such day of the year as the Board may from time to time appoint.

The first annual general meeting shall be held within sixteen (16) months of the date of the incorporation of the Institute (Company).

And thereafter annual general meeting shall be held in every calendar year within a period of four (4) months following the close of financial year of the Institute (Company).

#### **54. Special Meeting**

The Board may whenever it thinks fit convene a special meeting (extraordinary general meeting) of the Institute (Company) to transact special business (other than the ordinary business).

#### **55. Notice of Meeting**

Twenty-one (21) days' notice at least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day and the hour of the meeting and, in case of special business, the general nature of that business, shall be given in the manner provided by the Act for the general meeting, to such persons as are, under the Act or the Articles, entitled to receive such notices from the Institute (Company) but the accidental omission to give notice to or the non-receipt of notice by any member shall not invalidate the proceedings at any general meeting.

#### **56. Notice of Motion to be given**

A member wishing to bring before an annual general meeting a motion relating to a matter affecting the Institute (Company) or the profession of taxation but not relating to the ordinary annual business of the Institute may do so if he has given or sent to the COO, a notice in writing of the proposed motion duly endorsed by twenty (20) other members entitled to vote at the meeting, at least fourteen (14) days before the meeting.

#### **57. Presiding over Meeting**

Meeting of the Institute (Company) shall be presided over by the Chairman or in his absence by Director elected by the members and if and if none of the Directors present is willing to act as Chairman, the members present shall choose one of their members to be the Chairman.

#### **58. Quorum at Meeting**

Two (2) members or 25% of the total number of the members of the Institute, whichever is greater, present in-person or through video-link, at any time when the meeting proceeds to business, shall constitute a quorum for a meeting of the Institute (company). If a quorum is not available within half an hour from the time appointed for the meeting, the meeting shall stand adjourned to the same day in the next week at the same time and place and if at the adjourned meeting quorum is not present within half an hour from the time appointed for the meeting, the member present in-person or through video link being not less than two (2) shall be a quorum.

#### **59. Adjournment of Meeting**

Subject to the clauses of these Bye-laws the person presiding over meeting of the Institute may, with the consent of the majority of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the previous meeting. No notice shall be necessary for holding an adjourned meeting unless the meeting is adjourned for fifteen (15) days or more.

**60. Proceeding of the General Meetings**

The proceedings of all the meetings (ordinary or extraordinary) shall be conducted in accordance with the provisions of the Articles and the Companies Act 2017.

**61. Minutes of Meeting**

Proper minutes shall be kept of the proceedings of a meeting of the Institute (Company) and shall contain result of every resolution passed and the decision taken at the meeting. The minutes shall be signed by the person presiding over the meeting or the meeting held next thereafter, and the minutes so signed shall be sufficient evidence on matters stated therein.

## **CHAPTER – VII**

### **STANDING AND OTHER COMMITTEES**

#### **62. Functions of Executive Committee**

The Executive Committee, comprising of office bearers and an immediate past President of the Institute, shall perform the following functions namely:

- (1) Maintenance of the office of the Board and of the Institute;
- (2) Employment of the necessary staff on terms and conditions as it may deem fit; suspension and discharge of staff;
- (3) Maintenance of true and correct accounts of all receipts and payments on behalf of the Board and the matter in respect of which such receipts and payments take place and of the property, securities, debts, funds and liabilities of the Institute;
- (4) Maintenance of the Register;
- (5) Custody of the property, assets and funds of the Institute;
- (6) Investment of the spare funds of the Institute in securities approved by the Board;
- (7) Disbursements from the funds of the Institute on account of expenditure from the income or the capital;
- (8) Nominate the members of the Branch Committees of the Institute;
- (9) Entry or removal from and restoration to the Register of Members of names of members, cancellation of Certificates of Practice, issue of certificates of membership, publication of list of members and issue of journal; and
- (10) Any other function delegated to it by the Board.

Provided, however, that the Board may, by a resolution, lay down restrictions of any form on the Executive Committees authority to incur expenditure or remit revenue and may in a like manner delegate specific financial powers to the honorary office bearers, Branch committees or the employees of the Institute.

#### **63. Students and Members Committee**

- (1) The Board shall at its first meeting nominate five of its members, including the President and three (3) competent persons or members of the Institute, to constitute the Students and Members Committee of the Institute.
- (2) The Students and Members Committee shall perform the following functions, namely:
  - (a) Registration of students;
  - (b) Maintenance of the register of students and such other registers as may be considered necessary;
  - (c) Provision of facilities to registered student to obtain coaching in the subjects in which he is to be examined by the Board;
  - (d) According recognition to coaching institutions for preparation of candidates for the examinations of the Institute subject to such conditions as it may deem fit;
  - (e) Arrangements for training of students and to do all things in connection therewith;
  - (f) Purchase of books, magazines, equipment and the like for the Library of the Institute and arranging for its proper running and maintenance;
  - (g) Suggesting to the Board from time to time modifications to the existing syllabi for the qualifying examinations of the Institute and recommending the suitable books and study material for the guidance of candidates; and
  - (h) Any other function delegated to it by the Board.

