

THE APPRENTICESHIP ORDINANCE, 1962

ORDINANCE NO. LVI OF 1962

6th June, 1962

An Ordinance to make provision for promoting, developing and regulating systematic apprenticeship programmes in the in*dustries and for securing certain minimum standards of skill.

whereas it is expedient to make provision for promoting, developing and regulating systematic apprenticeship programmes in the industries and for securing certain minimum standards of skill;

Now, therefore, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabl*ing him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement. —(1) This Ordinance may be called the Apprenticeship Ordinance, 1962.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date or dates and in respect of such undertakings as the Provincial Government may, by notification in the official Gazette, appoint in this behalf.

2. Definition. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "apprentice" means a person undergoing training through the system of apprenticeship;

(b) "apprenticeable trade" means such trade or occupation as the competent authority may, from time to time, keeping in view—

(i) the nature of the trade and the degree of skill involved therein; and

(ii) the amount of practical training and related theo*retical instruction necessary for attaining the laid down standards of skill and proficiency in the trade, declare, by notification in the official Gazette, to be an apprenticeable trade for the purposes of this Ordinance;

(c) "apprenticeship" means a system of training in which an employer undertakes to employ a person and to train him or have him trained systematically in an apprenticeable trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employers service;

(d) "competent authority" means such officer as the Provincial Government may, by notification in the official Gazette, appoint to be a competent authority for the purposes of this Ordinance;

(e) "employer" means any person who employs five or more persons in an apprenticeable trade in an under*taking, either directly or through another person, whether on behalf of himself or any other

person, and includes any person who has ultimate control over, or is responsible to the owner thereof for, the affairs of an undertaking;

(f) "industrial establishment" shall have the same meaning as assigned to it in the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960;

(g) "prescribed" means prescribed by rules;

(h) "rules" means rules made under this Ordinance;

(i) "undertaking" means any industrial establishment wherein fifty or more persons are employed, or were employed on any day of the preceding twelve months.

3. Tripartite Advisory committees. The Provincial Government may, by notification in the official Gazette, constitute in the prescribed manner such Provincial and Regional Tripartite Advisory Committees to advise the Provincial Government and the competent authority on matters relating to apprenticeship as it may consider necessary.

4. Obligations of employers. Subject to the other provisions of this Ordinance and the rules, an employer—

(1) shall be bound to ensure proper compliance with the provisions of this Ordinance and the rules in his undertaking;

(2) shall, in accordance with the rules, introduce and operate an apprenticeship programme in his undertaking and get the programme registered with the competent authority within such time as may be prescribed;

(3) shall train apprentices in the proportion of a minimum of twenty per cent. of the total number of persons employed in apprenticeable trades, on an average in his undertaking, or in such other proportion as the competent authority may, by order in writing, determine in respect of his undertaking;

(4) who had already introduced an apprenticeship programme in his undertaking prior to the commencement of this Ordinance shall modify the programme so as to bring it in conformity with the provisions of this Ordinance and the rules and register such modified programme with the competent authority within such time as may be prescribed;

(5) shall be responsible to ensure that an apprentice receives within the normal working hours related theoretical instruction to the extent of at least twenty per cent. of the total working hours;

(6) shall initiate and operate an apprenticeship programme entirely at his own cost; and

(7) shall not, without the approval in writing of the competent authority, engage as an apprentice any person who has been an apprentice with another employer and has left his apprenticeship or been discharged by such other employer on disciplinary grounds.

5. Relief from income-tax, etc. —(1) Notwithstanding anything to

the contrary con*tained in the Income-tax Act, 1922, income-tax shall not be pay*able by an employer in respect of any expenditure incurred by him on the operation of an apprenticeship programme in accor*dance with the provisions of this Ordinance and the rules.

(2) Notwithstanding anything to the contrary contained in the Imports and Exports (Control) Act, 1950, or any rule or order made thereunder, the Central Government may, by order, make provision for the grant to the employers of licences for the import of such goods or articles as may in its opinion be required by the employers for operating apprenticeship pro*grammes under this Ordinance.

