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THE PUNJAB SKILLS DEVELOPMENT AUTHORITY ACT 2019

(VI OF 2019)

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TEXT

¹THE PUNJAB SKILLS DEVELOPMENT AUTHORITY ACT 2019
(VI OF 2019)

[March 1st, 2019]

An
Act

to establish the Punjab Skills Development Authority.

It is necessary to establish the Punjab Skills Development Authority to promote and regulate the technical education and vocational training sector in the Punjab; and, for 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 Skills Development Authority Act 2019.

(2) It extends to whole of the Punjab.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, specify; and, the Government may specify different dates for the enforcement of various provisions of the Act.

2. Definitions.— In this Act:

- (a) “Act” means the Punjab Skills Development Authority Act 2019;
- (b) “Authority” means Punjab Skills Development Authority established under the Act;
- (c) “Chairperson” means the Chairperson of the Authority;
- (d) “Director General” means the Director General of the Authority;
- (e) “Government” means Government of the Punjab;
- (f) “institute” means a public or private technical education and vocational training institute offering diploma or certificate courses in any skill, trade, vocation or profession;
- (g) “member” means a member of the Authority and, where the context so requires, includes the Chairperson and the Director General;
- (h) “non-official member” means a member, other than an *ex officio* member, of the Authority;
- (i) “prescribed” means prescribed by the rules or regulations;
- (j) “regulations” means the regulations framed under the Act; and

¹This Act was passed by the Provincial Assembly of the Punjab on 27 February 2019; assented to by the Governor of the Punjab on 28 February 2019; and, was published in the Punjab Gazette (Extraordinary), dated: 01 March 2019, pp.2045 – 2050.

(k) “rules” means the rules made under the Act.

3. Incorporation.— (1) The Government may, by notification in the official Gazette, establish Punjab Skills Development Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers to enter into contracts, acquire and, subject to subsection (3), dispose of both movable and immovable property in accordance with law, and may, by the said name, sue or be sued.

(3) The Authority shall not dispose of any immovable property without prior approval of the Government.

(4) The Authority shall have its main office in Lahore and may, with the prior approval of the Government, establish regional offices at such places as may be necessary.

4. Composition of the Authority.— (1) The Authority shall consist of the Chairperson and not less than five but not more than nine members, including at least one female member from the industry, agriculture or services sector, and professionals from the technical education and vocational training sector and shall also include two members of Provincial Assembly of the Punjab, one from the treasury benches to be nominated by the Government and one from the opposition to be nominated by leader of the opposition.

(2) Secretaries to the Government, Industries, Commerce and Investment Department, Finance Department, Labour and Human Resource Department and School Education Department shall be *ex officio* members of the Authority.

(3) The Director General shall be the Secretary of the Authority.

(4) The Minister for Industries, Commerce and Investment, Punjab shall be the Chairperson of the Authority, and the Government shall appoint the non-official members of the Authority on such terms and conditions as may be prescribed and until so prescribed as the Government may determine.

(5) Subject to sub-section (6), the term of appointment of the non-official members shall be three years but any of them may, subject to satisfactory performance, be appointed for a second term but no one shall be appointed for more than two consecutive terms.

(6) The non-official members shall serve during the pleasure of the Government and the Government may, at any time, appoint another person as the non-official member for the remaining term of the outgoing member.

(7) In case, the office of the Chairperson is vacant temporarily or otherwise, by reason of leave, illness, or any other cause for a period not exceeding three months, the Government shall make such arrangement for the performance of duties of the office of the Chairperson as it may deem appropriate.

(8) A non-official member may resign by writing under his hand and the Government may, in the prescribed manner, appoint an eligible person for the remaining term of such member.

(9) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy or defect in the constitution of the Authority.

5. Disqualification of the members.– No person shall be appointed or shall continue as the non-official member who:

- (a) is or, at any time, has been convicted of an offence involving moral turpitude;
- (b) is or, at any time, has been adjudicated as an insolvent;
- (c) is found to be of unsound mind; or
- (d) has a financial interest or an interest, directly or indirectly, in conflict with the interest of the Authority and has failed to disclose, in writing, such interest to the Government.

6. Meetings.– (1) The Authority shall meet at least once in every quarter.

(2) The Director General shall arrange for a meeting of the Authority on the direction of the Chairperson or on a requisition in writing of not less than four members.

(3) The Chairperson shall preside over a meeting of the Authority and, in his absence, the meeting shall be presided over by the member duly nominated by the Chairperson from amongst the non-official members.

