

রেজিস্টার্ড নং ডি এ-১



অতিরিক্ত সংখ্যা  
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, ডিসেম্বর ২১, ২০২৩

[ বেসরকারি ব্যক্তি এবং কর্পোরেশন কর্তৃক অর্থের বিনিময়ে জারীকৃত বিজ্ঞাপন ও নোটিশসমূহ ]

## The Institute of Chartered Accountants of Bangladesh

### NOTIFICATION

Date: 20 December 2023

**No. ICAB/ENF/2023/121-2023(G.N.)**—(1) The following draft of The Institute of Chartered Accountants of Bangladesh Bye-Laws 1973 (as amended upto 31 August 2023), which the Council of the Institute of Chartered Accountants of Bangladesh proposes to make in exercise of the powers conferred by clause (1) of Article 28 of the Bangladesh Chartered Accountants Order 1973 (P.O. No. 2 of 1973), is published as required by clause (3) of that Article, for the information of all persons likely to be affected thereby. Notice is hereby given that the draft will be taken into consideration after 15 (fifteen) days of its publication in the Official Gazette. On 27<sup>th</sup> November 2004, the Institute of Chartered Accountants of Bangladesh published "The Institute of Chartered Accountants of Bangladesh Bye-laws 2004" by repealing "The Bangladesh Chartered Accountants Bye-laws 1973." After 27<sup>th</sup> November 2004, numerous amendments to the Bye-laws have taken place. Incorporating all the amendments in the Bye-law, it was updated as "The Institute of Chartered Accountants of Bangladesh Bye-laws 2004 (Amended as of 30 November 2022)." The Council of ICAB decided in its Council meeting dated 26 September 2023 to publish Bye-laws with the change of name from "The Institute of Chartered Accountants of Bangladesh Bye-laws 2004 (Amended as of 30 November 2022)" to "The Institute of Chartered Accountants of Bangladesh Bye-laws 1973 (as amended upto 31 August 2023)." In bringing about the consistency with the period of promulgation of the Bangladesh Chartered Accountants Order 1973,

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hence, in supersession of the Institute of Chartered Accountants of Bangladesh Bye-Laws 2004 (Amended as of 30 November 2022), The Institute of Chartered Accountants of Bangladesh Bye-Laws 1973 (as amended upto 31 August 2023) is enclosed herewith.

(2) For the purpose of implementing The Institute of Chartered Accountants of Bangladesh Bye-Laws 1973 (as amended up to 31 August 2023), as stated in clause (1) above, the Council shall have the power to frame such rules for changes and make other provisions relating to The Institute of Chartered Accountants of Bangladesh Bye-Laws 1973 (as amended up to 31 August 2023) as it deems fit from time to time.

(3) In the event of any difficulty arising in giving effect to the foregoing Bye-Laws titled "The Institute of Chartered Accountants of Bangladesh Bye-Laws 1973 (as amended upto 31 August 2023)," the President of the Institute may exercise such powers as may be necessary to remove such difficulty.

BY ORDER OF THE COUNCIL

**Shubhashish Bose**  
Chief Executive Officer (CEO)-ICAB.

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**THE INSTITUTE OF CHARTERED ACCOUNTANTS OF BANGLADESH****BYE-LAWS, 1973****(AS AMENDED UPTO 31 AUGUST 2023)****CHAPTER-I  
PRELIMINARY****1. Short title and commencement**

- (1) These Bye-laws may be called the Institute of Chartered Accountants of Bangladesh Bye-laws 1973 (As Amended upto 31 August 2023)<sup>1</sup>.
- (2) They extend to the whole of Bangladesh as well as to the Overseas Chapters.
- (3) They will come into force immediately on the day of publication of the Bye-laws in the Bangladesh Gazette.

**2. Definitions**

- (1) In these Bye-laws, all words and expressions shall have the same meanings as are assigned to them in the Order.
- (2) Any reference in these Bye-laws to members, associates, fellows or meetings shall, unless the contrary intention appears, be construed as a reference to members, associates, fellows, and meetings respectively of the Institute.
- (3) In these Bye-laws unless there is anything repugnant in the subject or context:
  - (a) **“Article”** means an Article of the Order;
  - (b) **“Articled student”** means a student serving under articles with a member of the Institute entitled to train Articled students under these Bye-laws;
  - (bb) **“Chief Executive Officer (CEO)”** means the person appointed to be the Chief Executive Officer of the Institute by the Council or any person acting as Chief Executive Officer under the direction of the Council;<sup>2</sup>
  - (bbb) **“Chief Operating Officer (COO)”** means the person appointed to be the Chief Operating Officer of the Institute by the Council;<sup>3</sup>
  - (c) **“Certificate of practice”** means a certificate granted under these Bye-laws entitling the holder to practise as a chartered accountant;
  - (d) **“Director”** means the Director of Studies or Director of Technical Services of the Institute or any other Director appointed by the Council;
  - (e) **“Form”** means a Form specified in the Schedule;

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<sup>1</sup> Replaced by Council Decision dated 26 September 2023<sup>2 & 3</sup> Inserted by Council Decision dated 01 December 2020

- (f) "**Graduate**" means a graduate of a University constituted by law in Bangladesh or the graduate of any other University recognised by the Government;
- (g) "**Order**" means The Bangladesh Chartered Accountants Order, 1973;
- (h) "**Overseas Chapter**" means a Chapter of the Institute established by the Council anywhere outside Bangladesh;
- (hh) "**Pre-Articles Student (PAS)**" means students studying graduation or post-graduation courses in various universities and colleges who have not yet completed their graduation or post-graduation degree.<sup>4</sup>
- (hhh) "**Prescribed**" means as prescribed by the Council in the form of Schedule/Policy/Guideline or any other form as appropriate;<sup>5</sup>
- (i) "**President**" means the President for the time being elected under Article 13 and in his absence the Vice President for the time being elected under that Article and acting on behalf of the President;
- (j) "**Principal**" means a member of the Institute entitled to train Articled students;
- (k) "**Principal place of business**" means the place of business registered by a member of the Institute or where more than one place of business is registered by him the place of business indicated by him as being his Principal place of business;
- (l) "**Recognised Board**" means a Board of Intermediate and Secondary Education established by or under any law for the time being in force and includes any other Board declared by the Government to be a recognised Board for the purposes of these Bye-laws;
- (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 (Chief Executive Officer)<sup>6</sup> as his address for communications;
- (n) "**Recognised University**" means a University established by or under any law for the time being in force and includes any other University declared by the Government to be a recognised University for the purposes of these Bye-laws;
- (o) "**Schedule**" means the Schedules annexed to these Bye-laws which may be altered, amended or substituted and includes any and all other Schedules that may be made by the Council from time to time;
- (p) "**Seal**" means the Seal of the Institute;

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<sup>4</sup> Inserted by Council Decision dated 13 November 2022

<sup>5</sup> Inserted by Council decision dated 07 December 2019

<sup>6</sup> Replaced by Council Decision dated 01 December 2020

- (q) **"Secretary"** means the Secretary appointed by the Council, or any person acting as Secretary by a direction of the Council;

Where the context so admits, words importing masculine gender include feminine and words importing singular number include plural and vice versa.

- (4) The General Clauses Act, 1897 (Act X of 1897) shall apply, so far as may be applicable, to the interpretation of these Bye-laws as it applies to the interpretation of the Acts and Orders promulgated by the Government.

### 3. **Forms**

The Forms set forth in Schedule 'G' shall be used in matters to which they purport to relate and all notes and directions contained in any Form shall have the same effect as if they were embodied in the Bye-laws.

### 4. **Notice to members**

- (1) Unless specified elsewhere in these Bye-laws for any specific matter, all notices required by the Order and these Bye-laws to be given or sent to members shall be sent by e-mail, fax or registered post to the Registered address of each 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 posted.
- (2) The non-receipt of any such notice shall not invalidate any such notice meeting, resolution, proceeding or action at any meeting.

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**CHAPTER II**  
**MEMBERS OF THE INSTITUTE**

**5. Register**

The Register of the Members shall be maintained in the Form specified in Schedule 'A'.

**6. Admission of members**

- (1) Every applicant for admission as an associate or a fellow shall satisfy the Council of his having fulfilled the conditions specified by the Order and these Bye-laws in such manner as the Council shall require and shall produce such documentary evidence about his eligibility for admission as an associate or a fellow as the Council shall deem necessary and the Council, being so satisfied, shall so admit him on payment of the fees prescribed in these Bye-laws.
- (2) Every person before becoming a member shall undertake to be bound by the Order and by the Bye-laws in force at the time of his admission or which may thereafter from time to time be made.

**7. Particulars to be supplied by members**

Every member shall inform the (Chief Executive Officer)<sup>7</sup> in writing of any change of his registered address, or place or places of business or employment and shall also supply the Council with any other information relating to his practice or employment, which the Council may reasonably require for carrying out the provisions of the Order or these Bye-laws.

**8. Certificate of practice**

- (1) No member of the Institute shall be entitled to practise within Bangladesh unless he has obtained from the Institute a Certificate of practice.
- (2) The certificate shall be issued in the Form prescribed by the Council and shall be valid until the 30th day of June of the following year.
- (3) The validity of the certificate shall, on payment of the annual fees, and on fulfillment of the directives of the Council, be extended from time to time by a renewal certificate to be issued by the (Chief Executive Officer)<sup>8</sup> in the Form prescribed by the Council.
- (4) The Council may impose such conditions as it may deem fit in connection with the issue and renewal of a Certificate of practice to a member.
- (5) The Council may cancel the Certificate of practice of a member, after giving him an opportunity of being heard, if conditions under which it is granted have not been complied with.
- (6) A member in practice, on ceasing to be in practice, shall forthwith inform the Institute in writing of the fact of his having done so, but in any case not later than one month from the date he ceases to practise. He shall also return the Certificate of practice to the (Chief Executive Officer).<sup>9</sup>

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<sup>7 & 8</sup> Replaced by Council Decision dated 01 December 2020

<sup>9</sup> Chief Executive Officer

**9. Certificate of admission and practice**

Upon a person being admitted as an associate or as a fellow and upon his commencing to practise, he shall in each event be entitled to a certificate to that effect under Seal.

**10. Continuing Professional Education**

- (1) Every person after becoming a member of the Institute shall undergo Continuing Professional Education and/or such other professional education/training and shall also attain such standard as the Council may decide/prescribe from time to time;
- (2) Failure to attain the prescribed standard as stated in clause (1) above, shall make the concerned member liable for such disciplinary action as the Council may decide from time to time;
- (3) The Council may grant exemption/relaxation from attainment of the prescribed standard as stated in clause (1) above, as per rules framed by the Council from time to time in this regard;
- (4) For the purpose of implementing the Continuing Professional Education Programme and/or such other education/training programme(s) of the Institute, the Council may levy such fees/charges on the members and also realize the same in such manner as the Council may decide from time to time.

**11. Fees**

- (1) Every member shall pay to the Institute the admission and other annual fees in accordance with the scale as may be prescribed by the Council from time to time:
  - (i) half the amount of annual membership fee only shall be payable by a person admitted on or after first January and before first July in any year;
  - (ii) an associate on being admitted as a fellow during a year shall pay for that year any additional fee necessary to increase his fee to the amount then applicable to him, except that where the said change takes place after the last day of December one half only of the said additional amount shall be payable.
- (2) All annual fees shall be payable by the first day of July each year.

