

SENATE OF PAKISTAN



FIFTEENTH PARLIAMENTARY YEAR 2017-2018

REPORT NO. 2 of 2017

**REPORT OF THE SENATE STANDING COMMITTEE ON
FEDERAL EDUCATION AND PROFESSIONAL TRAINING**

ON

**“THE APPRENTICESHIP BILL, 2017” PRESENTED BY MR. BALIGH-UR-
REHMAN IN THE SENATE SITTING HELD ON 25TH OCTOBER, 2017**

PRESENTED BY
SENATOR RAHILA MAGSI

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON FEDERAL EDUCATION AND
PROFESSIONAL TRAINING

I Senator Rahila Magsi, Chairperson of the Standing Committee on Federal Education and Professional Training, have the honor to present report on the behalf of the Committee on the Bill titled "The Apprenticeship Bill, 2017" moved by Mr. Muhammad Baligh-ur-Rehman, Minister of State for Federal Education and Professional Training on 25th October, 2017 in the House and referred to the Standing Committee for consideration and report.

2. The following is the composition of the Committee.

1.	Senator Ms. Rahila Magsi	Chairperson
2.	Senator Pervaiz Rashid	Member.
3.	Senator Malik Najmul Hassan	Member
4.	Senator Khusbakht Shujat	Member
5.	Senator Hasil Khan Bizenjo	Member
6.	Senator Gul Bashra	Member
7.	Senator Mushahid Hussain Syed	Member
8.	Senator Nuzhat Sadiq	Member
9.	Senator Sehar Kamran	Member
10.	Senator Nauman Wazir Khattak	Member
11.	Senator Muhammad Azam Khan Swati	Member
12.	Minister for Federal Education and Professional Training	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 15th November, 2017 in Committee Room No.4, Parliament House, Islamabad. Senator Rahila Magsi presided the committee meeting. Meeting was attended by the following Members and Mover:-

i.	Senator Rahila Magsi	Chairperson
ii.	Senator Muhammad Azam Khan Swati	Member
iii.	Senator Pervaiz Rashid	Member
iv.	Senator Gul Bashra	Member
v.	Senator Nuzhat Sadiq	Member
vi.	Senator Sehar Kamran	Member
vii.	Senator Nauman Wazir Khattak	Member
viii.	Senator Mian Muhammad Ateeq Shaikh	Mover
ix.	Mr. Baligh-ur-Rehman	Ex-Officio Member
	Minister for Federal Education & Professional Training	

4. After detailed discussions and examining the input from the Ministry of Federal Education and Professional Training, the members raised no objection to the Bill. The Standing Committee unanimously recommended that the Apprenticeship Bill, 2017 as introduced in the House may be passed by the Senate.

5. The Bill as introduced in the Senate is placed at Annexure A


(FAIQA ABDULHAYE)
Secretary Committee


(SENATOR RAHILA MAGSI)
Chairperson Committee

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to make provisions for promoting, developing and regulating systematic apprenticeship programmes in the establishments for securing certain minimum standards of skill

WHEREAS it is expedient to make provisions for promoting, developing and regulating systematic apprenticeship programmes in the establishments and for securing certain minimum standards of skill and for matters connected therewith or incidental thereto;

It is hereby enacted as under:-

1. Short title, extent and commencement.- (1) This Act may be called the Apprenticeship Act, 2017.

(2) It extends to such areas in the Federation as are not included in any province.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(a) **“apprentice”** means a person who is undergoing into a trade, graduate or technician apprenticeship training, hold a technical vocational qualification, diploma or a degree from a recognized institution, in pursuance of a contract of apprenticeship including those in informal sector but shall not be treated as worker or any class of workers other than trainee;

(b) **“apprenticeship”** means a system of training which combines practical training in an establishment and

theoretical training in a registered institute in pursuance of a contract of apprenticeship;