#### **64. Examination Committee**

- (1) The Board shall not less than three (3) of its members to constitute the Examination Committee.
- (2) The Examination Committee shall perform the following functions namely:
  - (a) All the functions of the Board in regard to holding of the examinations, admissions thereto, appointment and selection of examiners, assistant examiners, superintendents of examinations and others, and dealing with other matters arising out of the holding of examinations, including the declaration of result;
  - (b) Maintenance of proper standard of conduct at examinations; and

(c) Any other function delegated to it by the Board.

**65. Disciplinary Committee**

The Board shall nominate not less than three (3) of its members to constitute the Disciplinary Committee. It shall perform the functions assigned to it under the Bye-laws and any other function delegated to it by the Board.

**66. Board to have Power of Review**

Notwithstanding anything contained in this Chapter, the Board shall have the power to review decisions of standing or other committee on its own or on the receipt of any application or appeal.

**67. Terms of Office of Members of Committee**

A nominated member of a standing committee shall hold office for one year from the date of his nomination and he shall be eligible for re-nomination for a similar term.

**68. Meetings of the Committee**

The Chairman of a standing or other committee may at any time and shall on requisition by any two (2) members of the committee, call meeting of the committee.

**69. Notice of Meeting**

Seven (7) days' notice of meeting of a standing committee or other committee shall be served in the manner prescribed in the Bye-laws for meeting of the Board.

**70. Quorum at Meeting**

The clauses of these Bye-laws relating to quorum at meeting of the Board shall apply to meeting of a committee subject to the modification that two (2) members present in person shall constitute a quorum for a meeting of the committee.

**71. Procedure for Transaction of Business**

Business of the standing or other committee shall be transacted in the manner laid down in the TORs of the respective Committee for transaction of the business.

**72. Casting Vote**

Question before a standing committee shall be decided by a majority of votes and in the event of equality of votes, the person presiding shall have and exercise a second or casting vote.

**73. Secretary of Committees**

Every Standing or other Committee shall appoint a person from amongst its members or an employee of the Institute to be the secretary of the committee.

**74. Minutes**

The secretary of a committee shall maintain, in the form of minutes, a record of the business transacted by the committee.



## **CHAPTER – VIII**

### **BRANCH COMMITTEES**

#### **75. Constitution of Branch Committees**

- (1) The Board may constitute a Branch Committee for each designated Zone of the Institute.
- (2) The Branch Committee shall consist of:
  - (a) the members of the Board stationed in the area for which the Branch Committee is constituted;
  - (b) not more than five members nominated by the Executive Committee of the Institute.
- (3) Branch Committees may be constituted in the Zones where there are at least 25 members.

#### **76. Resignation from the Branch Committee and Casual Vacancies**

- (1) A member of Branch Committee may at any time resign his membership by writing under his hand addressed to the Chairman of the Branch Committee and the seat of the member shall become vacant when such resignation is accepted by the Branch Committee.
- (2) A member of a Branch Committee shall be deemed to have vacated his seat if he is declared by the Branch Committee to have been absent without sufficient excuse from three consecutive meetings of the Branch Committee.
- (3) Any casual vacancy in a Branch Committee shall be filled by nomination by the Board and the person so nominated shall hold office until a new Branch Committee is constituted.
- (4) No act done by a Branch Committee shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of the Branch Committee.

#### **77. Term of Branch Committee**

The term of the Branch Committee shall be two (2) years. On the completion of this term a new Branch Committee shall be nominated for the period till the end of the term of the Board of the Institute.

#### **78. Duties and Functions of a Branch Committee**

- (1) The Branch Committee shall at all times functions subject to the control, supervision and direction of the Board and its Standing Committees.
- (2) Subject to sub-clause (1) the duties of a Branch Committees shall include:
  - (a) to advise the Board on the matters referred to it by the said Board and to offer such other help as may be required of it by the Board;
  - (b) to make suggestions to the Board in connection with matters of professional and business interest in the area and for raising the standard and status of the profession and for improvement of the law applying to it;
  - (c) to provide necessary information to the members and to the prospective registered students;
  - (d) to arrange, if found practicable by the Board, for the coaching of candidates, for the examinations of the Institute in the various centers of the Branch area and to appoint local instructors for this purpose;
  - (e) to assist Board of Studies in evaluation and approval private institutions interested to provide coaching to the students of the Institute;
  - (f) to maintain an up-to-date library and reading room for the use of members and students;
  - (g) to promote membership and public relations in the Branch area and the holding of local public or members meetings, technical addresses, seminars and similar gatherings;
  - (g) to engage local office personnel with the prior permission of the Board;
  - (h) to organize students' network for the benefit of the registered students; and
  - (i) to perform such other functions as may be entrusted to it from time to time by the Board.