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**CHAPTER III****ELECTION TO THE COUNCIL****12. Date of election**

For the purpose of election of its members under Article 10(2), the Council shall, at least sixteen weeks before the election day, fix the date of such election so that the election is completed before one month of the expiry of the term of the Council.

**13. Election Commission and election officers**

- (1) At the time of fixing the date of election, the Council shall simultaneously appoint an Election Commission consisting of five members of the Institute who:
  - (a) are neither members of the Council nor candidates for election;
  - (b) are not partners in the practice of accountancy, relatives or employees in the same organization, of any candidate for election; and
  - (c) shall neither propose nor second the nomination of a candidate for election.
- (2) The Election Commission may appoint such number of officers and other staff, not being members of the Institute, as it may deem necessary for conducting election to the Council.
- (3) The Election Commission shall be provided with necessary personnel and other assistance by the Council for holding election to the Council.
- (4) The members of the Election Commission and the officers and staff engaged for the conduct of an election under these Bye-laws may be paid such allowances as the Council may from time to time decide.
- (5) For the purpose of sub-clause (b) of clause (1) the word 'relative' shall mean and include parents, spouse, brothers including brothers-in-law, sisters including sisters-in-law, sons including sons-in-law and daughters including daughters-in-law.

**14. Notification of election date**

The Election Commission shall, at least fourteen weeks before the date of election, notify to the members the date of election as fixed by the Council under Bye-law 12.

**15. Preparation of provisional voters' list, etc.**

- (1) The Election Commission shall, within two weeks of its appointment:
  - (a) prepare a provisional voters' list and indicate therein the number of members to be elected;
  - (b) publish the list by fixing it at a conspicuous place in the headquarters of the Council, offices of the Regional Committees and the Overseas Chapters, circulate the list by e-mail to all members, post the list on the Institute's web-site, and keep copies thereof for inspection by the members;
  - (c) invite objection or suggestion on such list from the voters.

- (2) The objection or suggestion, if any, shall be submitted to the Election Commission in writing within ten days of the date of publication of the provisional voters' list.
- (3) The Election Commission shall, after considering the objection or suggestion, if any, prepare the final voters' list and shall publish and circulate the same in the manner specified in clause (1)(b) within seven days of the expiry of the date for submission of objection or suggestion under clause (2).

#### **16. Notification of election programme**

- (1) The Election Commission shall, within seven days of the publication of the final voters' list send a notice to each voter specifying therein:
  - (a) the number of members to be elected to the Council;
  - (b) a nomination day, within four weeks of the issue of notice, on or before which the nomination for such election is to be submitted to the Election Commission by a candidate;
  - (c) a scrutiny day, at least one day after the nomination day, and also the hour, for the scrutiny of nomination paper;
  - (d) a day, after the scrutiny day, for publication of a provisional list of contesting candidates;
  - (e) a period of three days, after the publication of the provisional list, within which a candidate may withdraw his candidature;
  - (f) a day, not later than four days after the last date of withdrawal of nomination, for publication of the final list of contesting candidates;
  - (g) a day, hereinafter referred to as election day, on which the election to the Council shall be held and the votes shall be counted.
- (2) The Election Commission may, on account of circumstances beyond its control, change any of the programme of election set out by it under clause (1), and upon any such change, the new programme shall be duly notified.

#### **17. Members eligible to vote**

- (1) A member shall be entitled to be enrolled as a voter in an election to the Council only in the regional constituency to which, according to his registered address, he belonged three months immediately prior to the election.
- (2) A member whose name stands removed from the Register on the date of election shall not be eligible to vote at the election notwithstanding the fact that his name has been included in the voters' list.

**18. Qualification of candidates, etc.**

Only a member of at least ten years' standing with the Institute shall be eligible to be a candidate for election to the Council. For elections to Regional Committee or Management Committee of Overseas Chapter, the qualification shall be at least five years' continuous membership:

Provided that an officer or employee of the Institute shall not be eligible to seek election to the Council, nor shall the Council co-opt any officer or employee of the Institute to the Council.

**19. Bio-data of candidates for election**

- (1) The Election Commission shall publish bio-data of the contesting candidates for election to the Council.
- (2) The bio-data of each contesting candidate shall contain the following particulars:
  - (a) Final voters' list serial number.
  - (b) Name in capital letters, enrolment number along with a stamp-size photograph
  - (c) Date of birth
  - (d) Year of membership:  
Associate:  
Fellow:
  - (e) Educational and professional qualifications
  - (f) Past job experience
  - (g) Present professional status
  - (h) Service to the Institute, including number of terms served in the Council with years of Council service
  - (i) Membership of association with other professional service organization(s)
  - (j) Extra-curricular activities

[Note: Information under (h), (i), & (j) shall not exceed sixty words in all]

- (3) A candidate who desires his bio-data to be published by the Election Commission under clause (2) above shall furnish the same to the Election Commission at the time of filing his nomination paper.

**20. Number of members to be elected**

The total number of members to be elected to the Council from all the regional constituencies shall be twenty and the Council shall, from time to time, determine the number of members to be elected from each regional constituency so that such number of members is in proportion to the number of voters in each such constituency:

Provided that each regional constituency shall have at least one member elected therefrom to the Council.

**21. Nomination**

The nomination of a candidate for an election to the Council shall be in the form as may be prescribed by the Election Commission and shall be duly signed by the candidate and by a proposer and a seconder, and shall be forwarded by registered post with acknowledgment due or by hand delivery to the Election Commission so as to reach the Commission during office hours on or before the nomination day.

**22. Fee for Election**

- (1) A candidate for election to the Council shall pay along with only one nomination paper, irrespective of the number of nomination papers filed by him or on his behalf, a non-refundable fee of Taka ten thousand, or such other amount as may be decided by the Council from time to time, by a demand draft/pay order payable to the Institute.
- (2) However, a candidate who has withdrawn his nomination paper within the due date, shall be entitled, on an application made by him, to the refund in full of the fee.

**23. Scrutiny of nominations**

- (1) At the specified hour of the scrutiny day the Election Commission shall, in the presence of the candidates or their proposers or seconders or their authorized representatives who must be members of the Institute, if then be present, scrutinise all the nomination papers and shall, in each nomination paper, record its decision indicating whether it is accepted or rejected. Absence of any candidate, his proposers, seconders or authorized representatives at the specified hour, shall not invalidate the decision of the Commission.
- (2) The Election Commission shall, in brief, record on the nomination paper the reasons for rejection thereof.
- (3) The Election Commission shall reject the nomination of a candidate if it is satisfied that:
  - (i) the candidate is not eligible to contest the election; or
  - (ii) the proposer or seconder is not qualified to subscribe to the nomination paper; or
  - (iii) the signature of the candidate or the proposer or seconder is not genuine; or
  - (iv) there has been a failure to comply with provisions of Bye law 21.

- (v) he has not enclosed with his nomination paper a demand draft/pay order, or attested photocopy of such demand draft/pay order in case of multiple nominations filed by him.

**Provided that:**

- (a) the Election Commission shall not reject a nomination paper merely on the ground of defect of a technical nature and which is not of a substantial nature, and it may allow the candidate or his proposer or seconder to correct such technical defect;
- (b) the rejection of one nomination paper by reason of irregularity therein shall not invalidate the nomination of a candidate by any other valid nomination paper.
- (4) In the event of a proposer or seconder incurring any disability by reason of the operation of the provisions of the Order or these Bye-laws subsequent to the date of signing the nomination, such disability shall not invalidate the nomination paper.
- (5) After scrutiny, if any nomination paper of any applicant is rejected by the Election Commission, the applicant, if he so desires, may be given an opportunity to submit his arguments in favour of the validity of his nomination to the Election Commission within three days of the publication of the provisional list of valid nominations.

**24. List of valid nominations**

The Election Commission shall, after the scrutiny of the nomination papers, prepare and publish the provisional list of candidates whose nominations have been found valid giving the full names in alphabetical order together with their addresses.

**25. Withdrawal of candidature**

A candidate whose nomination has been found valid by the Election Commission may, by notice in writing in his own hand and delivered to the Election Commission, within three days of the publication of the list under Bye-law 24, withdraw his candidature.

**26. Final list of contesting candidates**

The Election Commission shall, within four days from the last day of the withdrawal day, prepare and publish a final list of contesting candidates omitting therefrom the names of those candidates who have withdrawn their candidatures.

**27. Death or cessation of membership of a candidate before election**

If a contesting candidate, whose nomination has been found valid and who has not withdrawn his candidature dies or ceases before election to be a member of the Institute for any reason whatsoever, the election shall be held among the remaining candidates.

**28. Uncontested election**

- (1) Where, after the scrutiny under Bye-law 23, or after the withdrawal under Bye-law 25, or by reason of death of a contesting candidate or of cessation of membership of such candidate before the election day, the number of contesting candidates is reduced to equal to or less than the number of members to be elected, the remaining candidates shall be declared elected uncontested.
- (2) Where the number of contesting candidates declared elected under sub-clause (1) above is less than the number of members to be elected, a fresh election programme shall be declared for election to the remaining seats.

**29. Mode of voting**

The election under these Bye-laws shall be by secret ballot at polling stations set up for that purpose and/or other advanced methods by the Election Commission in the following manner:

- (a) for members having registered address within the metropolitan areas of Dhaka and Chattogram, by poll at respective polling stations;
- (b) for members having registered address beyond the metropolitan areas of Dhaka and Chattogram as well as for members residing outside Bangladesh by online voting system;

Provided that the members/voters whatever region he or they belong to but present in the Country will be permitted to cast their votes through Online Voting System with prior permission (NOT by mere submitting application therefor) of the Election Commission.

- (c) the Optical Counting System (OCS) may be followed for counting the voting.<sup>10</sup>

**30. Polling station**

The Election Commission shall set up polling stations and the election at each such station shall be conducted under the supervision of a member of the Election Commission and by such officer and other staff as the Election Commission may appoint. The polling station shall be set up in the office of the Regional Committee and where there is no such office, at such place as the Election Commission may deem fit.

**31. Ballot paper**

The ballot paper shall contain, in alphabetical order, the name and a stamp sized photo of the contesting candidates and shall bear the seal and signature of the Election Commission. Against the name of each contesting candidate, there shall be a vacant space for marking votes by the voters. The Election Commission will specify the form of such ballot paper with voting instructions conspicuously printed

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<sup>10</sup> Replaced by Council decision dated 07 December 2019

at the top of the ballot paper; and prominently display the said instructions at each polling station and in every polling booth, as to:

- (a) the exact number of votes to be cast (no more and no less); and
- (b) the manner of voting by putting 'X' mark clearly in the vacant space provided.

32. Deleted.<sup>11</sup>

33. Deleted.<sup>12</sup>

**34. Admissible number of votes to be cast by a voter**

A voter is entitled to and shall cast as many votes as there are number of members to be elected to the Council.

**35. Issue of fresh ballot paper, etc.**

- (1) Where a ballot paper or any other concerned paper is lost or damaged, the Election Commission may re-issue the same by registered post or deliver them or cause them to be delivered to the voter on his applying for the same to the Election Commission in writing, if the Commission is satisfied with the reason for such loss or damage provided there is sufficient time available for the Commission to send the ballot paper to the voter and receive the same back from him by the specified time-limit.
- (2) Where, due to unforeseen circumstances, a member is unable to be present at the Centre to cast his vote on the election day, the Election Commission may allow him to vote on any other day before the election day, provided that he applies to the Election Commission in writing sufficiently in advance and the Commission is satisfied with the reason given by the member in his application;
- (3) Where a postal voter wishes to vote at the polling station in the country on the election day, the Election Commission may allow him to do so on his returning to the Commission the ballot paper and other concerned papers as were originally issued to him.