- (c) **“apprenticeship fund”** means the fund established under section 6;
- (d) **“authority”** means the National Vocational and Technical Training Commission established under the National Vocational and Technical Training Commission Act, 2011 (XV of 2011);
- (e) **“Board”** means a Trade Testing Board or Board of Technical Education or any other body set up by the Federal Government for conducting assessment, testing and certification in respect of apprentices;
- (f) **“competent authority”** means such officer not below the rank of BPS-20 of the Federal Government as the authority may, by notification in official Gazette, appoint to be a competent authority for the purposes of this Act;
- (g) **“designated trade”** means any trade or occupation or any subject, field in engineering, technology, service, vocation or management;
- (h) **“employer”** means any person who employs another person in an establishment, including an employer who has an ultimate control over the affairs of an establishment or is responsible to its owner for those affairs;
- (i) **“establishment”** means an industrial, commercial, business, mining, exploration, services or any other organization including those in informal sector as the competent authority may, by notification in the official Gazette, specify;

- (j) **"informal apprenticeship"** means an informal system of training in which apprentices or workers are being trained and gaining skills for a designated trade at an establishment;
- (k) **"National Vocational Qualification Framework" or "NVQF"** means the National Vocational Qualification Framework set up by the authority to determine, define and manage technical and vocational qualifications including those for apprenticeship;
- (l) **"prescribed"** means prescribed by rules;
- (m) **"rules"** means rules made under this Act; and
- (n) **"stipend"** means a monthly emolument paid by an employer to apprentices during entire period of training at a rate of minimum of fifty percent of minimum wages prescribed by the Federal Government.

3. Apprenticeship contract.— (1) No person shall be engaged as an apprentice to undergo apprenticeship in a designated trade unless such person enters into an apprenticeship contract with the employer as may be prescribed by the authority.

(2) Every apprenticeship contract entered into under sub-section (1) shall be sent by employer within prescribed period to the competent authority for registration.

(3) The competent authority shall not register an apprenticeship contract unless it is satisfied that the person described as an apprentice in contract possesses prescribed minimum eligibility requirement.

4. Termination of apprenticeship contract.— (1) The apprenticeship contract shall terminate on completion of the period of apprenticeship.

(2) Either party to the apprenticeship contract may in writing inform the other party for termination of the contract during its

pendency. Such application shall be sent by post to the other party of the contract. If both parties agreed, the contract shall be terminated accordingly.

(3) If a party is aggrieved of such termination it shall submit its grievance to the authority and decision of the authority thereon shall be final:

Provided that where a contract is terminated in case of failure on the part of the –

- (a) employer to carry out the terms and conditions of the contract, the employer shall pay to the apprentice an amount equal to double the amount of stipend for the remaining period;
- (b) apprentice, he shall refund to the employer cost of training which shall not exceed the amount of three months stipend paid, however, this condition shall be waived of by the competent authority on genuine grounds or unavoidable circumstances which compel an apprentice to terminate the apprenticeship contract.

5. Apprenticeship committees.– The authority may, by notification in official Gazette, constitute such apprenticeship committees under the chairmanship of an employer with forty percent representation from employers, forty percent from the Federal Government and twenty percent from elected workers to monitor and advise the competent authority on matters relating to apprenticeship as may be prescribed.

6. Apprenticeship fund.– (1) The authority may establish a fund to be called the apprenticeship fund for carrying out its functions. The apprenticeship fund may also be used for-

- (a) promotion of apprenticeship training;
- (b) reimbursement of partial cost of training not exceeding fifty percent to employers as may be prescribed; and

(c) welfare schemes for apprentices.

(2) The Federal Government shall provide funds and annual grants, for the purposes of this Act, to the authority which shall be deposited in the apprenticeship fund.

(3) All receipts of the authority relating to this Act in any form whatsoever including the fees etc., deposited under this Act shall be credited to the apprenticeship fund.

(4) The mechanism for operation of the apprenticeship fund shall be prescribed by the authority on the advice of apprenticeship committee with prior approval of the Federal Government.

