

REGISTERED No. S. 1033
L-7646

Act No. XL - XLIX

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, JUNE 29, 1973

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY OF PAKISTAN

Islamabad, the 29th June, 1973

The following Acts of the National Assembly received the assent of the President on the 27th June, 1973, and are hereby published for general information :—

ACT No. XLIX OF 1973

An Act to make provision for promoting developing and regulating systematic apprenticeship programmes for educated persons to equip them for securing gainful employment

WHEREAS it is expedient to make provision for promoting, developing and regulating systematic apprenticeship programmes for educated persons to equip them for securing gainful employment and to provide for matters ancillary or incidental thereto;

It is hereby enacted as follows :—

PRELIMINARY

1. **Short title, extent, commencement and application.**—(1) This Act may be called the National Development Volunteer Programme Act, 1973.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) It applies to every Government establishment and to every industrial establishment and commercial establishment wherein fifty or more workmen are employed or were employed on any day of the preceding twelve months, and to such other class of industrial or commercial establishments as the Federal Government may from time to time, by notification in the official Gazette, specify in this behalf.

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

- (a) “commercial establishment” and “industrial establishment” shall respectively have the meaning assigned to them in the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (*W. P. Ordinance No. VI of 1968*);
- (b) “Director-General” means the Director-General of the Programme and includes such other officer as the Federal Government may appoint to exercise or perform all or any of the powers or functions of Director-General under this Act;
- (c) “educated person” means a person who possesses such academic qualifications as the Federal Government may from time to time, by notification in the official Gazette, specify;
- (d) “establishment” means a Government establishment, a commercial establishment or an industrial establishment;
- (e) “Fund” means the National Development Volunteer Programme Fund established under section 15;
- (f) “Government establishment” includes any autonomous or semi-autonomous body, university, college, professional school and any organization controlled or managed by the Federal Government or a Provincial Government;

- (g) "prescribed" means prescribed by rules;
- (h) "Programme" means the National Development Volunteer Programme put into effect by the Federal Government on the 30th April, 1973;
- (i) "register" means a register maintained at a Centre under sub-section (3) of section 5, and "registered" shall be construed accordingly;
- (j) "rule" means rule made under this Act;
- (k) "volunteer" means a person registered under section 5 and placed under this Act for filling a regular vacancy in, or for on-the-job training or apprenticeship with, an establishment, or for survey and studies, or for work in the National Development Volunteer Corps.

3. **Director-General.**—(1) There shall be a Director-General of the Programme who shall be appointed by the Federal Government on such salary and terms and conditions as the Federal Government may determine and shall be the chief executive of the Programme.

(2) (a) The Director-General shall hold office during the pleasure of the Federal Government.

(b) The Director-General may, by writing under his hand and addressed to the Federal Government, resign his office.

(3) In the discharge of his functions, the Director-General shall be guided on questions of policy by the instructions, if any, given to him from time to time by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

4. **Functions of the Programme.**—The functions of the Programme shall be—

- (a) to register educated persons seeking employment;
- (b) to secure information about job opportunities for such educated persons;
- (c) to train such educated persons to make them better equipped for securing gainful employment;
- (d) to secure gainful employment for unemployed educated persons;
- (e) to provide job counselling and advise to **educated persons**;
- (f) to maintain an up-to-date inventory of skills and job opportunities concerning internal and external requirements;
- (g) to forecast future educated manpower requirements for various professions and skills in different regions;
- (h) to advise Government and any other authority or person concerned on the adjustment of the economy to technological change and foreign competition;
- (i) to initiate any other action to ensure the proper utilisation of the services of Pakistani educated persons, through training, conversion of skills and other measures for increasing inter-sectoral mobility.

5. Registration of educated persons.—(1) The Federal Government may establish such number of National Development Volunteer Registration Centres, hereinafter referred to as the Centre, as it may determine.

(2) Subject to the provisions of this Act, every educated person seeking employment who has attained the age of twenty years and has not attained the age of forty-five years may get himself registered at any Centre.

(3) For the purpose of registration of persons referred to in sub-section (2), there shall be maintained at each Centre a register in such form and manner as may be prescribed.

6. Statement of vacancies, etc.—(1) Every establishment shall, at prescribed intervals, submit to the Director-General in the prescribed form a statement of regular vacancies in the establishment and of facilities available in the establishment for on-the-job and apprenticeship training for educated persons with different levels of educational qualifications.

(2) If, on the basis of a statement received from an establishment under sub-section (1), or on the basis of a survey of such establishment conducted by an officer appointed by him for the purpose, the Director-General is satisfied that a regular vacancy or training facility exists in the establishment, he may make a declaration that such vacancy or training facility exists and give notice thereof to the establishment for the purpose of placement of a volunteer.