**36. Polling booths**

There shall be a polling booth or booths at each polling station to enable voters to cast their votes in secrecy.

**37. Presence of a candidate or his agent at polling station**

A contesting candidate or his polling agent, who shall be a voter and duly authorised by the candidate, shall be entitled to be present at the polling station during the polling hours.

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<sup>11</sup> & <sup>12</sup> Deleted by Council decision dated 07 December 2019

**38. Polling hours**

No voter shall be allowed to cast his vote at a polling station on the election day except between 8.00 a.m. to 5.00 p.m. or at such other hours as may be fixed by the Election Commission:

Provided that when a voter is admitted to the polling station before expiry of the polling hours but has not been able to cast his vote for no fault of his own, he shall be given an opportunity to vote even after the closing time.

**39. Ballot box**

- (1) The Election Commission shall provide for each polling station sufficient number of ballot boxes, copies of voters' lists and other papers and materials.
- (2) Before proceeding to giving ballot papers to voters, the Polling Officer shall ensure that the ballot box is empty, show it to the persons entitled to be present there and shall keep it in front of him after putting his seal and signature thereon.

**40. Identification of voter**

- (1) Every person claiming to be a voter shall be required to (carry valid ID Card as decided by the ICAB Election Commission and)<sup>13</sup> sign the copy of the voters' list provided by the Election Commission at the polling station.
- (2) At any time before a ballot paper is delivered to a person claiming to be a voter, the Polling Officer may, if he has reason to doubt the identity of the person or his right to vote at the election, and shall, if so required by a contesting candidate or his polling agent, satisfy himself in any manner as he may deem advisable as to the identity of the voter.
- (3) If the Polling Officer is not satisfied as to the identity of the person claiming to be a voter, he may refuse to allow such person to vote in the election.
- (4) Where a person is not allowed to vote, the reason therefor shall be recorded and objection to such refusal, if made in writing, shall also be recorded.

**41. Record to be kept by Polling Officer**

The Polling Officer shall, at the time of delivery of the ballot paper, place a mark against the name of the voter in the voters' list to denote that the voter has received his ballot paper. The voter shall also put his signature to denote his receipt of ballot paper.

**42. Manner of recording of votes**

On receiving the ballot paper the voter shall forthwith proceed to the designated polling booth and shall record his vote on the ballot paper by putting 'X' mark against the names of the contesting candidates in whose favour he casts his votes, fold it and thereafter drop the ballot paper in the ballot box.

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<sup>13</sup> Inserted by Council decision dated 13 November 2022

**43. Grounds for declaring ballot papers invalid**

A ballot paper shall be declared invalid if:

- (a) a voter signs his name or writes any letter, word or figure upon it, or makes any mark upon it by which the ballot paper or the voter can be identified; or
- (b) it does not bear the seal and signature of the Election Commission; or
- (c) it does not bear 'X' marks; or
- (d) a voter has not cast as many votes as there are seats to be filled; or
- (e) a voter has cast more votes than the number of seats to be filled; or
- (f) a voter has cast more than one vote in favour of one candidate; or
- (g) a voter has put any sign in addition to or in substitution of 'X' mark in favour of any contesting candidate; or
- (h) the marking suffers from uncertainty; or
- (i) it is received on the election day after the hours prescribed by the Election Commission.

**44. Counting of votes**

(1) Counting of votes shall commence:

- (i) in the case of postal ballots, immediately after 5.00 p.m., or such hours as may be fixed by the Election Commission, on the election day at the office of the Election Commission at Dhaka; and
- (ii) in the case of other votes, at the polling station immediately after closure of polls.

(2) Every contesting candidate shall be entitled to be present in person or by a representative who shall be a voter and be appointed in writing.

(3) For the purpose of counting of votes:

- (a) in the case of postal ballots, the concerned Polling Officer shall:
  - (i) open the pre-addressed envelope and separate the forwarding letter and the envelope marked in print on top as "ballot paper", check the forwarding letter with the voters' list and tally the number of forwarding letters with the number of envelopes both pre-addressed and marked in print on top as "ballot paper" and make record thereof;
  - (ii) open the envelope marked in print on top as "ballot paper", take out the ballot paper and then count the ballot papers and tally the total number thereof with the total number of envelopes and the forwarding letters issued and make a record thereof;
- (b) in the case of a polling station, open the ballot box, take out and count the ballot papers and tally the total number thereof with the number of ballot papers issued at the polling station and make a record thereof;
- (c) examine the ballot papers and sort out and reject the invalid ballot papers, after considering the objection of a candidate or his polling agent and record the grounds of such rejection, if any;

- (d) sort out the spoilt ballot papers and count them;
- (e) count the number of valid votes cast in favour of each contesting candidate;
- (f) prepare a statement in respect of each polling station showing:
  - (i) total number of ballot papers received by the Polling Officer;
  - (ii) total number of ballot papers issued to voters;
  - (iii) total number of votes cast;
  - (iv) number of spoilt ballots;
  - (v) number of rejected ballots;
  - (vi) total number of valid votes;
  - (vii) number of valid votes secured by each contesting candidate;
- (g) after preparing the statement put his signature thereon and also obtain the signature of the concerned member of the Election Commission and the contesting candidates or their polling agents, if present.

**45. Despatch of election papers, etc.**

The Polling Officer of a polling station shall, immediately after preparing the statement under Bye-law 44(3) (g), put the spoilt ballot papers, unused ballot papers, counterfoils of ballot papers, rejected ballot papers, valid ballot papers and other papers in separate envelopes and shall seal and sign them and also get them signed by the concerned members of the Election Commission, and the contesting candidates or their representatives if willing to sign; thereafter the Polling Officer shall send the envelope to the Election Commission.

**46. Declaration of results, etc.**

- (1) After receiving the statements and election papers under Bye-laws 44 and 45, the Election Commission shall compile the results of election and declare, by a notice published in its office, such contesting candidates to be elected as have secured the highest number of votes:

Provided that in the event of equality of votes affecting declaration of results of election, the Election Commission shall decide the issue through lottery, preferably in the presence of the concerned contesting candidates or their authorized representative(s) who must be a member, except in the event of voluntary withdrawal in favour of one particular contesting candidate by the other contesting candidates.

- (2) After declaring the results under clause (1) the Election Commission shall send the names of the elected persons to the Council within seven days.

**47. Notification of election results by the Council**

The Council shall notify the names of the successful candidates within fifteen days of the election day.

**48. Election not to be invalid due to accidental error, omission, etc.**

No election to the Council shall be deemed to be invalid merely by reason of any accidental error, irregularity or informality in the conduct of the election including accidental omission to send or delay in sending the ballot paper to a voter or the non-receipt of, or delay in receipt of a ballot paper by a voter or accidental delay or any change in the election programme necessitated under clause (2) of Bye-law 16.

**49. Disciplinary action for misconduct in an election**

- (1) A member shall be liable to disciplinary action by the Council, if in connection with election to the Council, he is found to have taken part, directly or indirectly, either by himself or through another person, in:
  - (a) issuing manifestoes or circulars in the nature of manifesto; or
  - (b) organising parties to entertain voters; or
  - (c) making, offering or promising any gift or gratification in any form to any person, with the object of:
    - (i) inducing a member to contest or not to contest as a candidate at an election or rewarding him for such an act or omission; or
    - (ii) inducing a member to withdraw his nomination 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.
- (2) A member shall also be liable to disciplinary action by the Council if he adopts one or more of the following practices in connection with an election to the Council, namely:
  - (a) any direct or indirect interference or attempt to interfere, with the free exercise of voting rights of a voter;
  - (b) publication of any statement which is false, or which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, if such statement may be reasonably believed to be calculated to prejudice the election for that candidate;
  - (c) obtaining or procuring or attempting to obtain or procure with a view to furthering the prospects of a candidate's election, any assistance, other than casting a vote in favour of such candidate from any person serving in the Government;
  - (d) receipt of or entering into an agreement to receive any gratification
    - (i) as an inducement or reward for contesting or for not contesting as a candidate; or
    - (ii) as an inducement or reward for withdrawing candidature; or

- (iii) as an inducement or reward for himself or any other person for voting or refraining from voting; or
- (iv) for inducing or misusing any of the provisions of these Bye-laws or for making of any false statement knowing it to be false while complying with any of the provisions of these Bye-laws.

**50. Cognisance and disposal of complaint in connection with conduct at an election**

- (1) The Election Commission may, either on its own accord or on receipt of a written complaint from a member within a period not later than 15 days after the election day, take cognisance of an offence committed by a member under Bye-law 49 and start proceedings against such member.
- (2) The Election Commission shall investigate into the alleged offence and give the member an opportunity of being heard in person and submit a report to the Council on its findings on the concerned offence. However, the Election Commission shall not recommend any punishment.
- (3) If on perusal of the report the Council is satisfied that an offence has been committed by the member concerned, it may remove the member from the Register or award such other punishment to him as it thinks fit:

Provided that no punishment under this clause shall be awarded unless the member concerned has been given an opportunity of being heard in person.

**51. Election dispute**

- (1) All disputes regarding election to the Council shall be made in the form of a written application and shall also be signed by the applicant and presented to the Council, which shall send them to the Tribunal according to the provisions of Article 11.
- (2) The Tribunal shall, upon receipt of an election petition under Article 11(2), give notice thereof to the parties concerned and after giving them opportunity of presenting their case against the allegations made in the application and after taking necessary evidence, if adduced by the parties, decide the election petition:

Provided that the Tribunal shall not declare the election of any contesting candidate void unless it is satisfied that the election has been substantially affected by reason of the failure of any person to comply with or the contravention of these Bye-laws.

**52. Power of Tribunal**

The Tribunal shall have all powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) and, shall be deemed to be a civil court within the meaning of sections 480 and 282 of the Code of Criminal Procedure, 1898 (Act V of 1898).

**53. Power to remove difficulty in respect of provisions regarding election to the Council**

If any difficulty arises in giving effect to the provisions of these Bye-laws relating to the election to the Council, the Council may, by order in writing, make such provisions not inconsistent with the provisions of the Order or these Bye-laws as may appear to it to be necessary for the purpose of removing the difficulty.

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**CHAPTER IV****MEETINGS AND PROCEEDINGS OF THE COUNCIL****54. Meetings of the Council**

The first meeting of the Council shall be held within three weeks of the date of its being constituted and thereafter the Council shall meet at least six times in twelve months at such time and place as the President may determine.

**55. Notice of Council meeting**

Notice of the time and place of intended meeting shall be sent to the Registered address of every member of the Council not less than seven days before such meeting and such notice shall contain a statement of the business to be transacted at the meeting:

Provided that in case of urgency, a meeting may be summoned to meet at any time, by the President, who shall inform the members of the subject matter to be considered at the meeting and the reasons for which he considers the matter to be urgent.

(Further provided that during the period of epidemic, pandemic, any other acts of God and war or if there arises any other special or emergency situation as decided by the president-ICAB where physical meeting cannot be conducted, an online/virtual meeting may be summoned and conducted.