7. Obligations of employers.- Subject to other provisions of this Act and rules made thereunder, an employer shall -

- (a) be bound to ensure proper compliance with the provisions of this Act and the rules made thereunder in his establishment;
- (b) introduce and operate an apprenticeship programme in his establishment within such time as may be prescribed;
- (c) train apprentices in a proportion of minimum five percent or more of the total number of persons employed on an average, in his establishment, or in such other proportion as the competent authority may, by order in writing, determine in respect of his establishment:

Provided that, if an employer chooses not to train apprentices in proportion as required under this Act, he shall pay training contribution to apprenticeship fund which shall be in proportion to training cost he would have otherwise incurred in meeting his liability or he may get required number of persons trained from any other establishment at his cost;

- (d) be responsible to ensure that an apprentice receives within the normal working hours related theoretical instructions to the extent as may be specified by the authority;
- (e) bear the cost of training of apprentices during his apprenticeship within the industry, excluding the cost of training at an institute, which shall be borne by the authority;
- (f) not, without the approval in writing of the competent authority, engage any person as an apprentice who has been an apprentice with another employer and has left his apprenticeship or been terminated by such other employer on disciplinary grounds; and
- (g) be responsible to notify well in time an apprenticeship opportunity including job openings in his establishment on designated websites of the authority in a manner as the competent authority may specify.

8. Obligations of apprentices.— (1) Subject to other provisions of this Act and the rules, an apprentice shall –

- (a) learn his trade conscientiously and diligently and shall endeavor to qualify himself as a skilled worker on the completion of his apprenticeship;
- (b) attend the practical training and related theoretical instructions according to the programme laid down by the employer;
- (c) carry out all lawful orders of the employer or his representative relating to his apprenticeship and shall fulfill his obligations under the contract of apprenticeship;

- (d) submit himself to any assessment, test or examination held from time to time for assessing the progress of his training;
- (e) in case any grievance against his employer arising out of his apprenticeship, approach the competent authority for redressal of the grievance. If the same is not redressed, shall abide by decision of the competent authority; and
- (f) not, except with prior approval in writing of the competent authority, leave his apprenticeship after completion of his probationary period as may be prescribed.

(2) Without prejudice to anything contained in any other law for the time being in force, if any apprentice fails to carry out terms of the apprenticeship contract or, during the period of his training, voluntarily quits such apprenticeship or there are continued adverse reports regarding the progress of his training or he is terminated for misconduct which include insubordination and breach of the rules shall be liable to the payment of such refund of expenses and compensation as may be prescribed which shall not be more than three stipends paid to him during period of training.

(3) An apprentice shall be bound to obtain and get renewed on periodical basis his registration to be recognized as skilled worker or technician or professional in a designated trade in which he has successfully completed apprenticeship training in a manner as may be prescribed.

9. Counseling and placement service.— The authority shall –

- (a) establish facilities for career counseling and placement of the apprentices at such places and in such manner as may be prescribed;
- (b) publish periodical newsletters, information bulletins in print and electronic media including authority's website

on career counseling and placement services including information on but not limited to new and emerging trades, market skills, trends and employment opportunities; and

- (c) publish an annual report on progress of apprenticeship training programme.

10. Advice and guidance to employers.— Subject to the provisions of this Act and the rules, the competent authority shall offer to the employers all possible technical advice and guidance in all matters relating to the apprenticeship programme run by the employers in their establishments in accordance with the provisions of this Act and the rules.

11. Powers of entry, inspection etc.— (1) Subject to any rules made in this behalf, the competent authority shall evolve and implement an effective monitoring and evaluation system and may-

- (a) with such assistants, if any, as it thinks fit, enter, inspect and examine an establishment or part thereof at any reasonable time;
- (b) examine any apprentice employed therein or require the production of any register, record or other documents maintained in pursuance of this Act and take on the spot or otherwise statement of any person which it may consider necessary for carrying out the purposes of this Act;
- (c) make such examination and inquiry as it may deem fit in order to ascertain whether the provisions of this Act and the rules are being observed in the establishment; and
- (d) exercise such other powers as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), no person shall be compelled under this section to answer any question or

make any statement, which may tend directly or indirectly to incriminate him.

12. Delegation of powers.— Subject to any rules made in this behalf, the competent authority may, by order in writing, direct that any power conferred upon it by or under this Act shall be exercisable also by such officer subordinate to it and subject to such conditions as may be specified in the order.