#### **79. Office bearers in the Branch Committees**

- (1) The office bearers of the Branch Committee shall be Chairman, and a Secretary/Treasurer.
- (2) The Branch Committee shall elect the office bearers amongst members at its first meeting to be held within one month of its formation.

- (3) The office bearers shall hold office for a period of one year from the date on which they are nominated and subject to their being a member of the Branch Committee at the relevant time, they shall be eligible for re-election.
- (4) Notwithstanding the expiration of their term of office, the office bearers shall continue to hold office until new office bearers are elected in accordance with these Bye- laws.
- (5) The Chairman of a Branch Committee shall be the Chief Executive of the Branch Committee.

## **80. Meeting of Branch Committee**

- (1) Meeting of the Branch Committee shall be held and conducted in the manner prescribed for meeting of the Board and provisions applying to meeting of the Board shall apply to meeting of Branch Committee.  
Provided that the quorum at a meeting of Branch Committee shall be as in the case of the meeting of the Board.
- (2) Proper minutes shall be kept of the proceedings of meetings of the Branch Committee and shall contain every resolution passed and decision taken by the meeting. The minutes shall be signed by the person presiding over the meeting or the meeting held next thereafter and the minutes so signed shall be sufficient evidence on the matters stated therein. A copy of the minutes shall be forwarded to the Board by the Chairman within 14 days of its approval by the Branch Committee.

## **81. Finances and Accounts**

- (1) Each Branch Committee shall be financed by funds generated from its activities and provided by the Board and may borrow or obtain credit with the previous sanction of the Board.
- (2) The funds of the Branch Committee shall be utilized for such purposes as may, from time to time, be determined by the Board:  
Provided that no such funds shall be applied, either directly or indirectly, for payment to a member of the Branch Committee except for reimbursing him for any expenses incurred by him in connection with the business of the Branch Committee.
- (3) The Secretary/Treasurer of the Branch Committee shall be responsible for the maintenance of its accounts.
- (4) An account in a local bank, as specified by the Board, shall be opened and maintained by the Branch Committee. All cheques, drafts, notes, orders for payment of money and all similar documents shall be signed by two persons who shall be appointed by a resolution of the Branch Board one of whom shall be a member of the Branch Board. All amounts received shall be deposited in the bank account of the Branch Board.
- (5) Each quarter, or more frequently if necessary, the Branch Committee shall forward to the COO a signed statement of its cash receipts, disbursements and balance in the manner laid down by the Board.
- (6) In addition to the monthly financial statements, the Branch Committee shall at the end of each year, as soon after 30<sup>th</sup> June as possible, but not later than 31 August forward to the COO the following signed statements in such form as the Board may direct; namely:
  - (a) A statement of income and expenditure for the year with sufficient details thereof and reconciliation with the total of the monthly financial statements;
  - (b) A statement of assets and liabilities, as of June 30<sup>th</sup>, including all amounts due but not collected or paid;
  - (c) An inventory of text and other books on hand or on loan. Text books in the hand of a student or an instructor shall be repossessed or signed confirmation obtained as of date that such book is held and is accountable to the Institute. The totals of such signed documents should reconcile with the total of text books on loan as maintained by the Branch Board.
- (7) The account of the Branch Committee shall be audited, on the close of the financial year or from time to time as the Board may determine, by the auditors appointed by the Board.
- (8) The funds and property of the Institute, located in the Branch area for which a Branch Committee is constituted, shall be applied properly to the promotion of the objects of the Institute. All rights in, and titles to the assets of the Institute so located shall remain vested in the Institute.

## **82. Dissolution of Branch Committee**

- (1) Notwithstanding anything contained in the Bye laws, the Branch Committee shall stand dissolved:
  - (a) a resolution for its dissolution is passed in a general meeting of members residing in the Branch area by a three-fourth majority; or
  - (b) after giving proper hearing to the Branch Committee, the Board decides to dissolve the Branch Committee.
- (2) On the dissolution of a Branch Committee, the Board may nominate a new Branch Committee till such time as the new Branch Committee is constituted.

## **CHAPTER – IX**

### **REGISTERED STUDENTS**

#### **83. Eligibility to take examinations**

Admission to an examination of the Institute shall be restricted to registered students, who shall be required to follow such syllabus as the Board may approve and pay such examination fee for the same as the Board may determine.