Explanation: Online/virtual meeting means holding a meeting through teleconference or video conference or any other similar mode of communication.

An Online/virtual meeting is deemed to take place at the place from where the Chairman of the meeting participates.)<sup>14</sup>

**56. Special meetings**

On a requisition in writing by at least twenty-five per cent of the members of the Council for the time being, the President shall call a special meeting within four weeks of the receipt of such requisition.

(Provided that during the period of epidemic, pandemic, any other acts of God and war or if there arises any other special or emergency situation where physical special meeting cannot be conducted, an online/virtual special meeting may be summoned and conducted pursuant to a requisition.)<sup>15</sup>

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<sup>14</sup> & <sup>15</sup> Inserted by Council decision dated 17 June 2020

**57. Presiding over meetings**

All meetings of the Council shall be presided over by the President and in his absence by any of the Vice-Presidents present or, in the absence of all of them, by a member of the Council, elected by the members present.

**58. Quorum at meeting**

Seven members present in person shall constitute a quorum for a meeting of the Council. If a quorum is not available within an hour from the time appointed for the meeting, the meeting shall stand adjourned to such future time and date as the President may appoint. (In case of online/virtual meeting, presence of seven members through teleconference or video conference or other similar mode of communication would constitute presence in person for the purpose of forming quorum.)<sup>16</sup>

**59. Adjournment of meeting:**

Subject to the provisions of these Bye-laws, the President or, in his absence, any of the Vice-Presidents and in the absence of both, the person elected to preside over a meeting of the Council may, with the consent of the majority of members of the Council 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 and quorum shall be necessary for holding an adjourned meeting unless it be so decided by the Council at the time of adjournment the meeting.

**60. Procedure for transaction of business:**

- (1) The business of the Council shall ordinarily be transacted at the meeting of the Council.

Provided that the President may, in any appropriate case, circulate papers among the members of the Council for the decision of any question, if the matter is of such an urgent nature that it cannot wait till the holding of the next Council meeting.

- (2) Every such resolution passed by circulation of papers shall be confirmed in the following Council meeting:

Provided that no business shall be disposed of by circulation unless at least two-thirds of the total number of members of the Council have expressed their views in support of the resolution.

**61. Passing of resolutions at meetings**

At all meetings of the Council and in the event of difference of opinion, the vote of the majority shall prevail unless otherwise required by the Order or these Bye-laws and in the event of equality of votes, the Chairman shall have a casting vote in addition to his original vote.

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<sup>16</sup> Inserted by Council decision dated 17 June 2020

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**62. Records of minutes**

Proper minutes shall be kept of all proceedings of the meetings of the Council 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 of the matters stated therein.

**63. Absence of members of the Council from Bangladesh**

- (1) Before member of the Council leave Bangladesh for stay abroad for a period exceeding sixty days:
  - (a) he shall inform the Council in writing of the date of his departure from and the date of his expected return to Bangladesh;
  - (b) he shall either tender his resignation or apply to the Council for leave of absence, in case he intends to be absent from Bangladesh for a period longer than six months.
- (2) If any member leaves Bangladesh for a period exceeding sixty days without taking either of the courses mentioned in the last preceding sub-clause, he shall be deemed to be guilty of misconduct.

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**CHAPTER V****MEETINGS AND PROCEEDINGS OF THE INSTITUTE****64. Annual meeting**

The annual meeting of the Institute for transacting the ordinary business of the Institute, namely the appointment of auditors and the reception and consideration of the annual report of the Council and the accounts of the Institute with the auditors' report thereon, shall be held in Dhaka or elsewhere in Bangladesh on the third Saturday of December in every year or on such other day as the Council may from time to time appoint:

Provided that a meeting shall be held in every calendar year and that not more than fifteen months shall have elapsed since the date of the previous annual meeting.

**65. Special meetings**

The Council may, whenever it thinks fit, convene a special meeting of the Institute and shall do so within four weeks from the receipt by the (Chief Executive Officer)<sup>17</sup> of a requisition in writing signed by not less than twenty per cent of the members of and stating the object of the proposed meeting.

**66. Notice of meeting**

The (Chief Executive Officer)<sup>18</sup> shall, not less than fourteen days before any annual or special meeting of the Institute, send to each member a notice giving the day, hour and place of the meeting and the business(s) to be transacted thereat. In the case of the annual meeting, the (Chief Executive Officer)<sup>19</sup> shall send to each member with such notice a copy of the annual report of the Council and a copy of the accounts of the Institute with the auditors' report thereon and particulars of motions to be brought before the meeting under the next following Bye-law. The non-receipt by any member of such notice or of any of the aforesaid documents shall not invalidate the proceedings of any meeting.

**67. Notice of motion to be given**

A member wishing to bring before the annual meeting any motion not relating to the ordinary annual business of the Institute may do so provided:

- (a) that notice in writing of the proposed motion, duly endorsed by five other members entitled to vote at the annual meeting, be sent or given to the (Chief Executive Officer)<sup>20</sup> and be received by him not later than five weeks before the date of the annual meeting; and
- (b) that the proposed motion relates to matters affecting the Institute or the accountancy profession.

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<sup>17, 18, 19 & 20</sup> Replaced by Council Decision dated 01 December 2020

If, after any such notice shall have been given, the annual meeting be called for a date less than five weeks after the date of receipt by the (Chief Executive Officer)<sup>21</sup> of such notice, the said notice shall be deemed to have been given more than five weeks before the date of such meeting.

**68. Presiding over meetings**

All meetings of the Institute referred to above shall be presided over by the President or in his absence by any of the Vice-Presidents or in the absence of both, by the person elected by the members from among the members of the Council present, or in the absence of all of them, from among the members present.

**69. Quorum at meeting**

Fifty members present in person shall constitute a quorum for a meeting of the Institute. If a 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 President may appoint.

**70. Adjournment of meeting**

Subject to the provisions of these Bye-laws, the President or in his absence any of the Vice-Presidents or in the absence of both, the person elected to preside over the meeting of the Institute may, with the consent of majority of 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 meeting which has been adjourned. No notice shall be necessary for holding an adjourned meeting unless it be so decided in the meeting at the time of adjournment.

**71. Voting at meeting and demand for poll**

Every resolution and amendment proposed and seconded at a meeting of the Institute shall be put to the meeting by the person presiding that meeting and decided by a show of hands and in the event of equality of votes the person presiding over that meeting shall have a casting vote in addition to his original vote. The declaration of the person presiding over the meeting as to the decision of the meeting shall be final. On such a declaration being made, a poll of all members may be demanded in writing by at least ten members present in person and entitled to vote at the meeting.

**72. Appointment of Scrutineers**

At every meeting of the Institute at which a poll is demanded, the meeting shall appoint two members as Honorary Scrutineers.

**73. Procedure when poll demanded**

On a poll being so demanded, the person presiding shall forthwith, or as soon as reasonably practicable after the conclusion of the meeting at which the poll is demanded, state the resolution or amendment in the form of proposition which in his opinion will be most suitable to ascertain the sense of the members upon the

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<sup>21</sup> Replaced by Council Decision dated 01 December 2020

substance of such resolution or amendment and upon the manner of so stating the resolution or amendment, the decision of the person presiding shall be final. The voting paper setting out the proposition so stated, together with an envelope and all necessary directions, shall within fourteen days after the meeting be issued by the Council to all members entitled to vote at the meeting at which the poll was demanded. The members shall send the said voting papers duly completed to the (Chief Executive Officer)<sup>22</sup> sealed in the envelopes provided for such purpose so as to reach him on or before the twenty-first day after the day on which the said voting papers were sent to the members. The (Chief Executive Officer)<sup>23</sup> shall hand over the sealed envelopes to the Honorary Scrutineers.

#### **74. Result of poll**

The Honorary Scrutineers shall, within forty-eight hours from the last date fixed for the return of the voting papers, submit a report to the person presiding detailing:

- (a) the result of the voting; and
- (b) the votes rejected with reason for such rejection.

The person presiding shall send a copy of the report to each member as soon as practicable and in the event of an equality of votes, he shall exercise a casting vote in addition to his original vote, and convey to the members the manner in which his casting vote has been exercised. The report of the Honorary Scrutineers, as to the result of the voting, along with the casting vote, shall be conclusive.

#### **75. Demand for poll not to prevent other business**

The demand for a poll at a meeting shall not prevent the transaction of any business other than on which the poll has been demanded or any business directly dependent thereon.

#### **76. Minutes of meeting**

Proper minutes shall be kept of all proceedings of the meetings of the Institute and shall contain every resolution passed and 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 of the matters stated therein.

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<sup>22</sup> & <sup>23</sup> Replaced by Council Decision dated 01 December 2020

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**CHAPTER VI**  
**STANDING AND OTHER COMMITTEES/BOARDS**

**77. Committees of the Council**

- (1) The President, within three weeks of assumption of office, shall place before the Council a proposed list of Chairmen and members of Standing and Other Committees/Boards, and after consideration of which, the Council shall constitute the following Standing Committees, namely:
  - (i) Executive Committee;
  - (ii) Examination Committee;
  - (iii) Investigation and Disciplinary Committee;
  - (iv) Articled Students Committee;
  - (v) Technical and Research Committee;
  - (vi) Board of Studies; and
  - (vii) Quality Assurance Board.
- (2) The Council may also constitute such other Committees from among its members as it deems necessary for the purpose of carrying out the provisions of the Order and the Bye-laws, including an Advisory Committee comprising Past Presidents of the Institute and any committee so formed, may with the prior sanction of the Council, co-opt such other members of the Institute, as the Committee thinks fit, and any member so co-opted shall be entitled to exercise all the rights of a member of the committee.
- (3) The terms of reference of other Committees as stated in clause (2) above, shall be framed by the Council and may be modified from time to time as deemed fit.

**78. Executive Committee**

- (1) The Executive Committee shall consist of the President, two Vice-Presidents, and not more than six other members of the Council:
- (2) It shall perform the following functions, namely:
  - (a) Maintenance of the office of the Council and for this purpose the Committee may employ, suspend, or terminate the services of the (Chief Executive Officer)<sup>24</sup> the Directors and other necessary staff on such terms and conditions as it may deem fit:

Provided that prior approval of the Council shall be required in the case of employment, suspension, or termination of the services of the (Chief Executive Officer)<sup>25</sup> and Directors.

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<sup>24</sup> Replaced by Council Decision dated 01 December 2020

<sup>25</sup> Replaced by Council Decision dated 01 December 2020

- (b) Maintenance of true and correct accounts of all receipts and payments on behalf of the Council and the matter in respect of which such receipts and payments take place and of all the property, securities, debts, funds and liabilities of the Institute.
- (c) Maintenance of the Register of the Members, Register of Principals, Register of Articled students and all other registers which are prescribed by the Order or these Bye-laws.
- (d) Custody of the property, assets and funds of the Institute.
- (e) Investment of the funds of the Institute not immediately required in securities approved by the Council.
- (f) Disbursements from the funds on account of expenditure from the income or the capital in accordance with the annual budget previously sanctioned by the Council:

Provided that in emergent cases expenditure in excess of the annual budget may be incurred by the Committee, but such excess expenditure shall be brought to the notice of the Council at its next meeting for post facto approval.