13. Penalties and procedure.— (1) If any employer —

- (a) fails to engage the number of apprentices he is required to engage under this Act; or
- (b) fails to carry out the terms and conditions of a contract of apprenticeship; or
- (c) refuses or neglects to furnish any information required to be furnished by him; or
- (d) furnishes or causes to be furnished any information which is not believed to be true; or
- (e) refuses or neglects to afford the competent authority or an officer authorized by it, any reasonable facility for making an entry, inspection, examination or inquiry authorized by or under this Act and the rules; or
- (f) engages an apprentice otherwise than in accordance with the provisions of this Act and the rules; or
- (g) otherwise contravenes any provisions of this Act and the rules,

he shall be liable to a penalty which may extend up to twice the amount required to be paid as minimum stipend for the period of non-compliance to the minimum number of apprentices as required to be trained under this Act. The amount of any fine shall be deposited in the apprenticeship fund.

(2) The authority may determine and decide the penalty under this Act:

Provided that an aggrieved person may file an appeal to the authority through apprenticeship committee within thirty days of imposition of a penalty under this Act. The decision of the authority thereon shall be final.

14. Power to exempt.— The Federal Government may, on advice of the authority, in consultation with apprenticeship committee and by notification in the official Gazette, exempt conditionally, any establishment or class of establishment from all or any of the provisions of this Act for not more than one year, in case of natural calamity.

15. Saving.— Nothing in this Act applies to an establishment which has not been in existence at least for a period of two years.

16. Act to override other laws.— The provision of this Act shall have overriding effect notwithstanding anything to contrary contained in any other law for the time being in force.

17. Powers to make rules.— (1) The authority shall, with approval of the Federal Government and in consultation with apprenticeship committee, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) method and conditions of engagement, selection and the period of probation of apprentice;
- (b) conditions and terms of a contract of apprenticeship;
- (c) method and procedure governing settlement of disputes between an apprentice and his employer;
- (d) working hours, leave and holidays for apprentices;

- (e) system, condition and procedure for formalizing informal apprenticeships including recognition of prior learning of informal sector apprentices;
- (f) conditions of employment of apprentices after training;
- (g) procedure for registration or licensing apprentices and its renewal;
- (h) procedure of discipline, welfare, supervision and control of apprentices;
- (i) forms of records to be maintained by the employers pertaining to the training of apprentices;
- (j) assessment procedure, periodical tests, final examination and grant of certificates on successful completion of training;
- (k) composition, constitution and functions of, and filling of vacancies in, the apprenticeship committee and procedure to be followed by such committee in discharge of its functions;
- (l) training of female and disabled persons;
- (m) code of conduct and ethics;
- (n) environment, health and safety; and
- (o) welfare schemes for apprentices including but not limited to health insurance, group insurance etc. during the entire period of training.

18. Repeal.— The Apprenticeship Ordinance, 1962 (LVI of 1962) is hereby repealed to the extent of such areas in the Federation as are not included in any province.

STATEMENT OF OBJECTS AND REASONS

The Government of Pakistan encourages to developing, promoting and regulating systematic apprenticeship programme in the industry to secure certain minimum standards of skills and vocational training facilities in various fields. The Federal Education and Professional Training have proposed a draft the Apprenticeship Bill, 2017.

2. The Bill is designed to achieve the aforesaid object.

MUHAMMAD BALIGH-UR-REHMAN,
Minister for Federal Education and
Professional Training

SENATE SECRETARIAT

MINUTES OF THE MEETING OF THE SENATE STANDING COMMITTEE ON FEDERAL EDUCATION AND PROFESSIONAL TRAINING HELD ON 15TH NOVEMBER, 2017

A meeting of the Senate Standing Committee on Federal Education and Professional Training was chaired by Senator Rahila Magsi on 15th November, 2017 at 11.30 a.m. in Committee Room No.4, Parliament House, Islamabad.