#### **84. Conditions for registration**

- (1) A person applying to become a registered student shall be required to apply in **form “XI”** and produce evidence to the satisfaction of the Board that he:

##### **CTM Program**

- (a) is not less than sixteen (16) years of age on the date of his/her application; and
- (b) has passed twelve (12) years of education; or
- (c) holds any education equivalent to intermediate.

##### **CTA Program**

- (a) is CTM qualified; or
  - (b) has acquired associate degree (fourteen years of education) of any university recognized by Higher Education Commission, or equivalent; or
  - (c) has acquired prescribed professional or legal qualifications.
- (2) A student whose registration has been ceased because of any reason shall be required to apply for readmission by paying a fee as prescribed by the Board from time to time. The application of readmission as student shall be on **form “XII”** and shall be submitted to the Students and Members Committee.

#### **85. Fee and subscription**

- (1) A person applying for registration shall pay student admission fee as prescribed and notified by the Board from time to time.
- (2) A registered student shall pay the prescribed annual subscription which shall become due and payable on the first day of July in each year, and shall continue to pay annual subscription till such time as he is admitted as member of the Institute.  
Provided that half the amount of annual subscription shall be payable for the first year by a student admitted on or after the 1<sup>st</sup> January and before the 1<sup>st</sup> July next following.

#### **86. Refund of Fee**

A candidate whose application for registration is not accepted by the Board shall be entitled to refund of the student admission fee and first annual subscription subject to deduction of application processing fee as prescribed by the Board.

#### **87. Non-payment of Annual Subscription**

Non-payment of the annual subscription within six months from the date on which it becomes due shall render the defaulter liable to cancellation of his registration.

#### **88. Position of Registered Students**

The registration of a student shall not confer any membership right nor shall it entitle a person so registered to claim any form of membership of the Institute. He may, however, borrow books from the library subject to such conditions as the Board may from time to time specify and participate in such activities of the Institute as the Board may determine.

#### **89. Examination Rules**

Registered student shall be required to comply with the rules relating to the examination which are in force at the time of applying for admission to or appearing in an examination.

**90. Re-admission to student membership**

- (1) A student who is rejoining the Institute after three years of ceasing to be a student shall pay a re-admission fee equivalent to 2 years' annual subscription fee plus annual subscription fee for the year of re-admission.
- (2) A student who is rejoining the Institute within three years of ceasing to be a student shall pay a re-admission fee equivalent to annual subscription fee for lapsed years of student membership plus annual subscription fee for the year of re-admission.

**91. Suspension and cancellation of registration**

In the event of any misconduct or breach of any regulation by a registered student, the Board may, if it is satisfied, after such investigation as it may deem necessary and after giving him an opportunity of being heard, suspend or cancel the registration of the student.

**92. Termination of Registration**

The registration of a student shall stand terminated after he has passed the qualifying examinations of the Institute, provided that if he is not eligible for membership of the Institute even after passing all the prescribed examinations of the Institute he may continue as registered student on payment of the requisite annual subscription for a period not exceeding four years.

**93. Register to be Maintained**

The Board shall maintain a Register of Students in **form "XIII"** and enter therein name of each registered student.

## **CHAPTER – X**

### **EXAMINATION AND EXPERIENCE**

#### **94. Conditions for Becoming a Member of the Institute**

- (1) Except where otherwise provided for in the Articles or these Bye-laws, a person shall not be eligible to have his name entered in the Register unless:
- (2) he has passed all the prescribed examinations of the Institute or obtained exemptions from such examinations as may be specified under these Bye-laws;
- (3) he has acquired relevant and prescribed number of years' experience pertinent to the type of membership as provided in these Bye-laws; and
- (4) he fulfils such other conditions as are prescribed in the Articles and these bye laws.

#### **95. Time and Place of Examination:**

The examinations shall be held twice a year at such times and at such places as the Examination Committee shall, from time to time, appoint. The dates and places of the examination and other particulars, shall be notified by the Examination Committee at least three months before the dates of the examination.

#### **96. Subjects of the Examination**

The examination shall be conducted in the subjects specified by the Board from time to time.

#### **97. Application for Admission to an Examination**

- (1) No person shall be admitted to an examination of the Institute unless he is a registered student of the Institute.
- (2) Application for admission to an examination shall be submitted in form “XIV” a copy of which may be downloaded from the official website of the Institute. The application together with such documentary evidence as may be required and the prescribed fee shall be sent so as to reach the Institute in accordance with the direction given by it in the matter.
- (3) The examination Committee may on receipt or bring in possession of information against a candidate, decline to admit him to any examination after giving him an opportunity to explain his conduct.

#### **98. Admission Fees for Examinations**

A candidate for admission to an examination conducted by the Institute shall pay such fees as may be prescribed by the Board from time to time.