- (g) Admission of associates and fellows, removal and restoration of names of members, issue and cancellation of certificates of practice, issue of certificates of membership and publication of list of members.
- (h) Publish news bulletins, journals and other publications through an Editorial Board set up for this purpose.
- (i) Any other function delegated to it by the Council:

Provided, however, that the Council shall always have the power to review any decision of the Executive Committee in exercise of its aforesaid functions.

#### **79. Examination Committee**

- (1) The Examination Committee shall consist of the President, a Vice-President, and not more than six other members of the Council:

Provided that the Council may co-opt such number of other members of the Institute as it thinks fit.

- (2) It shall perform the following functions, namely:
  - (a) All the functions of the Council in regard to holding of all the examinations of the Institute, admissions thereto, appointment and selection of question paper setters, moderators, head examiners and examiners and declaration of results, etc. It shall also have full power to fix the remuneration of the examiners and/or assistant examiners, superintendents of the examinations and others and deal with other matters arising out of the holding of examinations.

- (b) Tabulation of mark sheets and submission of report to the Council of the results of the Institute's examinations in terms of Bye-law 123.
- (c) According recognition to coaching institutions for preparation of candidates for the examinations of the Institute, subject to such conditions as it may deem fit.
- (d) Maintenance of proper standard of conduct at the examinations.
- (e) Any other functions delegated to it by the Council:

Provided, however, that the Council shall always have the power to review any decision/recommendation of the Examination Committee in exercise of its aforesaid functions.

#### **80. Investigation and Disciplinary Committee**

- (1) The Investigation and Disciplinary Committee shall consist of a Vice-President and not more than five other members of the Council:

Provided that the Council may co-opt such number of members of the Institute as it thinks fit.

- (2) It shall perform the functions assigned to it under these Bye-laws and any other function delegated to it by the Council:

Provided, however, that the Council shall always have the power to review any decision/recommendation of the Investigation and Disciplinary Committee in exercise of its aforesaid functions.

#### **81. Articled Students Committee**

- (1) The Articled Students Committee shall consist of a Vice President and not more than five other members of the Council:

Provided that the Council may co-opt such number of members of the Institute as it thinks fit.

- (2) It shall perform the following functions, namely:

- (a) All functions in relation to Articled students except as otherwise provided in these Bye-laws.
- (b) Any other functions delegated to it by the Council:

Provided, however, that the Council shall always have the power to review any decision/recommendation of the Articled Students Committee in exercise of its aforesaid functions.

#### **82. Technical and Research Committee**

- (1) The Technical and Research Committee shall consist of a Vice-President and not more than five other members of the Council:

Provided that the Council may co-opt such number of members of the Institute as it thinks fit.

- (2) It shall perform the following functions, namely:
- (a) Research in accounting, auditing, financial management related matters and framing recommendations on various technical and professional matters for the guidance of the members of the Institute and the Articled students;
  - (b) Review, on a regular basis, the latest national and international pronouncements and standards on accounting, auditing and allied matters, and recommend the same for adoption to the Council, after carrying out a technical review for adoptability and acceptability in the country context;
  - (c) Respond to the references made by the concerned interacting agencies and members;
  - (d) Arrange for a minimum of four technical CPE seminars in a calendar year for members on accounting and auditing matters;
  - (e) Any other functions delegated to it by the Council:  
Provided, however, that the Council shall always have the power to review any decision/recommendation of the Technical and Research Committee in exercise of its aforesaid functions.

### 83. Board of Studies

- (1) The Board of Studies shall consist of a Vice-President, and not more than six other members of the Council:  
Provided that the Council may co-opt such number of other members of the Institute and other technical experts as it thinks fit.
- (2) It shall perform the following functions, namely:
- (a) To organize pre-examination coaching classes for persons preparing for the Institute's examinations and approve a panel of lecturers with corresponding number of lectures for Institute examinations for each session;
  - (b) To provide proper facilities, where the Board may consider necessary, to the persons preparing for the examinations of the Institute to obtain coaching in the subjects in which they are to be examined by the Council.
  - (c) To conduct evaluation test of the lecturers immediately after the close of each session;
  - (d) To arrange preparation/updating of study manuals and approve a panel of authors in respect of all subjects of Institute's examinations;
  - (e) To make periodical review of subject of syllabuses of Institute's examinations and recommend revision, addition, etc., as appropriate, in respect thereof, to the Council for approval;
  - (f) To arrange (pre-articleship training course)<sup>26</sup>, training, and examinations regularly for prospective Articled students and recommend their course fees to the Council for approval;

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<sup>26</sup> Replaced by Council decision dated 13 November 2023

- (g) To recommend annual revenue & capital budgets for education, coaching classes, I.T. Training (including acquisition of latest computer technology), purchase of books, journals, magazines, etc. for Articled students and members of the Institute;
- (h) To carry out any other function(s) as may be assigned to the Board by the Council from time to time:

Provided, however, that the Council shall always have the power to review any decision/recommendation of the Board of Studies in exercise of its aforesaid functions.

#### **84. Quality Assurance Board**

- (1) The Quality Assurance Board shall consist of the President, a Vice President, and not more than five other members of the Council:

Provided that the Council may co-opt such other number of members of the Institute and other technical experts, as it thinks fit.

- (2) It shall perform the following functions, namely:
- i. developing a comprehensive framework and establish policies and procedures for the quality assurance programme to ensure that members in practice carry out audits in accordance with professional standards adopted by the Institute;
  - ii. establishing appropriate quality control standards and guidelines in relation to audit practice of the members that are considered essential in the interest of the profession and the public;
  - iii. guiding to carry out the review of working papers relating to audits carried out by the members in practice;
  - iv. monitoring the quality assurance programme to ensure its effective implementation;
  - v. arranging training programs and workshops to improve the standard of audits;
  - vi. guiding to perform a periodic review of the quality assurance programme, including objectives, standards, policies, procedures and guidelines etc., to ensure that it remain up-to-date and in line with the standards and guidelines issued by the International Federation of Accountants for such a programme;
  - vii. developing guidelines for reporting of review and assessment results of the firm;
  - viii. guiding and advising on strengthening of “Financial Report Monitoring & Practice Review Department” in terms of structure and capacity building;
  - ix. reviewing and advising on annual activity plan relating to quality assurance program;
  - x. submitting half yearly report to the council summarizing the performance relating to quality assurance program within two months from the cut-off date;

- xi. determining required capacity of “Financial Report Monitoring & Practice Review” department to perform reviews and recommend the same to the Council;
- xii. taking appropriate steps to update the Council about the status of reviews and recommend appropriate steps to be taken by Council;
- xiii. ensuring that remedial actions or recommendations made by Council are properly implemented within specified time period;
- xiv. recommending to send the review report of unsatisfactory firm to the Investigation and Disciplinary Committee (IDC) for necessary action as per the ICAB Bye-Laws;
- xv. guiding and monitoring evaluation and reviewing results on a timely basis; and
- xvi. Any other functions delegated to it by the Council.)<sup>27</sup>

Provided, however, that the Council shall always have the power to review any decision/recommendation of the Quality Assurance Board in exercise of its aforesaid functions.

#### **85. Terms of office for members of the Committees/Boards**

A member of a Standing or Other Committee/Board shall hold office for one year from the date of his nomination or until a new Committee/Board is constituted.

#### **86. Meetings of the Committees/Boards**

The Chairman of a Standing or other Committee/Board may at any time and shall on requisition by any two members of the Committee/Board, call a meeting of the Committee/Board. All meetings of the Standing and other Committees/ Boards shall be presided over by the Chairman, or in his absence by the President if he then be present, or any of the Vice-Presidents, or in the absence of all of them by a member elected from among the members present.

#### **87. Notice of meeting**

Notice of a meeting of a Committee/Board shall be served in the manner prescribed for the meetings of the Council in these Bye-laws.

#### **88. Quorum at meeting**

All requirements with regard to quorum at a meeting of a Committee/Board shall be as prescribed for a meeting of the Council under these Bye-laws, except that three members present in person (or in case of holding online/virtual meeting, joining of three members virtually)<sup>28</sup> shall constitute quorum for a meeting of the Committee.

#### **89. Procedure for transaction of business**

The business of the Standing and Other Committees/Boards shall be transacted in the manner laid down for the business of the Council under these Bye-laws.

<sup>27</sup> Replaced by Council decision dated 27 September 2021

<sup>28</sup> Inserted by Council decision dated 17 June 2020

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**90. Casting vote**

All questions before a Standing or Other Committee/Board shall be decided by a majority of votes and in the event of equality of votes, the Chairman shall have a casting vote in addition to his original vote.

**91. (Secretary)<sup>29</sup> of the Standing and Other Committees/Boards:**

(Any person appointed by the Council, shall be named as Committee or Board Secretary as the case may be for such Standing or Other Committee or Board.)<sup>30</sup>

**92. Minutes of meetings**

The (concerned Committee/Board Secretary)<sup>31</sup> shall maintain a record of all business transacted at a meeting of the Committee/Board, and also of every resolution passed in such meeting or by circulation.

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<sup>29,30 & 31</sup> Replaced by Council decision dated 13 November 2022

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**CHAPTER VII****REGIONAL COMMITTEES****93. Constitution of Regional Committees**

- (1) Regional Committees shall be formed for each of the two regional constituencies, the territorial jurisdiction of which shall be as follows:
  - a. Chittagong Region : Comprising the geographical boundary of Chittagong Division including Chittagong Hill Tracts,
  - b. Dhaka Region : All other locations including Overseas Chapters

Provided that the Council may form an Overseas Chapter or Chapters of the Regional Committees for the benefit of members normally residing outside Bangladesh as and when it deems fit but not more than one Overseas Chapter shall be formed in any one country. The activities and other matters of an Overseas Chapter shall be governed by the rules and regulations specified in Schedule 'H' or such other modified or substituted rules and regulations as may be framed by the Council from time to time in this behalf.

- (2) Unless otherwise decided by the Council, the number of members to be elected to the Regional Committees shall be as follows:
  - (a) Dhaka Region - nine members
  - (b) Chittagong Region - five members

Provided that if any regional constituency fails to elect the required number of members of any Regional Committee which it is empowered to elect as above, the Council shall nominate a member or members from among the members of the respective region to be member or members of the Regional Committee and any person or persons so nominated shall be deemed to be member or members of the Regional Committee as if he or they had been duly elected.

**94. Admission and removal from Regional Register**

- (1) The names of all members of the Institute in a region shall be entered in the Regional Register maintained by the Council and also by the Regional Committee in the same Form as in Schedule 'A'.
- (2) The name of a member which has been removed from the Register maintained by the Council shall automatically stand removed from the Regional Register and if he is a member of the Regional Committee, he shall also cease to be such member.

**95. Resignation from the Regional Committee and casual vacancies**

- (1) Any member of the Regional Committee may at any time resign his membership by writing under his hand addressed to the Chairman of the Regional Committee concerned and the seat of such member shall become vacant when such resignation is accepted by the Regional Committee.

- (2) A member of the Regional Committee shall be deemed to have vacated his seat if he is declared by the Regional Committee to have been absent without sufficient excuse from three consecutive meetings of the Regional Committee.
- (3) Any casual vacancy in the Regional Committee shall be filled by a fresh election and the person so elected shall hold office until the dissolution of the Regional Committee:  
Provided that no election shall be held to fill a casual vacancy occurring within six months prior to the date of expiry of the duration of the Regional Committee.
- (4) No act done by the Regional Committee shall be called in question on the ground merely of the existence of any vacancy or defect in the constitution of the Regional Committee.