6. Advice and guidance to employers. —(1) Subject to the provisions of this Ordinance and the rules, the competent authority shall offer to the employers all possible technical advice and guidance in all matters relating to the apprenticeship programmes put into operation by the em*ployers in their undertakings in accordance with the provisions of this Ordinance and the rules.

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

- (a) shall learn his trade conscientiously and diligently and shall endeavour to qualify himself as a skilled worker on the completion of his apprenticeship;
- (b) shall attend the practical training and related theoretical instruction according to the programme laid down by the employer;
- (c) shall carry out all lawful orders of the employer or his representative relating to his apprenticeship and shall fulfil his obligations under the contract of apprentice*ship;
- (d) shall submit himself to any test or examination held from time to time for assessing the progress of his training;
- (e) shall not become the member of a Trade Union of any class of employees other than his own;
- (f) shall, in case of any grievance against his employer arising out of his apprenticeship, approach the com*petent authority for the redress of the grievance, if the same is not redressed by the employer, and shall abide by the decision of the competent authority; and
- (g) shall not, without the previous approval in writing of the competent authority, leave his apprenticeship after the completion of his probationary period.

(2) If an apprentice fails to carry out the terms of the contract of apprenticeship, or if at any time during the period of his appren*ticeship voluntarily quits such apprenticeship, or there are conti*nued adverse reports regarding the progress of his studies, or he is discharged for misconduct which shall include insubordi*nation, breach of the rules, absence from duty or neglect of his work, then he or, as the case may be, his parent or guardian and the surety shall

jointly and severally be liable to the payment of such refund of expenses and compensation as may be prescribed.

8. Powers of entry, inspection, etc. —(1) Subject to any rules made in this behalf, the compe*tent authority may—

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

(2) Notwithstanding anything 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.

9. Delegation of powers. Subject to any rules made in this behalf, the competent authority may, by order in writing, direct that any power confer*red upon it by or under this Ordinance, shall be exercisable, also by such officer subordinate to it and subject to such conditions, if any, as may be specified in the order.

10. Offences, penalties and procedure. — (1) If any employer—

- (a) fails to engage the number of apprentices he is required to engage under section 4; or
- (b) fails to carry out the terms and conditions of a con*tract 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 false and which he either knows or believes to be false or does not believe 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 in*quiry authorized by or under this Ordinance; or
- (f) engages an apprentice otherwise than in accordance with the provisions of this Ordinance and the rules; or
- (g) otherwise contravenes any provision of this Ordinance or the rules; he shall be punishable with a fine which may extend to ten thou*sand rupees or, in default of payment thereof, with imprisonment which may extend to six months, and in the case of a continuing offence with a further fine which may extend to two hundred rupees for every day

after the first during which the offence con*tinues:

Provided that an offence repeated ninety days or more after the award of the previous punishment shall not be deemed to be a continuing offence for the purpose of this section.

(2) No court shall take cognizance of any offence punishable under this Ordinance save on complaint made by the competent authority.

(3) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Ordinance.

11. Power to exempt. The Provincial Government may, by notification in the official Gazette, exempt, conditionally or unconditionally, any undertaking or classes of undertakings from all or any of the provisions of this Ordinance.

12. Saving. Nothing in this Ordinance applies to an undertaking which has not been in existence at least for a period of two years, whether before or after the commencement of this Ordinance.

13. Powers to make rules. —(1) The Provincial Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Ordinance.

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

(a) the method and conditions of engagement and selection of apprentices and the period of probation and appren*ticeship;

(b) the conditions and terms of a contract of apprentice*ship;

(c) the method and procedure governing settlement of disputes between an apprentice and his employer;

(d) the conditions of employment of apprentices after training;

(e) the working hours, leave and holidays for apprentices;

(f) the procedure of discipline, welfare, supervision and control of apprentices;

(g) the forms of records to be maintained by the employers pertaining to the training of apprentices;

(h) the periodical tests and grant of certificates on the successful conclusion of training;

(i) the standards for practical and related theoretical training;

(j) the composition, constitution and functions of, and the filling of vacancies in, the Tripartite Advisory Committees, and the procedure to be followed by such Committee in the discharge of their functions;

(k) any other matter which is to be or may be prescribed.

14. The Apprenticeship Act, 1850, is hereby repealed.