#### **99. Refund of Candidates Fee**

The fee paid by a candidate who has been issued Examination Admission Card shall not be refunded or carried over for any subsequent examination. If a student has not been issued Examination Admission Card, his fee shall be carried over to subsequent examination or refunded after deducting the processing fee as prescribed by the Board of the Institute.

#### **100. Candidates to be Supplied with Admission Card**

An admission card stating the place, dates and times at which the candidate will be required to present himself for examination shall be sent to each candidate at the address given by him in his application so as to reach him not less than seven days before the commencement of the examination.

#### **101. Examination results**

The Examination Committee shall consider the report of the examiner on each examination and may accept it or reject it or may accept it subject to any modification or alteration which may seem desirable. The Examination Committee shall then report to the Board the result of the examination and upon the adoption by the Board of the report of the Examination Committee, a list of candidates successfully getting through the examination of the Institute shall be published by the Board in such manner as it may deem necessary.

## **102. Examination Certificate**

- (1) A candidate completing CTM examinations of the Institute shall be awarded with a certificate to that effect in **form “XV”**. Such certificate shall be signed by the President and the COO of the Institute.
- (2) A candidate completing CTA examinations of the Institute shall be awarded with a certificate to that effect in **form “XVI”**. Such certificate shall be signed by the President and the COO of the Institute.
- (3) A candidate passing CTM Knowledge Level, CTM Application Level, CTA Skills Level or CTA Professional Level examinations of the Institute shall be awarded with a certificate to the effect in **form “XVII”**. Such certificate shall be signed by the President and the COO of the Institute.

## **103. Exemption from Examination**

- (1) The Board may, from time to time and on such conditions as it may deem necessary, allow in individual cases or as a policy exemption.
- (2) A candidate may be eligible to apply for exemptions from some of the examinations of the Institute if he holds certain relevant qualifications. The candidate can only apply for exemptions using qualifications where he has become fully exam qualified, meaning the candidate has completed all of the necessary examinations for the relevant academic qualification or recognized level of professional qualification.
- (3) A candidate for an examination will be required to take the examination in full part and pass all subjects of the part at a time unless he has been granted exemption in a subject of that part.
- (4) A person who is eligible under sub-clause (1) for exemption from examination or in a subject in an examination may, on his applying in **form “XVIII”** or **form “XIX”** for CTM or CTA respectively along with such documentary evidence as may be required by the Board and paying the fees for such examination or for an examination in such subject, be exempted by the Board.

## **104. Admission to Examination**

- (1) A student can appear CTM examination in sequence i.e., CTM Knowledge Level and then CTM Application Level, provided that:
  - (a) He cannot appear in CTM Application Level unless he has passed or referred or obtained exemption for all exams of CTM Knowledge Level.
- (2) A student can appear CTA examinations in sequence i.e., CTA Skills Level, CTA Professional Level, and then CTA Advanced Level provided that:
  - (a) He cannot appear in CTA Professional Level unless he has at least passed or referred or obtained exemption for exams of CTA Skills Level.
  - (b) He cannot appear in CTA Advanced Level unless he has at least passed or referred or obtained exemption for exams of CTA Professional Level.

## **CHAPTER – XI**

### **SUSPENSION, EXCLUSION AND RESTORATION**

#### **105. Matter to be Laid Before Disciplinary Committee**

- (1) It shall be the duty of the COO and the right of a member or of an aggrieved person to lay before the Disciplinary Committee a fact indicating that a member has become subject to disciplinary proceedings under a clause of the Bye-laws being a guilty of professional and other misconduct.
- (2) Where a complaint has been received by the COO, he shall issue a show-cause notice to the member subject to the aforesaid disciplinary proceedings and shall obtain the response of said show-cause notice. Upon receiving response of show-cause notice, COO shall forthwith lay, before the Disciplinary Committee, facts or complaint along with show-cause notice and response thereof.

#### **106. Proceedings of the Disciplinary Committee**

- (1) It shall be the duty of the Disciplinary Committee to consider the facts or complaint laid before it under the clauses of Bye-law 105 and where it is of the opinion that the complaint of facts require investigation, it shall forthwith give to the member notice of its intention to consider the complaint. The Disciplinary Committee shall give such member an opportunity of being heard and shall, if the member so desires, permit such member to be represented before it by a counsel or by a member of the Institute.
- (2) If Disciplinary Committee finds that the complaint has not been proved, it shall record its findings accordingly and direct that proceedings shall be filed or the complaint shall be dismissed as the case may be.
- (3) If Disciplinary Committee finds that the complaint has been proved, it shall record its finding to that effect and may pass the following orders, namely: –
  - (a) warn the member, or
  - (b) ask the member to seek specified training, or
  - (c) impose fine not exceeding Rs. 100,000, or
  - (d) reprimand the member with or without name, or
  - (e) suspend the member from membership for such period not exceeding five years, as the Committee thinks fit, or
  - (f) exclude the member from membership.
- (4) The Disciplinary Committee shall thereafter report the result of its inquiry and finding to the Board.
- (5) The Disciplinary Committee may at the request of the member advise such member in regard to a matter of professional conduct.