**96. Date of election**

The Council shall fix the date of election to the Regional Committees on the same day as the date of election to the Council and such election shall be completed on the same day and in the same manner as the election to the Council excluding such matters as are not applicable to it:

Provided that the date of election to the Management Committee of an Overseas Chapter of Regional Committee shall be decided by the Council as it may be deemed fit and that such election shall be held in the same manner as the election to the Council excluding such matters as are not applicable to it, or on the basis of such other election rules and regulations, as an Overseas Chapter may adopt in a general meeting, with the prior approval of the Council.

**97. Election to Regional Committees**

- (1) The election to the Regional Committees shall be conducted by the Council or the holding of such election may be delegated to the Regional Committees, if the Council considers it to be desirable.
- (2) The qualification of members entitled to stand for the election or to vote, the procedure for election and the declaration and notification of election results shall be in the same manner as that specified in these Bye-laws for elections to the Council excluding such matters as are not applicable to it.

**98. Duties and functions of Regional Committees**

- (1) The Regional Committees shall at all times function subject to the control, supervision and direction of the Council and its Standing Committees.
- (2) In particular, and without prejudice to the generality of the foregoing power, the duties of the Regional Committees shall include-
  - (a) to advise the Council on all matters referred to it by the said Council and to offer such other help as may be required;

- (b) to make representations to the Council in connection with matters of professional and business interest in the region and to offer suggestions for raising the standard and status of the profession and for improvement of the law applying to it;
- (c) to supply necessary information to members or to the prospective candidates for articleship or examinations of the Institute;
- (d) to recommend either on their own motion, or on a reference by the Council, names for inclusion in the panel of paper setters, moderators or examiners;
- (e) to arrange, if found practicable, for the coaching of candidates for the aforesaid examinations in the various centres of the region and to maintain an up-to-date and well-equipped library and reading-room for the use of the members and Articled students;
- (f) to run study-circles with different sub-committees or branches or arrange for regular meetings of the members for discussion on topics or subjects affecting the profession of accountancy;
- (g) to maintain an employment register for securing suitable employment for qualified accountants and finding suitable qualified accountants for employers;
- (h) to organise a student section for the benefit of the Articled students preparing for the Institute's examinations; and
- (i) to carry out such other functions as may be entrusted from time to time to the respective Regional Committees by the Council.

#### **99. Office-bearers in the Committees**

- (1) Each of the Regional Committees shall elect at its first meeting, to be held within one month of its formation, a Chairman and a Secretary for that Committee from among its members.
- (2) The Chairman and the Secretary shall hold office for a period of one year from the date on which they are elected but so as not to extend beyond their term of office as a member of the Regional Committee and, subject to their being a member of the Regional Committee at the relevant time, they shall be eligible for re-election.
- (3) The Chairman of the Regional Committee shall be the Chief Executive of the Regional Committee.

#### **100. Finance and Accounts**

- (1) Each Regional Committee shall be financed by such fees as the Council may fix and direct to be paid to the Regional Committee, and such aid as the Council thinks fit to grant but no Regional Committee shall borrow or obtain credit without the previous sanction of the Council.

- (2) The funds of the Regional Committee shall be utilized for such purposes as may from time to time be sanctioned by the Regional Committee:

Provided that no such funds shall be applied either directly or indirectly for payment to the members of the Regional Committee except for reimbursing them for any expenses incurred by them in connection with the business of the Regional Committee.

- (3) The Secretary of the Regional Committee shall be responsible for the maintenance of its accounts which shall be audited by such member belonging to the region, but not being a member of the Committee or a member in partnership with a member of the Committee, as may be appointed at the annual general meeting of the members of that region. A copy of the audited accounts and report, as adopted at the annual general meeting, shall be sent to the Council not later than one month from the date of that meeting.

#### **101. Meetings of the Regional Committees**

The meetings of the Regional Committees shall be held and conducted in the manner prescribed for the meetings of the Council and all provisions applying to meetings of the Council shall apply to the meetings of the Regional Committees:

Provided that the quorum at a meeting of the Regional Committee shall be five members in case of Dhaka Region and three members in case of Chittagong Region, present in person (or in case of holding online/virtual meeting, quorum shall be joining of five members virtually in case of Dhaka Region and three members in case of Chittagong Region.)<sup>32</sup>

#### **102. Meetings of the members of the Regional Constituencies**

The meetings of the members of the Regional Constituencies shall be held and conducted in the manner prescribed for the meetings of the Institute and all provisions applying to the meetings of the Institute shall apply to the Meetings of the Regional Constituencies.

- (i) the quorum at a meeting of the Regional Constituency shall be five members present in person (or joining of five members virtually in case of holding an online/virtual meeting;)<sup>33</sup>
- (ii) the demand for a poll at any meeting shall have to be made in writing by at least five members present in person or by proxy and entitled to vote at that meeting.

#### **103. Duration of the Regional Committee**

The duration of a Regional Committee constituted under these Bye-laws shall be three years from the date of formation of the Committee on the expiry of which it shall stand dissolved, but notwithstanding the expiration of the duration of the Committee, the former Committee shall continue to exercise its functions until a new

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<sup>32</sup> & <sup>33</sup> Inserted by Council decision dated 17 June 2020

Committee is constituted in accordance with the provisions of these Bye-laws, and on such constitution, the former Committee shall stand dissolved:

Provided that the Council may, if in its opinion circumstances so warrant, extend or shorten the life of the Regional Committee by a notification in this behalf.

#### **104. Dissolution of the Regional Committee**

- (1) Notwithstanding anything contained in these Bye-laws, the Regional Committee shall stand dissolved if:
  - (i) a majority of three-fourths of the members on the Register pass a resolution in a General Meeting of the members for its dissolution: or
  - (ii) after giving proper hearing to the Regional Committee the Council decides to dissolve the Regional Committee.
- (2) On the dissolution of a Regional Committee, all its property, assets and funds shall vest in the Council.

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**CHAPTER VIII**  
**ARTICLED STUDENTS**

**105. Admission to Articleship**

A Principal shall, before accepting a person as an Articled student, satisfy himself and the Articled Students Committee that:

- (a) his professional practice or that of his employer, if he is an employee of a chartered accountant in practice or a firm of such chartered accountants, is suitable for the purpose of training Articled students;
- (b) such person is not less than eighteen years of age on the date of commencement of Articleship; and
- (c) such person fulfills the admission criteria laid down in Schedule 'F' or such other criteria as may be determined by the Council from time to time.

**106. Criteria for admission of Articled students**

No Principal shall admit any person as an Articled student who has not (successfully completed pre-articleship training course)<sup>34</sup> conducted by the Institute or has been exempted therefrom.

**107. Probationary period**

A Principal may keep an Articled student on probation for a period of one month. If the Articled student completes the probation period successfully, he will be registered as an Articled student. The probation period so served shall be treated towards the total period of articleship required to be completed under these Bye-laws.

**108. Registration of deed of articles**

- (1) The deed of articles of every Articled student shall be executed soon after the successful completion of the probationary period mentioned in Bye-law 107 and shall within one month after execution thereof or within such longer period as the Council may, in its discretion, allow in any particular case, be lodged with the Institute to be registered, together with an unstamped copy of the deed of articles for retention by the Institute and with such evidence as to age and qualification as may be required. A registration fee as may be prescribed by the Council from time to time shall be paid to the Institute.
- (2) An Articled student shall not be admitted to any examination of the Institute, unless the provisions of these Bye-laws regarding registration and any decision of the Council regarding attendance at a coaching and/or training class have been duly complied with.

**109. Provisions to be included in the deed of articles**

The Council may from time to time prescribe provisions which shall be included in the deed of articles and such deed of articles executed after the date of such prescription shall include the said provisions and no deed of articles not containing the said provisions shall be registered by the Institute:

Provided that the Council may, at its discretion, and on the application of the parties or proposed parties to the deed of articles, waive the inclusion of some or all of the said provisions and register the deed of articles notwithstanding that some or all of the said provisions are not included therein.

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<sup>34</sup> Replaced by Council decision dated 13 November 2022

**110. Premium and (Fees):<sup>35</sup>**

No premium shall be charged by the Principals from their Articled students. (The cost of the pre-articledship training will be borne by the principal of the firm. If a student does not successfully complete the pre-articledship training course on the first attempt, they may be responsible for covering the cost of the training course on their own for the second attempt if their principal does not cover the expenses for the second training session.)<sup>36</sup>

**111. Principal to be in practice to train Articled Students**

- (1) No member shall be entitled to train Articled students unless he has been in practice as a chartered accountant either independently or in partnership with a firm of chartered accountants.
- (2) The member(s) in practice shall be entitled to train such number of Articled Students as may be prescribed by the Council from time to time.<sup>37</sup>

**112. Transfer and execution of fresh deed of articles**

- (1) An Articled student may, by agreement between the parties thereto and subject to the permission of the Council, transfer to another member competent to take Articled students and shall be subject to the provision of Bye-law 108 regarding registration and the payment of fee.
- (2) If the Principal shall cease to practise or resign from membership (or get practicing certificate suspended)<sup>38</sup> his Articled students may be transferred with the permission of the Council to any other member competent to train Articled student. In the like event or if the Principal shall die or be excluded or suspended from membership (or from practice)<sup>39</sup>, the Articled Student may enter into fresh deed of articles with any other member competent to train Articled Students with the permission of the Council for the remainder of his term of service. The fresh deed of articles shall be registered with the Institute within one month of the execution of the fresh deed of articles or within such longer period as the Council, in its discretion, may allow, but shall not require the payment of any fee:

Provided that in case of death, retirement, resignation or removal (or suspension of certificate of practice)<sup>40</sup> of the partner of a firm entitled to train Articled students, his Articled students shall be deemed to be the Articled students of such other partner of the firm whether or not he is entitled to train (required number of)<sup>41</sup> Articled students under Bye-law 111.

Provided further that where a fresh deed of articles is entered into, the Council may, in its discretion, allow service (of Articled Student(s))<sup>42</sup> with two or more members (as)<sup>43</sup> continuous service on such terms and conditions as it may think fit.

<sup>35, 36, 37 & 38</sup> Inserted by Council decision dated 13 November 2022

<sup>39, 40, 41, 42 & 43</sup> Inserted by Council decision dated 13 November 2022

(3) The Council of ICAB shall allow the respective students to transfer their articleship without requiring a No Objection Certificate (NOC) from the Principals of the respective CA Firms whose Certificate of Practice (CoP) have been revoked by ICAB and who did not agree to issue such NOC. In case of appeals under process for stay order by the respective Principal(s) of the CA firms against such revoked CoPs, ICAB will take necessary steps to transfer articleship of the student(s) without taking NOC from respective Principals of the CA firms, if the student(s) expresses/ express his/her/their willingness.<sup>44</sup>

### **113. Number of Articled students permitted to each member**

The number of Articled Students permitted to each practicing member shall be prescribed by the Council from time to time.<sup>45</sup>

### **114. Deleted<sup>46</sup>**

### **115. Service under deed of articles**

(1) An Articled student shall throughout his term of service serve in his Principal's office or his Principal's business of public accountant and he shall not during such term of service practise as a public accountant or engage in any other business or occupation:

Provided that an Articled student, may, with the consent of his Principal:

- (a) have, for the purpose of preparing for the Institute's examinations and for other reasons, leave of absence from his Principal's office or business for a total period not exceeding one-sixth of the period of his articleship to be split in the following manner or as may be mutually agreed upon by the Principal and the Articled student:
  - (i) For the (Certificate Level)<sup>47</sup> Examination - 30% to 40% of the total entitlement.
  - (ii) For the (Professional Level)<sup>48</sup> Examination - 30 % to 40% of the total entitlement
  - (iii) For the (Advanced Level)<sup>49</sup> Examination - Balance of the total entitlement.