2. The agenda before the Committee was as under:-

- i. Discussion on the Federal Universities (Amendment) Bill, 2017, moved by Senator Mian Muhammad Ateeq Shaikh
- ii. Public Petition No.1996 submitted by Mr. Muhammad Akmal on the plight of the Students of Islamabad Law College versus Higher Education Commission and Islamia University, Bahawalpur.
- iii. Discussion on the Public Petition No. 1960 submitted by student of Institute of Space Technology Islamabad (IST) pertaining to programme of Aircraft Maintenance i.e. Modules B-1, B-2, addressed to the honorable Chairman Senate of Pakistan.
- iv. Discussion on the Bill to make provisions for promoting, developing and regulating systematic apprenticeship programmes in the establishments for securing certain minimum standards of skill [The Apprenticeship Bill, 2017] moved by Mr. Muhammad Baligh-Ur-Rehman, Minister for Federal Education and Professional Training.
- v. Comprehensive briefing by HEC regarding different fake/not recognized educational institutions in Islamabad displaying photos of the Minister/Ministers to show that their authenticity and issuing diplomas/degrees explain their legal status and actions taken by HEC against them.
- vi. To follow-up/implementation status of the recommendations made by the Standing Committee in its previous meeting.
- vii. Any other item with permission of the Chair.

3. The following Members of the Committee and Mover attended the meeting:-

i.	Senator Rahila Magsi	Chairperson
ii.	Senator Muhammad Azam Khan Swati	Member
iii.	Senator Pervaiz Rashid	Member
iv.	Senator Gul Bashra	Member
v.	Senator Nuzhat Sadiq	Member
vi.	Senator Sehar Kamran	Member
vii.	Senator Nauman Wazir Khattak	Member
viii.	Senator Mian Muhammad Ateeq Shaikh	Mover
ix.	Mr. Baligh-ur-Rehman	Minister

4. The meeting started with the recitation of Holy Quran. Chairperson of the committee welcomed all the participants.

Agenda Item Number I.

Discussion on the Federal Universities (Amendment) Bill, 2017, moved by Senator Mian Muhammad Ateeq Shaikh

5. Agenda Item No.1 was deferred on the request of the mover of the bill, for next meeting.

Agenda Item Number II

Public Petition No.1996 submitted by Mr. Muhammad Akmal on the plight of the Students of Islamabad Law College versus Higher Education Commission and Islamia University, Bahawalpur.

6. Public Petition was thoroughly discussed during the meeting. The petitioner and Chairman Higher Education Commission explained their respective point of view during the meeting. The Committee Members were of the view that the matter

is pending in Islamabad High Court (Intra Court Appeal) according to the rules, the Petition No. 1996 is subjudice and can't be discussed till court passes any judgment, therefore the petition is disposed off.

7. The Chairman explained that Islamabad Law College applied for NOC in 2012. The HEC committee visited the college in 2012 and informed about the weaknesses and shortfalls in standards and procedures and it was given a NOC for 6 months. The College kept printing Provisional NOC. In 2014, HEC black listed the college but Court gave stay order, exams were conducted on order of the Court. Now the students of 1st Year want that their result should be announced, at least they should be given pass certificate of 1st year so they may be able to get admission in any other college for 2nd Year of Law. Despite many lapses, the college admitted fresh students in 2014 and now the case is in the Court.

8. Senator Sehar Kamran said that we are giving education but not increasing the awareness. Senator Nauman Wazir Khattak said that HEC has not fulfilled its responsibility as private sector institutions often resort to such practices and HEC gave permission in 2012 and stopped in 2014. He said if HEC doesn't fulfil its role with responsibility who else will do the job. There should be some standards and those must be implemented, even if the students have gone to the court. HEC has failed to perform its role responsibly.

9. Senator Rahila Magsi, Chairperson of the Committee, took keen interest in problem of the Law Students. She directed, that the matter is pending in High Court, but in the meantime Minister for Federal Education and Professional Training and Chairman, Higher Education Commission should find any suitable solution for the students.

10. Senator Nauman Wazir Khattak expressed with great concern that the quality of higher education is very poor in Pakistan and there is no Pakistani university which is listed in the ranking of top 450 institutions of the world.