(4) Four members, including at least three non-official members, shall constitute the quorum for a meeting.

(5) The Authority shall take decisions by the majority of its members present and voting, and in case of a tie, the person presiding the meeting shall have a casting vote.

(6) The decisions of the Authority shall be recorded in writing and signed by the Chairperson and Director General.

(7) The Director General shall arrange the conduct of meetings and maintain a complete record of the minutes and the decisions of the Authority at each meeting in the prescribed manner.

7. Functions of the Authority.– The Authority shall:

- (a) implement national policies and standards in relation to technical education and vocational training;
- (b) register and regulate public and private institutes;
- (c) register and regulate public and private technical education and vocational training bodies and assessment agencies;
- (d) regulate the enforcement of the apprenticeship laws and policies relatable to the technical education and vocational training;
- (e) regulate training standards for teachers and evaluators;
- (f) conduct performance audit of technical education and vocational training institutes;
- (g) devise and enforce mechanisms for the inspection, monitoring and evaluation of technical education and vocational training institutes, bodies and assessment agencies to ensure compliance with the national and the provincial standards;

- (h) encourage technical education and vocational training institutes to develop syllabi and design courses according to and in conformity with the international standards and demands, and national and terrestrial requirements and standards;
- (i) validate conformity of the curricula with national standards and its relevance to specific level descriptor;
- (j) establish a labour market information cell in order to ascertain the skills required to be imparted, supply and demand of the skilled professionals in local, national and international markets;
- (k) devise and implement an integrated social marketing and communication strategy for technical education and vocational training sector;
- (l) set guidelines for the establishment of career guidance and counseling mechanisms in technical education and vocational training sector;
- (m) establish linkages and coordinate with international and national bodies and agencies for promotion and development of technical education and vocational training sector; and
- (n) perform such other functions as may be incidental to the functions mentioned above or as the Government may assign or as may be prescribed.

8. Delegation of powers.— The Authority may, subject to such conditions and limitations as it may deem fit to impose, delegate any of its powers or functions to the Chairperson, Director General, a committee constituted by it, a member or employee, except the powers to:

- (a) frame, amend or repeal regulations;
- (b) approve policy decisions, guidelines or procedures for the operation of the fund;
- (c) determine the terms and conditions of service of the employees of the Authority;
- (d) constitute committees;
- (e) approve the annual budget, audited accounts and annual reports of the Authority; and
- (f) consider audit reports of the Authority.

9. Committees.— (1) The Authority may constitute such committees as it may deem necessary for carrying out the purposes of the Act.

(2) The composition and functions of the committees shall be such as the Authority may determine or as may be prescribed.

10. Director General.– (1) The Government shall appoint the Director General who possesses the prescribed qualifications and experience.

(2) The Director General shall be appointed on such terms and conditions as may be prescribed and, until so prescribed, as the Government may determine.

(3) The Director General shall be the Chief Executive Officer and Principal Accounting Officer of the Authority and, subject to the general supervision, control and direction of the Authority, shall exercise such administrative and financial powers of the Authority as the Authority may delegate to him or as may be prescribed.

(4) The Director General may resign from his office by serving thirty days' prior notice or on payment of thirty days' pay in lieu of the notice.

(5) The Government may remove the Director General by serving thirty days' prior notice or on payment of thirty days' pay in lieu of the notice.

11. Employees.– (1) The Authority may appoint such persons in its service, as may be necessary for the performance of its functions, on such terms and conditions as may be prescribed.

(2) Subject to the terms and conditions of appointment, the Authority may, at any time, terminate the services of an employee by serving thirty days' prior notice or on payment of thirty days' pay in lieu of the notice in the prescribed manner.

12. Technical Experts.– The Authority or any of its committees may invite any technical expert or any other person having specialized knowledge of any subject or the representative of a Government institution for assistance in the performance of its functions.

13. Registration.– (1) After the commencement of the Act, no person, institute, public or private technical education and vocational training body, assessment agency or organization engaged in any technical education and vocational training sector service delivery shall commence its business until it is registered with the Authority under the Act.

(2) Any person, institute, public or private technical education and vocational training body, assessment agency or organization engaged in any technical education and vocational training sector service delivery, existing before the commencement of the Act, shall, within six months of the commencement, apply to the Authority for registration in such manner as may be prescribed.

