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THE PUNJAB APPRENTICESHIP ACT 2021

(XVII of 2021)

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TEXT

**'THE PUNJAB APPRENTICESHIP ACT 2021
(XVII of 2021)**

[30th June 2021]

An
Act

to promote, develop and regulate apprenticeship programmes.

It is necessary to promote, develop and regulate apprenticeship programmes in the establishments; to ensure minimum standards of skills; and to provide for the ancillary matters.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Apprenticeship Act 2021.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act:

- (a) “apprentice” means a person undergoing training in a trade in pursuance of an apprenticeship contract;
- (b) “apprenticeship” means a system of training in a trade which combines practical training at an establishment and theoretical training at an institute registered under the Punjab Skills Development Authority Act 2019 (VI of 2019) or under any other law for the time being in force, and notified by the Competent Authority in pursuance of an apprenticeship contract;
- (c) “Competent Authority” means an officer notified by the Government as the Competent Authority for purposes of this Act;
- (d) “employer” means a person who employs another person in an establishment, either himself or through or on behalf of another person, and includes any person who has ultimate control over the affairs of, or is responsible to the owner of the establishment;
- (e) “establishment” includes an industrial, commercial, business, mining, exploration, or any other organization as the Competent Authority may, by notification in the official Gazette, specify;
- (f) “Government” means Government of the Punjab;
- (g) “trade” means any trade or occupation or discipline in engineering, technology, vocation or management;
- (h) “prescribed” means prescribed by the rules;

¹This Act was passed by Provincial Assembly of the Punjab on 04 June 2021; assented to by the Governor of the Punjab on 25 June 2021; and, was published in the Punjab Gazette (Extraordinary), dated: 30th June 2021, pp.10025-10029.

- (i) “rules” means the rules made under this Act;
- (j) “stipend” means a monthly emolument paid by an employer to an apprentice during entire period of apprenticeship at a rate of at least fifty percent of minimum wages as may be notified by the Government from time to time; and
- (k) “TEVTA” means Technical Education and Vocational Training Authority, established under the Punjab Technical Education and Vocational Training Authority Act 2010 (X of 2010).

3. Apprenticeship contract.— (1) No person shall be engaged as an apprentice to undergo apprenticeship in a trade at an establishment unless such person enters into an apprenticeship contract with the employer on such form and format as may be specified by the Competent Authority.

(2) The employer shall, within a period to be specified by the Competent Authority, send every apprenticeship contract entered into under subsection (1) to the Competent Authority for registration.

(3) The Competent Authority shall register an apprenticeship contract if he is satisfied that the person described as an apprentice in the apprenticeship contract fulfils such eligibility criteria as may be prescribed.

4. Termination of apprenticeship contract.— (1) Unless terminated earlier under subsection (2), the apprenticeship contract shall terminate on completion of the period of apprenticeship.

(2) Either party to the apprenticeship contract may at any time intimate in writing the other party for termination of the apprenticeship contract, and such apprenticeship contract shall stand terminated in such manner as may be prescribed.

5. Apprenticeship committees.— The TEVTA may, by notification in official Gazette, constitute such apprenticeship committees having such composition, functions and terms and conditions as may be prescribed.

6. Obligations of employers.— Subject to other provisions of this Act and the rules, an employer shall:

- (a) ensure compliance with the provisions of this Act and the rules in his establishment;
- (b) introduce and operate such apprenticeship programme in his establishment and in such manner as may be prescribed;
- (c) train apprentices in a proportion of minimum five percent of the total number of persons employed on an average in his establishment, or in such other proportion as may be prescribed:

Provided that, if an employer chooses not to train apprentices in proportion as required under this Act, he may get required number of persons trained from any other establishment at his own expense;

- (d) be responsible to ensure that an apprentice receives, within the normal working hours, such theoretical instructions as may be specified by TEVTA;
- (e) bear the cost of training of apprentices including the stipend during their apprenticeship within the establishment excluding the cost of training at an institute, which shall be borne by TEVTA;
- (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 his apprenticeship has been terminated by such other employer on disciplinary grounds; and
- (g) notify apprenticeship opportunities including job openings in his establishment on designated websites of TEVTA in such manner as the Competent Authority may specify.