11. The Chairperson endorsed the observations/comments made by Senator Nauman Wazir Khattak and she further said that the Quality Assurance Wing of HEC is not functioning properly as it was their main responsibility to check quality and standards of Education.

12. The Chairperson Rahila Magsi also stressed on the need for improving the level and quality of education.

13. Senator Sehar Kamran was also of the view that the students should not suffer. Senator Sehar Kamran suggested that information about the blacklisted universities should be disseminated through public service messages and as per the PEMRA rules, all channels can broadcast such messages on very low rates.

14. Senator Sehar Kamran mentioned that her resolution for civic education was unanimously approved by the House but the Minister has not yet responded. Civic education is important for every citizen as it empowers them by creating awareness about the rights, duties of citizens and knowledge about the Constitution. The Minister accepted that lack of civic education is a shortcoming, such as the younger generation is not aware about the basic traffic rules, benefits of democracy and awareness about their rights and duties, etc. Provision of Civic Education is

imperative for becoming a responsible citizen. The curriculum is being revised it will also incorporate civic education on federal level.

Agenda Item No.III

Discussion on the Public Petition No. 1960 submitted by student of Institute of Space Technology Islamabad (IST) pertaining to programme of Aircraft Maintenance i.e. Modules B-1, B-2, addressed to the honorable Chairman Senate of Pakistan.

15. The public petition 1960 was thoroughly discussed during the meeting. The petitioners also got the chance to explain their point of view, the Vice Chancellor of the university gave assurance that the grievances will be properly addressed. The Public Petition 1960 was therefore disposed of.

The Chairperson directed the University Administration to meet parents of students and address their genuine grievances.

Agenda Item No.IV

Discussion on the Bill to make provisions for promoting, developing and regulating systematic apprenticeship programmes in the establishments for securing certain minimum standards of skill [The Apprenticeship Bill, 2017] moved by Mr. Muhammad Baligh-Ur-Rehman, Minister for Federal Education and Professional Training.

16. The agenda item Number 4 "Apprenticeship Act 2017" was discussed. The Minister informed that they are working on the Act since 2013-14. Apprenticeship is very low in Pakistan to an alarming extent which results in lack of practical knowledge as the students graduate from educational institutions. 60% of 207 million people (total population as per census of 2017) comprises of youth which must be given practical knowledge and skills.

17. The apprenticeship bill 2017 was unanimously passed by the Committee.

18. The Committee members decided amongst themselves, that a meeting will be held on November 22 with the Minister to discuss about amendment on the bill. The bill will be approved for the time being and any amendments will be introduced in form of a new bill (as Apprenticeship 2017 amendment bill) which will be fully supported by the Minister.

Agenda Item No. V

Comprehensive briefing by HEC regarding different fake/not recognized educational institutions in Islamabad displaying photos of the Minister/Ministers to show their authenticity and issuing diplomas/degrees, explaining their legal status and actions taken by HEC against them.

19. The Agenda item number five was about fake and de-recognized institutions in Islamabad. Chairman HEC requested for an in-camera briefing as very influential people are involved in this matter and he needed two hours for presenting the facts. Therefore on his request the matter was deferred.

Recommendations

1. The Senate Committee unanimously decided that it is the responsibility of HEC to prevent any blacklisted educational institution from operations/admissions. It must act to safeguard the interests of students in terms of career and education.
2. HEC must improve effectiveness of its Quality Assurance Cell (QEC).
3. HEC must ensure that information is broadly disseminated amongst all stakeholders whenever an institution is blacklisted. HEC will also send notices informing all students enrolled in such institutes about the blacklisting.

4. HEC must maintain close liaison with Public Service Broadcasters to share information about fake and blacklisted institutes.
 5. HEC should more focus on quality education.
 6. Civic Education should be made a compulsory part of revised curriculum.
20. The meeting was ended with a vote of thanks from the Chair.

Faiza Abdulhay
(FAIQA ABDULHAYE)
Secretary Committee

Rahila Magso
(SENATOR RAHILA MAGSI)
Chairperson Committee