7. Placement of educated persons in establishments.—(1) The Director-General shall, by order in writing, place suitably qualified registered persons with establishments for filling regular vacancies and for on-the-job training or apprenticeship.

(2) Every establishment shall accept the placement under sub-section (1) of persons for filling regular vacancies or for on-the-job training or apprenticeship on such terms and conditions and for such period as may be prescribed.

(3) An establishment with which a person is placed under sub-section (1) shall issue orders for the placement of such person within fourteen days of the receipt of the order under sub-section (1).

(4) A notice under sub-section (2) of section 6 or an order under sub-section (1) shall, notwithstanding the fact that it is miscarried or the envelop or wrapper containing it is returned with the postal endorsement "addressee is untraceable" or any other like endorsement, be deemed to have been served on the fifteenth day following the day on which the envelop or wrapper is posted, if it is properly addressed, prepaid and posted on the last address given by the candidate.

(5) A sworn affidavit in writing under the signature of an employee of the Programme whose duty it is to address, pre-pay and post letters on behalf of the Programme to the effect that the envelop or wrapper containing a notice under sub-section (2) of section 6 or an order under sub-section (1) was addressed, pre-paid and posted, shall be conclusive evidence of its having been so addressed, pre-paid and posted.

(6) A volunteer placed with an establishment shall be under the disciplinary control and authority of that establishment.

8. Placement of persons abroad.—The Federal Government may provide facilities for the placement abroad of persons willing to be so placed.

9. Assistance to educated persons for setting up self-managed projects.—The Federal Government may provide assistance to trained educated persons in obtaining finances from various financing agencies for setting up self-managed projects.

10. Training of educated persons.—(1) The registered educated persons may be imparted on-the-job or apprenticeship training, advanced or re-orientation training or motivational training to better equip them to secure gainful employment.

(2) The training shall be imparted in the institutions already available or in institutions that may be established under the Programme.

11. Vocational guidance to educated persons.—The Director-General shall provide vocational guidance to educated persons to enable them to choose the right profession or trade according to their aptitude and inclination.

12. Surveys and studies.—The Director-General may employ registered persons for conducting such surveys and studies, either directly under himself or through suitable institutions, as he may consider necessary for the implementation of the Programme.

13. National Development Volunteer Corps.—(1) The Director-General may establish a National Development Volunteer Corps by recruiting registered persons on such terms and conditions as may be prescribed.

(2) The volunteers shall be required to work anywhere in Pakistan on such development programmes or such subsidiary or auxiliary programmes, whether in urban or rural areas, as may be prescribed.

14. Advisory committees.—(1) The Director-General may set up as many advisory committees as he may consider necessary to advise on the satisfactory implementation and expansion of the Programme.

(2) The members of an advisory committee shall be selected by the Director-General from amongst various professions and trades.

15. Fund.—(1) There shall be established a fund to be known as the National Development Volunteer Programme Fund.

(2) The Fund shall consist of—

- (a) grants made by the Federal Government, a Provincial Government and local bodies;
- (b) contributions made by the commercial and industrial establishments; and
- (c) income from other sources.

16. Payment of salaries to volunteers.—(1) Every volunteer placed with an establishment, other than against a regular vacancy under section 7, shall be paid such salary and in such manner as may be prescribed.

(2) Such proportion of the salary payable to a volunteer as may be prescribed shall be payable by the establishment with which he is placed.

(3) The salary of a volunteer placed against a regular vacancy under section 7 shall be paid by the establishment concerned.

17. Facilities to volunteers.—Every volunteer placed with an establishment shall be entitled to such medical and welfare facilities, weekly and festival holidays, rest intervals during the period of work and compensation for injury

or disability as are admissible to other employees in that establishment having educational qualifications comparable with those of the volunteer.

18. Termination of registration.—When a registered person secures a regular job, his name shall be removed from the register, but, if subsequently he loses his job for no fault or his, he shall be entitled to get himself registered again.

19. Accounts and audit.—(1) The moneys in the Fund shall be kept with the State Bank of Pakistan or with any scheduled bank with the approval of the Federal Government.

(2) The accounts of the Programme shall be maintained in such form and manner as the Auditor-General of Pakistan may determine in consultation with the Federal Government.

(3) The accounts of the Programme shall be audited by one or more auditors who are chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), and are appointed by the Director-General in consultation with the Auditor-General of Pakistan.

20. Delegation of Powers.—The Director-General may, by general or special order in writing, direct that such of his powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer of the programme as may be specified.

21. Inquiry against refusal to accept, or discontinuance of, service and penalty for such refusal, etc.—(1) If an establishment refuses to accept the placement of any registered person, or discontinues the service of a volunteer without proper cause, such person or volunteer may make a complaint in writing to the Director-General.