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

- (a) learn his trade diligently and shall endeavour to qualify himself as a skilled worker on the completion of his apprenticeship;
- (b) attend the apprenticeship according to the programme laid down by the employer;
- (c) fulfil his obligations under his apprenticeship contract and;
- (d) undergo any test or examination which may be conducted from time to time for assessment of his progress in apprenticeship; and
- (e) 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) If an apprentice has any grievance against his employer, arising of his apprenticeship contract, he may approach the Competent Authority for redressal of such grievance, and the decision of the Competent Authority thereon shall be final.

(3) 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 expenses to the establishment as may be prescribed which shall not be more than three stipends paid to him during period of training.

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

8. Counselling and placement service.— The TEVTA shall:

- (a) establish facilities for career counselling 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 website of TEVTA on career counselling and placement services including information on new and emerging trades, market skills, trends and employment opportunities; and
- (c) publish an annual report on progress of apprenticeship programmes.

9. Advice and guidance to employer.— Subject to the provisions of this Act and the rules, the Competent Authority shall offer to the employer, technical advice and guidance in all matters relating to the apprenticeship programme run by the employer in his establishment in accordance with the provisions of this Act and the rules.

10. Powers of entry and inspection.— (1) The Competent Authority shall evolve and implement an effective monitoring and evaluation system and may:

- (a) enter, inspect and examine an establishment or part thereof during working hours;
- (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 to make any statement, which may tend directly or indirectly to incriminate him.

11. Delegation of powers.— 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.

12. Penalties and procedure.— (1) If an employer:

- (a) fails to engage the required number of apprentices under this Act; or
- (b) fails to carry out the terms and conditions of an apprenticeship contract; or
- (c) fails to furnish an information or furnishes a false information required under the Act; or
- (d) fails to facilitate the Competent Authority or an officer authorized by it, any inspection, examination or inquiry authorized under this Act and the rules; or
- (e) engages an apprentice in contravention of any of the provisions of this Act and the rules; or

- (f) contravenes any provisions of this Act and the rules;

the Competent Authority may, for the period of non-compliance, impose upon the employer an administrative penalty which may extend to twice the amount of minimum stipend to be paid to the minimum number of apprentices by the employer under this Act, and the employer shall pay the administrative penalty within such period as may be specified by the Competent Authority.

(2) In case of non-payment of the administrative penalty within the specified period under subsection (1), the employer shall be liable to a fine which may extend to twice the amount of the administrative penalty, and in case of default of payment of the fine, to imprisonment for a term which may extend to six months.

(3) An offence punishable under this section shall be tried by a Magistrate of the first class upon a complaint in writing made by the Competent Authority regarding non-payment of the administrative penalty under subsection (2).

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (*V of 1898*), an offence punishable under this section shall be tried summarily under Chapter XXII of the Code relating to the summary trials.

13. Power to exempt.— The Government may, on the advice of TEVTA, and by notification in the official Gazette, exempt any establishment or class of establishments from all or any of the provisions of this Act for not more than one year in case of a natural calamity.

14. Overriding effect.— The provisions of this Act shall have overriding effect notwithstanding anything to contrary contained in any other law for the time being in force.

15. Power to make rules.— (1) The Government may 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) conditions of employment of apprentices after training;
- (f) procedure for registration or licensing apprentices and its renewal;
- (g) procedure of discipline, welfare, supervision and control of apprentices;
- (h) forms of records to be maintained by the employer pertaining to the training of apprentice;

- (i) assessment procedure, periodical tests, final examination and grant of certificate on successful completion of training;
- (j) 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;
- (k) training of female and disabled persons;
- (l) code of conduct and ethics;
- (m) environment, health and safety; and
- (n) welfare schemes for apprentices including but not limited to health insurance, group insurance etc. during the entire period of training.

16. Repeal and savings.— (1) The Apprenticeship Ordinance, 1962 (*LVI of 1962*) is hereby repealed.

(2) Notwithstanding the repeal of the Apprenticeship Ordinance, 1962 (*LVI of 1962*) any action taken or order or appointment made under the repealed Ordinance shall be deemed to have been taken or made under this Act.