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<sup>43</sup> Deleted by Council decision dated 13 November 2022

<sup>44, 48 & 49</sup> Replaced by Council decision dated 13 November 2022

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- (b) spend period not exceeding six months in all in such industrial, commercial or other suitable organisation as the Council may approve and subject to such conditions and control as the Council may impose or exercise.
- (2) The Principal shall not require an Articled student to work for more than thirty-six hours excluding recess hours spreading over six days in a week. The actual working days and hours may be regulated by the Principal according to the convenience of his clients.
- (3) A Principal engaging an Articled student shall pay per month such minimum allowance to each such Articled student as may be prescribed by the Council from time to time.
- (4) Every Principal employing Articled students under these Bye-laws, shall, on completion, discontinuance or termination of the service of an Articled student in his employment, forthwith send a report to that effect to the (Chief Executive Officer)<sup>50</sup>
- (5) The Council, on receipt of an application, may at its discretion sanction to an Articled student leave of absence from his Principal's place of business, exceeding one-sixth of the total period of his articleship but in such a case he will be required to serve the additional period needed to make up the total period prescribed under these Bye-laws.
- (6) In the event of any difficulty arising in case of implementing the above provisions, the matter shall be referred to the Articled Students Committee for appropriate action.

#### **116. Power to terminate the services of an Articled student**

- (1) A Principal may terminate the services of an Articled student if he is guilty of misconduct or misbehavior.
- (2) An Articled student aggrieved by the termination of his services under clause (1) may, within fifteen days of such termination, prefer an appeal to the Council.
- (3) On receiving an appeal under clause (2), the Council shall refer it for report to any one of its members.
- (4) The member to whom an appeal is referred shall, after giving the parties an opportunity of being heard, submit a report together with his recommendation to the Council.
- (5) The decision of the Council taken after considering the recommendation of the member shall be final.

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<sup>50</sup> Replaced by Council Decision dated 01 December 2020

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**CHAPTER IX****EXAMINATION AND TRAINING****117. Conditions to become a member of the Institute**

- (1) A person shall not be eligible for enrolment on the Register of the Members, except as otherwise provided for in the Order or these Bye-laws, unless:
- (a) he has passed such examinations of the Institute, as may be prescribed by the Council or has obtained exemptions from such examinations or from such paper or papers as may be specified by the Council from time to time; and
  - (b) he has produced a certificate in such form as the Council may prescribe, from a member entitled to train Articled students that he has served as an Articled student with him for such continuous length of time as required by the Council.

**118. Times and places of examinations**

All examinations of the Institute shall be held not less than twice a year at such times as the Council may from time to time direct and at such place or places as the Examination Committee shall from time to time appoint. The dates and places of the examinations and other particulars shall be notified by the Council at least six weeks in advance:

Provided that the Council may hold additional examination or examinations in any year at such time or times as it may from time to time direct and at such place or places as the Examination Committee may from time to time appoint.

(Further provided that notwithstanding anything contained in this bye-law or any other bye-laws during the period of epidemic, pandemic, any other acts of God and war or if there arises any other situation when it seems that conducting of any examination(s) is not possible, the Council may cancel holding of any examination of any level or levels or any subject or subjects and thus reduce the number of any examination(s) to less than twice a year.)<sup>51</sup>

**119. Subjects of examinations**

The examinations shall be conducted in the subjects specified in (the published ICAB Curriculum policies and ICAB Syllabus)<sup>52</sup> or as may be specified by the Council from time to time.

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<sup>51</sup> Inserted by Council decision dated 10 September 2020

<sup>52</sup> Replaced by Council decision dated 07 December 2019

**120. Application for admission to an examination**

Application for admission to an examination shall be in such Form, as shall be prescribed by the Council, a copy of which may be obtained from the (Chief Executive Officer)<sup>53</sup> or from the Regional Committee or online by signing into their accounts in the ICAB Examination software within the time as specified in the notification. Every such 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 the Council in the matter.

**121. Admission fees for examinations**

Every candidate for admission to any examination conducted by the Institute shall pay such fees as may be prescribed by the Council from time to time.

**122. Refund of examination fee**

The examination fee paid by a candidate who has been admitted to an examination shall neither be refunded nor adjusted in any manner.

**123. Examination results**

The Examination Committee shall consider the reports of the examiners and moderators on each examination and may either accept them or reject them or may accept them subject to such modification or alteration as may seem desirable. The Examination Committee shall then report to the Council result of each examination and upon the adoption by the Council of the report of the Examination Committee, a list of successful candidates shall be published in such manner as the Council may deem fit.

**124. Failure of candidates at examinations**

Any candidate who has failed to pass an examination to the satisfaction of the Examination Committee may offer himself again on any subsequent occasion, but within such time and on such condition as may be decided by the Council from time to time.

**125. Examination certificates**

Every candidate passing or obtaining exemption from any examination of the Institute shall be furnished with a certificate to that effect in the Form specified by the Council. Such certificate shall be signed by the President and the (Chief Executive Officer)<sup>54</sup>

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<sup>53</sup> Replaced by Council decision dated 01 December 2020

<sup>54</sup> Replaced by Council decision dated 01 December 2020

126. Deleted<sup>55</sup>

**127. Examination Structure:**

- (1) The professional examinations of the Institute shall comprise a 3-level examination system [i.e. Certificate Level, Professional Level and Advanced Level] as per ICAB Curriculum Policy and Subjects & Syllabi as prescribed from time to time.
- (2) Subject to flexibility mentioned in bye-law 127 (4) appearing below, no candidate shall be allowed to sit for Professional Level Examination before passing Certificate Level Examination, and for Advanced Level Examination before passing Professional Level Examination.
- (3) candidate shall be allowed to appear at Examinations of the Institute as under:  
 Certificate Level: After registration as Articled Student and Pre-Articleship students provided that the student(s) has attained the requirements of class attendance;  
 Professional Level: After passing Certificate Level Examination; provided that the student(s) has attained the requirement of class attendance in Professional level;  
 Advanced Level: After passing Professional Level Examination. provided that the student(s) has attained the requirement of class attendance in Advanced level.)<sup>56</sup>
- (4) The following flexibility or as decided by the Council from time to time of appearing at the professional level papers is applicable for the Certificate Level Examinees who have already passed the related papers in Certificate Level and at the Advanced level papers for Professional Level Examinees who have already passed the related papers in Professional Level. The subject wise mapping would be as under:

Certificate level (CL) Papers	Professional level (PL) Papers	CL Passed	CL Not Passed
Assurance	Audit & Assurance	PL allowed	PL Not Allowed
Accounting	Financial Accounting & Reporting	PL allowed	PL Not Allowed
Business & Finance	Business Strategy	PL allowed	PL Not Allowed
	Financial Management	PL allowed	PL Not Allowed
Management Information		-	-
Business Law	Corporate Laws and Practices	PL allowed	PL Not Allowed
Principles of Taxation	Tax Planning & Compliance	PL allowed	PL Not Allowed
Information Technology	IT Governance	PL allowed	PL Not Allowed

<sup>55</sup> Deleted by Council decision dated 12 September 2007

<sup>56</sup> Replaced by Council decision dated 07 December 2019

<b>Professional level (PL) Papers</b>	<b>Advanced level (AL) Papers</b>	<b>PL Passed</b>	<b>PL Not Passed</b>
1. Audit & Assurance 2. Financial Accounting & Reporting	1. Corporate Reporting	AL allowed	AL Not Allowed
3. Business Strategy 4. Financial Management	2. Strategic Business Management	AL allowed	AL Not Allowed

No candidate shall be allowed to appear at any paper of Advanced Level examinations until s/he has cleared all the papers of Certificate Level. Case Study of Advanced Level will be the ultimate paper which can only be attempted by the Advanced level students either after completing all the other Advanced Level papers or together with all the other papers of Advanced level. Case study can never be attempted keeping any paper of Advanced level un- attempted.)<sup>57</sup>

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<sup>57</sup> Inserted by Council decision dated 24 March 2021

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**CHAPTER X****SUSPENSION, EXCLUSION AND RESTORATION****128. Matters to be laid before the Investigation and Disciplinary Committee**

- (1) It shall be the duty of the President and/or (Chief Executive Officer)<sup>58</sup> on receipt of information or otherwise, and the right of any member or of any aggrieved person to lay before the Investigation and Disciplinary Committee any fact indicating:
  - (a) that a member has become liable to exclusion, suspension or reprimand under any provision of the Order or these Bye-laws; or
  - (b) that an Articled student has been guilty of felony or misdemeanor or has been declared by a competent court to have been guilty of fraud or has been guilty of an act or default of such a nature as to render him unfit to become a member of the Institute.
- (2) Where a complaint or information has been received by the Institute, the Council, the President or the (Chief Executive Officer)<sup>59</sup> that any member has become liable as aforesaid or that an Articled student has been guilty as aforesaid, the complaint or information etc. shall forthwith be laid before the Investigation and Disciplinary Committee.

**129. Duties of the Investigation and Disciplinary Committee**

- (1) It shall be the duty of the Investigation and Disciplinary Committee to consider the facts or complaint laid before it under the provisions of last preceding Bye-law and where it is of the opinion that the facts or complaint require investigation, it shall forthwith give to the member or Articled student notice of its intention to consider the complaint. The Investigation and Disciplinary Committee shall give such member or Articled student an opportunity of being heard before it and shall, if the member or Articled student so desires, permit such member or Articled student to be presented before it by counsel or by a solicitor or by a member of the Institute. The Investigation and Disciplinary Committee shall thereafter report to the Council the result of its enquiry and, if necessary, recommend appropriate disciplinary action, on the basis of guidelines as may be prescribed by the Council from time to time.

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<sup>58 & 59</sup> Replaced by Council decision dated 01 December 2020

- (2) The Investigation and Disciplinary Committee may, at the request of any member or Articled student, advise such member or Articled student in regard to any matter of professional conduct.

### 130. Duties of the Council

- (1) If on receipt of such report the Council finds that a complaint has not been proved, it shall record its finding accordingly and direct that the proceedings shall be filed or the complaint shall be dismissed as the case may be.
- (2) If on receipt of such report the Council finds that a complaint has been proved, it shall record a finding to that effect and shall afford to the member or the Articled student either personally or through counsel or a solicitor or a member of the Institute, an opportunity of being heard before orders are passed against him on the case, and may thereafter, keeping in view the recommendations of the Investigation and Disciplinary Committee, make any of the following orders, namely:
- (a) reprimand the member or the Articled student with or without monetary penalty as the Council in its discretion may decide. or
- ((b) Suspend, with or without monetary penalty, member from practice as public accountant or otherwise or a period not exceeding 05 (five) years and cancel his certificate of practice accordingly, as the Council thinks fit; )<sup>60</sup> or
- (c) exclude the member from membership; or
- (d) direct the cancellation of, or extend the period of articleship, or that any period already served under such articleship shall not be reckoned as such service for the purpose of relevant clause of Bye-law 117 and a person whose articleship has been so cancelled under this Bye-law shall not, except with the permission of the Council, be retained or taken as an Articled student by a member of the Institute; or
- (e) require the complaint to pay monetary penalty as may be decided by the Council in its discretion if the complaint is proved to be baseless or unfounded or malicious; and
- (3) Notice of the finding and decision of Council shall forthwith be given to the member or Articled student concerned and the decision shall thereupon take effect.