#### **107. Appeal to the Board**

- (1) A member aggrieved from the decision of the Disciplinary Committee under clause 105, may file an appeal to the Board within thirty (30) days from the date of the order.
- (2) Upon receipt of such appeal the Board shall afford to the member either personally or through a counsel or a member of the Institute an opportunity of being heard before passing the following orders, namely:
  - (a) dismiss the order of the Disciplinary Committee, or
  - (b) modify the order of the Disciplinary Committee as it deems fit, or
  - (c) confirm the order of the Disciplinary Committee or
  - (d) remit the order back to the Disciplinary Committee for further hearing, considering the directions of the Board
- (3) For the aforesaid proceedings the representative of Disciplinary Committee shall be allowed to present point of view of the Disciplinary Committee.
- (4) Notice of the finding and decision of the Board shall be communicated accordingly to the member concerned as well as the Disciplinary Committee, so the decision shall thereupon take effect.



### **108. Publication of Findings and Decisions**

When the Disciplinary Committee finds that the complaint has been proved it shall, cause its findings and decision to be published in the manner as may be determined by the Committee as soon as practicable after such finding and decision are pronounced. However, where an appeal is filed with the Board the finding and decision shall not be published until the appeal has been concluded by the Board. The publication shall in all cases include the name of the member concerned unless in a particular case the Committee or the Board considers that there exist special circumstances which justify the omission of the name from such publication.

### **109. Return of Certificates in the Event of Suspension or Removal**

In the event of the suspension or exclusion of a member, every certificate of membership and/or practice then held by him shall be deemed to be cancelled from the date on which and during the period for which the name of its holder is excluded from the Register the member shall return the certificate to the COO for retention during the period of suspension and cancellation in case of exclusion of the member.

### **110. Restoration to Membership**

- (1) The Board may, on an application received in this behalf from a person whose name has been permanently or temporarily removed from the Register under Bye-law 9, restore his name if he is otherwise eligible to such membership:

Provided that:

- (a) A member who is rejoining the Institute after three (3) years of ceasing to be a member shall pay a re-admission fee equivalent to 2 years' annual subscription fee plus annual subscription fee for the year of re-admission.
- (b) A member who is rejoining the Institute within three (3) years of ceasing to be a member shall pay a re-admission fee equivalent to annual subscription fee for full lapsed years of membership plus annual subscription fee for the year of re-admission.

- (2) The restoration of name to the Register shall be notified in a manner as may be determined by the Board and shall also be communicated in writing to the person concerned.

### **111. Professional and Other Misconduct Defined**

For the purpose of the Bye laws, the expression "professional and other misconduct" shall be deemed to include any act or omission specified in Schedule "A" but nothing in this Bye-law shall be construed to limit or abridge in any way the power conferred or duty imposed on the Board or the Disciplinary Committee under the Bye-laws to inquire into the conduct of a member in any other circumstances.

## **CHAPTER – XII MISCELLANEOUS**

### **112. Finances**

- (1) All moneys received by the Institute shall be paid into an account of the Institute with its bankers and cheques drawn upon its bankers shall be signed by two persons authorised by Board.
- (2) The funds of the Institute shall be employed for such purposes as may from time to time be sanctioned by the Board in accordance to the provisions of the Articles and all funds not needed immediately for the ordinary purposes of the Institute may be invested by the Board in Government security or in other security approved by the Board.
- (3) The Board may from time to time borrow from a scheduled bank money required for meeting its liabilities on capital account or for the purpose of meeting current liabilities pending the receipt of income.
- (4) The Board shall keep or cause to be kept proper accounts of all income and expenditure and have the annual accounts duly audited. A copy of the audited accounts and the report of the Board for that year shall be forwarded to the member of the Institute as soon as practicable after its adoption at the annual general meeting of the Institute.

### **113. Audit of Accounts of the Institute**

- (1) The Director shall cause to be kept proper books of accounts as required under section 220 of the Act, so that such books of accounts shall be kept at the registered office or at such other place as the Director thinks fit as provided in the said section and shall be open to inspection by the Directors during business hours.
- (2) The books of accounts shall be open for inspection by the Members as per the provisions of the Articles and Companies Act 2017.
- (3) The Directors shall as required section 223 of the Companies Act 2017 cause to be prepared and to be sent to the Members and laid before the Institute/Company in AGM such financial statements duly audited, and reports of the auditor and the Directors as are required by the Act.
- (4) Auditors shall be appointed and their duties to be regulated in accordance with the sections 246 to 249 of the Companies Act 2017.