(3) The Authority may charge fee for the registration or renewal of registration and for other services at such rate and in such manner as may be prescribed.

(4) The Authority may, subject to reasonable notice and after affording hearing to the person concerned, suspend or cancel the registration made under sub-section (1) on account of any contravention of the standards or violation of any prescribed procedure.

14. Fund.— (1) There shall be formed a Fund to be known as the Punjab Skills Development Authority Fund which shall vest in the Authority.

(2) The Fund shall consist of:

- (a) the grants received from the Government;
- (b) the grants received from any other government, authority or agency;
- (c) income from fees charged by the Authority;
- (d) donations made to the Authority; and
- (e) any other income and monies received by the Authority.

(3) The Fund shall be maintained in such manner as may be prescribed.

(4) The Fund shall be utilized to meet the expenses of the Authority in connection with the discharge of its functions under the Act.

(5) The Authority shall not incur any debt without prior approval in writing of the Government.

15. Budget and accounts.— (1) The Director General shall, before the commencement of a financial year, prepare a statement of the estimated receipts and expenditure for the next financial year and submit it to the Authority for approval.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure and its assets and liabilities in such form and manner as may be prescribed.

(3) As soon as may be after the end of each financial year, the Authority shall prepare and approve in the manner prescribed, statements of account of the Authority which shall include a balance-sheet and an account of income and expenditure.

16. Bank Accounts.— Subject to general instructions of the Government, the Authority shall open and maintain its accounts at such scheduled banks as it may, with the approval of the Government, determine.

17. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Government may, in addition to the audit under subsection (1), cause the annual accounts of the Authority audited, in the prescribed manner by a Chartered Accountant or a firm of Chartered Accountants.

18. Annual report.— (1) The Director General shall, by 30 September each year, submit annual performance report to the Authority enumerating all the activities, developmental initiatives undertaken and targets achieved during the previous financial year for the betterment of the technical education and vocational training sector and the future plans and projects.

(2) The Authority shall submit the report to the Government which shall lay the report in Provincial Assembly of the Punjab within ninety days of its receipt.

19. Penalty.— Any person, institute, public or private technical education and vocational training body, assessment agency or organization engaged in any technical education and vocational training sector service delivery that contravenes the provisions of section 13 of the Act shall be liable to punishment which may extend to six month but which shall not be less than fifteen days and with fine which may extend to one million but which shall not be less than two hundred thousand rupees.

20. Cognizance and summary trial.— (1) No court shall take cognizance of an offence under the Act except on a complaint in writing filed by the Director General or an officer of Authority duly authorized for the purpose.

(2) A Magistrate of the first class shall conduct the trial of an offence under the Act in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure 1898 (V of 1898) relating to the summary trials.

21. Compounding of offence.— (1) Subject to subsection (2), the Authority or an officer of the Authority specifically authorized in this behalf may, at any stage, compound an offence under the Act subject to the deposit of administrative penalty which shall not be less than two hundred thousand rupees.

(2) An offence under the Act shall not be compoundable if the accused had been previously convicted under the Act or his previous offence had been compounded by the Government or the officer authorized by the Government.

22. Non-compliance of standards and procedures.— The Authority may impose on any person, institute, public or private technical education and vocational training body, assessment agency or organization engaged in any technical education and vocational training sector service delivery that fails to comply with prescribed standards and procedures, the administrative penalty at such rate, not exceeding rupees five hundred thousand, and in such manner as may be prescribed.

23. Appeal.— Any person, institute, public or private technical education and vocational training body, assessment agency or organization engaged in any technical education and vocational training sector service delivery, aggrieved by an administrative order under the Act, may, within thirty days of the receipt of the order, prefer an appeal to such appellate authority as may be prescribed.

24. Public Servants.— The Director General, members, employees and other persons authorized to perform or exercise any function or power under the Act, or rendering services to the Authority as agents, advisors or consultants, shall be deemed to be public servants within the meanings of section 21 of Pakistan Penal Code, 1860 (*XLV of 1860*).

25. Indemnity.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairperson, members, Director General and any employee of the Authority, in respect of anything done or intended to be done in good faith under the Act.

26. Rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

27. Regulations.— Subject to the Act and the rules, the Authority may, with prior approval of the Government, frame regulations for the efficient performance of its functions under the Act.

28. Removal of Difficulties.— If any difficulty arises in giving effect to any provision of the Act, the Government may, within one year of the commencement of the Act, make such order as may be necessary and consistent with the provisions of the Act.