(2) As soon as a complaint is received under sub-section (1), the Director-General shall cause an inquiry to be held about the complaint.

(3) If, after the inquiry, it is held that the complaint was genuine, the Director-General shall order the establishment to pay a penalty not exceeding four times the salary payable to the registered person, or, as the case may be, volunteer for the period he was refused placement or for the period his service remained discontinued, or for a period of one year, whichever is less; and any amount so payable shall be recoverable from the establishment as an arrear of land revenue.

(4) If, after the inquiry, it is held that the registered person or volunteer had mis-stated the facts or was discharged by the establishment on disciplinary grounds, his name shall be removed from the register and shall not be registered again.

22. Appeal.—A person or an establishment aggrieved by an order made under section 21 may, within a period of fifteen days from the passing of such order, prefer an appeal to the Federal Government whose order shall be final.

23. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in

good faith done or intended to be done in pursuance of this Act or any rule or order made under this Act or any such rule.

(2) No order made in exercise of any power conferred by or under this Act or the rules made thereunder shall be called in question in or stayed by any court.

24. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

25. Repeal.—The National Development Volunteer Programme Ordinance, 1973 (XII of 1973) is hereby repealed.

ASLAM ABDULLAH KHAN,
Secretary.

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 10th June, 1973 containing the President's Order No. 9 of 1973

- Page 425 : In line 5, from the bottom, for "titele" read "title".
 " 426 : In line 12, for " include " read " includes ".
 " " : In line 6 from the bottom, for " is " read " is a ".
 " 427 : In line 6, for " powers. " read " powers, etc. ".
 " 428 : In line 24, for " him " read " for him or ".
 " " : In line 33, for " developed " read " devolved ".
 " 429 : In line 13, from the bottom, for " or " read " of ".
 " 432 : In line 2, for " filled " read " filled, ".
 " " : In line 8, for " director " read " direction ".
 " " : In line 22, for " pool " read " poll ".
 " " : In line 4, from the bottom, for " Prescribed " read " prescribed ".
 " 433 : In line 3, for " result " read " the result ".
 " " : In line 5 from the bottom, for " return " read " returns ".
 " 435 : In line 16, for " Chapter VII " read " Chapter VI ".
 " 436 : In line 27, for " infull " read " in full ".
 " 437 : In line 5, for " section " read " sections ".
 " " : In line 29, for " inconnection " read " in connection ".
 " 438 : In line 7, for " election " read " elected ".
 " " : In line 12, from the bottom, for " number " read " member ".
 " " : In line 4 from the bottom, for " that " read " that the ".

- " 439 : In line 10, for " before " read " before a ".
- " " : In line 25, for " person " read " persons ".
- " " : In line 30, for " casts " read " costs ".
- " " : In line 33, for " slause " read " clause ".
- " " : In line 37, for " paid " read " paid, ".
- " " : In line 3 from the bottom, for " therefor " read " therefor by ".
- " 440 : In line 18, for " condidate " read " candidate ".
- " 441 : In line 11, from the bottom, for " finder " read " hinder ".
- " " : In line 4, from the bottom, for " knowing " read " knowingly ".
- " " : In line 2, from the bottom, for " illegal of " read " illegal ".
- " 442 : In line 3 and 5, for " province " read " Province ".
- " " : In line 8, for " so " read " to ".
- " " : In line 12, for " radious " read " radius ".
- " " : In line 24, for " thtree " read " three ".
- " " : In line 26, for " days " read " day ".
- " 443 : In line 3, for " destroys " read " destroys, ".
- " " : In line 9, for " dalay " read " delay ".
- " " : In line 6, from the bottom, for " candidates " read " candidate ".
- " 444 : In line 1, for " withboth " read " with both ".
- " " : In line 5 from the bottom, for " the " read " be ".
- " " : In line 2 from the bottom, for " 65 " read " 63 ".
- " " : In line 1 from the bottom, for " this " read " the ".
- " 445 : In lines 4 and 14, for " CHAPTER VIII " and " CHAPTER IX " read " CHAPTER VII " and " CHAPTER VIII ", respectively.
- " " : In line 20, for "(8)" read "(g)".
- " " : In line 10 from the bottom, for " 172 " read " 272 ".
- " " : In line 5 from the bottom, for " terms " read " term ".
- " 446 : In line 14 from the bottom, for " Officer " read " Officers ".

[to the *Gazette of Pakistan, Extraordinary*, Part I, dated the 19th June, 1973 containing President's Orders No. 10, 11, and 12 of 1973].

Page 452 : In line 5 from the bottom, for " Senate " read " Senate ;".

Page 454 : In line 14, for " Constitutency " read " Constituency ".