### **114. Powers and Duties of the President and Vice-President**

- (1) The President shall exercise such powers and discharge such duties as are conferred or imposed upon him by the Article and these Bye-laws and as may be specified by the Board.
- (2) The President may direct any business to be brought before the Board or Standing Committees for consideration.
- (3) If the office of the President is vacant or if the President for any reason is unable to exercise the powers or perform the duties of his office, the Vice-President shall act in his place and shall exercise the powers and discharge the duties of the President.

### **115. Powers and Duties of the COO**

- (1) Subject to the clauses of these Bye-laws and under the general supervision of the President and the standing committee concerned, the COO shall exercise the following powers and be responsible for discharging the under mentioned duties, namely: –
  - (a) Correspondence on behalf of the Board;
  - (b) entry in the Register the name of members, removal of names from the Register, restoration of names to the Register, issuing notification thereof and the signing of other notifications on behalf of the Board, subject to approval of the President;
  - (c) issuing, renewing, and cancelling Certificates of Practice after approval by the Board;
  - (d) maintenance of the registers, documents and forms as required by these Bye laws;
  - (e) incurring revenue and capital expenditure within the limits sanctioned by the Board or the Committees; receiving moneys due to the Institute and issuing receipts thereof; paying staff salaries and allowances maintaining or causing to be maintained proper accounts and delivering the books of accounts information, etc., to the auditor of the Institute;

- (f) appointing advocates and legal advisers and filing papers in courts, etc., on behalf of the Institute and Board subject to the approval of the President; and
  - (g) discharging and performing such other duties and functions as are incidental and ancillary to and may be required for the discharge and performance of the above duties and functions and exercising such other powers as may be delegated by the Board, the Committees or the President from time to time.
- (2) The power and duties enumerated in Bye-law 133, clause (1) may be assigned by the Board to the Treasurer or an employee of the Institute to such extent as may be deemed necessary by the Board.

#### **116. Indemnity**

- (1) The members of the Board, office-bearers and auditors shall be indemnified by the Institute from all losses and expenses incurred by them in or about the discharge of their respective duties, except such as are done under their own respective willful default or in the case of an auditor his own negligence or willful default or that of any partner or employee of such auditor.
- (2) No member of the Board, office-bearer or auditor shall be liable for the act or omission of another member of the Board, office-bearer or auditor, or for signing a receipt or document, or for a loss or expense happening to the Institute unless the same happen from his own willful default or in the case of an auditor from his own negligence or willful default or that of a partner or employee of such auditor.

#### **117. Headquarters of the Institute**

The headquarters of the Institute shall be located at Lahore, and/or at such place as may be decided by the Board with the approval of the Company.

#### **118. Administration of the Institute**

The Board shall be in charge of the administration of the Institute and its Branches.

#### **119. Custody and Use of Seal**

- (1) The seal shall be kept in such custody as the Board may from time to time determine.
- (2) The seal shall not be affixed to any instrument except by order of the Board and in the presence of the President or two members of the Board or one director and the secretary of the Institute and every such instrument shall be signed by the President or members in whose presence the seal is affixed and by the COO.

#### **120. Interpretation.**

The decision of the Board on the interpretation of these Bye-laws shall be final.

#### **121. Publication of List of Members**

The Board shall publish the list of members in any manner it thinks fit and may distinguish between the Associates, Fellows and CTAs in practice and between the Associates, Fellows and CTAs not in practice. The list so published shall be supplied to members and others gratuitously or at such price as the Board shall from time to time determine.

#### **122. Members to Supply Information**

For the purpose of publication of the list referred to in Bye-law 121, the Board may require the members to supply information regarding their present address, place of business, partners, whether practicing or not and the like. If the members fail to supply the information in time the list may be drawn up on such information as the Board may possess.

#### **123. Particulars of Offices and Firms**

A member in practice and every firm of such Certified Tax Practitioner or Certified Tax Adviser shall submit to the Board in a form "XX" the particulars of his office or that of the firm within three months, from the date of commencement of practice or formation of the firm as the case may be whichever is later. Any subsequent change in the particulars submitted should be sent so as to reach the Board within thirty days after the change was affected. A register of offices and firms shall be maintained by the Board.

#### **124. Particulars of Members**

Member shall submit to the Board particulars and shall also intimate to the Board subsequent change in such particulars not later than thirty (30) days from the date of such change.

#### **125. Place of Business in Pakistan**

A member in practice shall have a place of business in Pakistan in his own charge or in charge of another member. Particulars of such place of business shall be supplied by the member to the Board initially and whenever there is a change of such place of business:

Provided that in the case of a member who is a salaried employee of a firm, the place of business of his employer shall be deemed to be his place of business.