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<sup>60</sup> Replaced by Council decision dated 07 December 2019

**131. Publication of findings and decisions**

- (1) Where the Council finds that a complaint has been proved, it shall cause its findings and decisions to be published in such journals as it shall think desirable and as soon as practicable after such findings and decision are pronounced. The publication shall in all cases include the name of the member with enrolment number or Articled student with registration number concerned unless in a particular case the Council considers that there exist special circumstances which justify the omission of the names from such publication.
- (2) Where the Council finds that a complaint has not been proved, the Council may make such publication, if any, as in the circumstances of the case it considers desirable.

**132. Return of certificates in the event of suspension or exclusion**

In the event of suspension or exclusion of a member, every certificate of membership, fellowship 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 removed from the Register and shall be delivered up by the member to the (Chief Executive Officer)<sup>61</sup> in the case of suspension, to be retained during the period of suspension, or in the case of exclusion, to be cancelled.

**133. Restoration to membership**

- (1) The Council may on an application received in this behalf from a person whose name has been permanently or temporarily removed from the Register under Article 20, restore his name if he is otherwise eligible to such membership:  
  
Provided that he shall have paid before such restoration the admission fee, the restoration fee and the annual fee or fees for the year during which his name is restored, and, if his name has been removed under clauses (b) and (c) of Article 20, all arrears on account of annual membership fee and restoration fee as may be decided by the Council from time to time.<sup>62</sup>
- (2) The restoration of a name to the membership shall be notified in the Bangladesh Gazette and in such journal as the Council thinks desirable and also be communicated in writing to the person concerned.

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<sup>61</sup> Replaced by Council decision dated 01 December 2020

<sup>62</sup> Replaced by Council decision dated 13 November 2022

**134. Professional and other misconduct defined**

- (1) For the purpose of the Order and these Bye-laws, the expression "professional and other misconduct" shall be deemed to include any act or omission specified in any of these Bye-laws, Schedule 'C', Code of Ethics, or directives on accounting, auditing and professional matters as may be prescribed by the Council from time to time, but nothing in this section shall be construed to limit or abridge in any way the power conferred or duty imposed on the Council or the Investigation and Disciplinary Committee under these Bye-laws to inquire into the conduct of any member or Article student under any other circumstances.
- (2) The Council may amend, alter or substitute, from time to time, the minimum fees chargeable by a chartered accountant in practice to his clients as contained in Schedule 'E'; and may direct, that compliance with that Schedule would become mandatory from a certain date. Failure by a chartered accountant in practice to comply with that directive shall make him liable to disciplinary action.

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**CHAPTER XI****MISCELLANEOUS****135. Finances**

- (1) All moneys received by the Institute shall be paid into an account of the Institute at its bankers and the bank account(s) so maintained shall be operated upon JOINTLY by 02 (two) members of the Council or by a member of the Council and the Chief Executive Officer (CEO) or any persons who shall have been named by a resolution of the Council.<sup>63</sup>
- (2) The funds of the Institute shall be employed for such purposes as may from time to time be sanctioned by the Council and all funds not needed immediately for the ordinary purposes of the Institute may be invested by the Council in any manner as it deems fit.
- (3) The Council may from time to time borrow from a scheduled bank or from the Government any money required for meeting its liabilities on capital account or for the purpose of meeting current liabilities pending the receipt of income.
- (4) The Council shall keep 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 Council for that year shall be forwarded to the Government as soon as practicable after its adoption at the annual meeting of the Institute.

**136. Audit of accounts of the Institute**

- (1) The members at each annual meeting shall appoint two auditors who shall be members in practice, at such remuneration, if any, as the meeting shall determine. No member of the Council or a member who is in partnership with such a member shall be eligible for appointment as auditor. In the event of any vacancy occurring in the office of auditor between two annual meetings or in the event of a vacancy not being filled at an annual meeting, the said vacancy may be filled by the Council at a meeting summoned with notice of the object:

Provided that during such vacancy the continuing auditor may act alone.

- (2) The auditors shall retire at the next annual meeting after their appointment, but shall be eligible for re-appointment.
- (3) The auditors shall be nominated by two members of the Institute and such nomination shall be signed by the members nominating and by the candidates, and must reach the office of the Institute at least five weeks before the annual meeting. The auditors who are in office shall be deemed to be nominated at each

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<sup>63</sup> Replaced by Council decision dated 13 November 2022

annual meeting unless they have intimated to the (Chief Executive Officer)<sup>64</sup> their desire not to be re-elected. Notice shall be given to members and specifically to the retiring auditors of the names of all other persons nominated for appointment.

### **137. Powers and duties of the President and the Vice-President or Vice-Presidents**

- (1) The President shall exercise such powers and perform such duties as are contained in the provisions of the Order and these Bye-laws and as may be delegated by the Council or entrusted by the Standing or other Committees/Boards from time to time.
- (2) The President may direct any business to be brought before the Council or the Standing or other Committee/Board 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 or one of the Vice-Presidents, selected by the Council, shall act in his place and shall exercise the powers and perform the duties of the President.

### **138. Powers and duties of the (Chief Executive Officer)<sup>65</sup>**

Subject to the provisions of the Order and these Bye-laws and under the general supervision of the President and Standing and other Committees/Boards concerned, the (Chief Executive Officer)<sup>66</sup> shall exercise and perform the following powers and duties, namely:

- (i) being in charge of the office of the Institute as its administrative head, managing it and attending to all correspondence and other matters relating to it;
- (ii) enrolment of associates, admission as fellows, removal from the membership owing to death, restoration to membership, issuing notifications therefor and the signing of any notification on behalf of the Council, subject to the approval of the President;
- (iii) sanctioning and renewing of Certificates of practice for associates and fellows and cancelling of Certificates of practice with the prior approval of the Executive Committee;
- (iv) maintenance of all the registers, documents and Forms as required by the Order and these Bye-laws;
- (v) being in charge of all property of the Institute;
- (vi) incur revenue and capital expenditure within the limits sanctioned by the Council or the Committee; receive moneys due to the Council and issue receipts therefor; pay staff salaries and allowances; maintain or cause to maintain proper accounts and deliver the books of accounts, information, etc., to the Institute's auditors, for the purpose of audit of the accounts of the Institute;

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<sup>64, 65 & 66</sup> Replaced by Council decision dated 01 December 2020

- (vii) exercising disciplinary control over the staff except dismissal which should have the prior sanction of the President;
- (viii) admitting candidates to the examinations held under these Bye-laws and making all necessary arrangements for the conduct of examinations of the Institute;
- (ix) refunding or transferring fees received in accordance with these Bye-laws for the examinations, enrolments, issue of Certificates of practice and allied matters;
- (x) registering and noting of suspension, cancellation and termination of articleship;
- (xi) appointing solicitors or advocates and filing papers in Courts, etc., on behalf of the Council, subject to the approval of the President;
- ((xii) Leading the development of ICAB's long and short-term strategies in the technical, operational, and financial areas to regulate the profession;
- (xiii) Developing strategies and policies required to meet the goals of the Institute;
- (xiv) Ensuring that the Institute and its mission, programs, and services are consistently presented in strong, positive image of the profession to the relevant stakeholders nationally and internationally;
- (xv) Maintaining effective working relationship and liaison with the Government, regulatory and trade bodies, national and international stakeholders; and
- (xvi) Being responsible for overall management of the day to day activities of the Institute.)<sup>67</sup>
- (xvii) performing such other duties and functions as are incidental and ancillary to and may be required for the performance of the above duties and exercising such other powers as may be delegated by the Council, the Committees or the President from time to time.

### 139. Indemnity

- (1) The members of the Council, officers 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 may happen from their own respective wilful default, or in the case of an auditor, his own negligence or willful default or that of any partner or employee of such auditor.

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<sup>67</sup> Replaced by Council decision dated 01 December 2020

- (2) No member of the Council, officer or auditor shall be liable for any other member of the Council, officer or auditor, or for signing any receipt or document, or for any act of conformity, or for any loss or expense happening to the Institute, unless the same happens from his own willful default, or in the case of an auditor from his own negligence or wilful default or that of any partner or employee of such auditor.

#### **140. Constitution of Articled student's association**

- (1) There shall be an Articled students' association of the Institute. The objects of the association, its functions, membership, election of office bearers, management and other allied matters shall be governed by the provisions contained in the constitution framed by the Articled students.
- (2) Any person who becomes an Articled student, shall become a member of the Articled students' association and shall pay such fee as may be decided by the Council from time to time alongwith his application for registration of his deed of articles. The amount so collected shall be transferred to the Articled students' association by the Council. The Council may make such financial grants to the Articled students' association as may be decided by it from time to time and shall provide suitable office accommodation for it.

#### **141. Method of payment of fees**

All fees prescribed under these Bye-laws shall be made payable to the Institute in such manner as the Council may direct.

#### **142. Publication of list of members**

The Council shall publish the list of members required under clause (3) of Article 19 in any manner as it thinks fit and may distinguish between proprietorship and partnership firms, firms with foreign affiliation, associates and fellows in practice and between the associates and fellows not in practice. Such publication shall be supplied to members and others gratuitously or at such prices as the Council shall from time to time determine.

#### **143. Custody and use of Seal**

- (1) Unless otherwise decided by the Council, the Seal shall be kept under the custody of the (Chief Executive Officer)<sup>68</sup>,
- (2) The Seal shall not be affixed to any instrument except by order of the Council and in the presence of the President or two members of the Council and every such instrument shall be signed by the President or two members of the Council in whose presence the Seal is affixed, and by the (Chief Executive Officer)<sup>69</sup>.
- (3) The Council shall maintain a register in the prescribed Form to record therein the documents to which the Seal has been affixed.

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<sup>68 & 69</sup> Replaced by Council decision dated 01 December 2020

**144. Chartered accountant in practice not to engage in any other business or occupation**

A chartered accountant in practice shall not engage in any business or occupation other than the profession of accountancy except with the permission granted in accordance with a resolution of the Council.

**145. Chartered accountants may practice only under one name**

A chartered accountant in practice may practise only under one name and style either as a proprietor or in partnership with a chartered accountant or chartered accountants in practice.

**146. Part-time employments a chartered accountant in practice may accept**

Notwithstanding anything contained in Bye-law 144 but subject to the control of the Council, a chartered accountant in practice may act as a liquidator, trustee, executor, administrator, arbitrator, receiver, adviser or representative for costing, financial, company law and taxation matters or may take up an appointment that may be made by the Government, or a court of law or any other authority established under any law, or may act as a (Chief Executive Officer)<sup>70</sup> in his professional capacity provided his employment is not on a salary-cum-full-time basis.

**147. Location of the office of the Council**

The headquarters of the Council shall be located at Dhaka or any other such place as may be notified by the Council in this behalf.

**148. Deleted<sup>71</sup>**

<sup>70</sup> Replaced by Council decision dated 01 December 2020

<sup>71</sup> Deleted by Council decision dated 26 September 2007