#### **126. Method of Payment of Fees**

Fees payable under these Bye-laws shall be paid to the Institute in such manner as the Board may direct.

#### **127. Issues of Duplicate Certificate**

- (1) In the event of the loss by the holder of a certificate issued under these bye-laws, the Board may, on application made in this behalf, duly supported by an affidavit of the applicant to the effect that he was in possession of such a certificate and had lost it, issue a duplicate copy thereof to him on payment of such fee as may be determined by the Board.
- (2) Where a certificate is damaged or mutilated, the Board may, on application made in this behalf, issue, a duplicate copy thereof on receipt of such fee as it may determine and on return of the damaged certificate.

#### **128. Member to practice in his individual Name**

No member of the Institute, who is not a partner in a firm, shall practice under any name or style other than his own name.

#### **129. Member in Practice not to Engage in any other Business or Occupation**

A Member in practice shall not engage in any business or occupation other than the profession of Tax Adviser unless it is permitted by the Students and Members Committee.

#### **130. Other Functions of Member in Practice**

Without prejudice to the discretion vested in the Board in this behalf, a member in practice may act as liquidator, Director, executor, administrator, arbitrator, receiver, adviser, tutor, operate a professional educational institution or may take up an appointment that may be made by Federal Government or Provincial Government or a Court of Law or any other authority established under law, or may act as director in a company in his professional capacity not being a whole-time salaried employee.

#### **131. Welfare of Members and Students**

The Board may make provisions for the welfare of the members including, but not limited to, providing financial assistance in deserving cases to the members and students and to the deceased member's family.

#### **132. Establishment of Boards and Committees**

The Board may establish such technical and advisory boards and Committees as it considers expedient with their method of appointment and election, terms of reference, scope of work, tenure and such other matters to be decided by the Board.

**SCHEDULE 'A'**  
**Professional and Other Misconduct**  
(See Bye-law 111)

A member of the Institute in practice shall be guilty of professional and other misconduct if he:

- (1) allows any person to practice in his name as Tax Practitioner or Tax Adviser unless such person is also Tax Practitioner or Tax Adviser and is in partnership with or employed by him.
- (2) accepts a position or assignment as a Tax Practitioner or Tax Adviser previously held by some other member without first communicating with him in writing;
- (3) accepts an appointment as Tax Practitioner or Tax Adviser without first ascertaining from the client whether the legal requirements, if any, have been duly complied with;
- (4) accepts a position or assignment as a Tax Practitioner or Tax Adviser previously held by some other member in such conditions as constitute under-cutting;
- (5) publishes or sanctions the publication of expressions of thanks or appreciation by clients or promotes in any way laudatory notices with regard to professional matters;
- (6) solicits clients or professional work either directly or indirectly by means of advertisement and publicity and promotion which are against the principles and guidelines laid down in Professional and Practicing Rules.
- (7) advertises his professional attainments of services or uses any designation or expressions other than ATA, FTA or CTA on professional documents, visiting cards, letter heads or sign boards unless it be a degree of a university established by law in Pakistan or recognized by the Government or a title indicating membership of any other institution that has been recognized by the Government or may be recognized by Board.
- (8) certifies or submits in his name or in the name of his firm a report or advice, unless such document has been made by him or by a partner or any employee in his firm;
- (9) engages in any business or occupation other than the profession of taxation unless permitted under the By-laws or by the Board so to engage;  
Provided that nothing contained herein shall disentitle Tax Practitioner or Tax Adviser from being a director of a company in his professional capacity not being a whole-time salaried employee
- (10) allows a person not being a member of the Institute or a member not being his partner to sign on his behalf or on behalf of his firm any advice required by his client;
- (11) discloses information acquired in the course of his professional engagement to any person other than his client, without the consent of his client or otherwise than as required by any law for the time being in force;
- (12) fails to disclose a material fact known to him which is not disclosed in an advice but disclosure of which is necessary to make such advice not misleading;
- (13) is grossly negligent in the conduct of his professional duties;
- (14) fails to keep moneys of his client in a separate banking account or to use such moneys for purposes for which they are intended;
- (15) has been guilty of any act or default discreditable to a member of the Institute;
- (16) contravenes any of the clauses of the Bye-laws or Rules and Regulations made thereunder;
- (17) is guilty of such other act or omission as may be specified by the Board in this behalf, by notification publicly.
- (18) not being an Associate, Fellow or CTA styles himself as an Associate, Fellow or CTA as the case may be;
- (19) does not supply the information called for by or does not comply with the directions of the Board or any of its committees;  
includes in any statement, return or form to be submitted to the Board any particulars knowing them to be false.