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THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

CONTENTS

Preamble

Sections

1. Short title, extent and commencement
2. Definitions.
3. Apprenticeship contract.
4. Termination of apprenticeship contract.
5. Apprenticeship committees.
6. Apprenticeship fund.
7. Obligations of employers.
8. Obligations of apprentices.
9. Counseling and placement service.
10. Advice and guidance to employers.
11. Powers of entry, inspection etc:
12. Delegation of powers.
13. Penalties and procedure.
14. Power to exempt.
15. Saving.
16. Act to override other laws.
17. Power to make rules.

THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

11th Aug, 2023

AN ACT to promote, develop and regulate systematic apprenticeship program in Sindh province

WHEREAS it is expedient to make provisions for promoting, developing and regulating systematic apprenticeship programme in the establishments in the Province of Sindh for securing certain minimum standards of skill and for the matters connected therewith or ancillary thereto.

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| 1. | <p>(1) This Act may be called the Sindh Apprenticeship Act, 2023.</p> <p>(2) It extends to whole of the Province of Sindh.</p> <p>(3) It shall come into force at once.</p> | <p>Short title, extent
and commencement</p> |
| 2. | <p>In this Act, unless there is anything repugnant in the subject or context:</p> <p>(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;</p> <p>(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;</p> <p>(c) "apprenticeship fund" means the fund established under section 6;</p> <p>(d) "authority" means the Sindh Technical Education and Vocational Training Authority established under the Sindh Technical Education and Vocational Training Authority Act, 2009 (Sindh Act No. VIII of 2010);</p> <p>(e) "Board" means the Sindh Trade Testing Board or Board of Technical Education or any other body set up by</p> | <p>Definitions.</p> |

THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

Government for conducting assessment, testing and certification in respect of apprentices;

- (f) "competent authority" means such relevant officer from the authority not below the rank of BPS-19, as Department may, by notification in official Gazette, appoints to be a competent authority for the purposes of this Act;
- (g) "Department" means the Administrative Department of Government of Sindh in respect of the Sindh Technical Education and Vocational Training Authority (STEVTa);
- (h) "designated trade" means any trade or occupation or any subject, field in engineering, technology, service, vocation or management;
- (i) "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;
- (j) "establishment" means an industrial, commercial, business, mining, construction, exploration, services or any other organization including those in informal sector as the competent authority may, by notification in the official Gazette, specify;
- (k) "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;
- (l) "National Vocational Qualification Framework" (NVQF) means the National Vocational Qualification Framework set up by the NAVTTC to determine, define and manage technical and vocational qualifications including those for apprenticeship;
- (m) "NAVTTC" means the National Vocational and Technical Training Commission established under the National Vocational and Technical Training Commission Act, 2011 **(Act No.XV of 2011)**;

THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

- (n) “prescribed” means prescribed by rules;
- (o) "rules" means rules made under this Act; and
- (p) "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 the skilled worker of the relevant trade;
- (q) “Undertaking” means any establishment wherein thirty or more number of persons are employed or were employed, either directly or through another person, on any day of the preceding twelve months:

Provided that the undertakings employing less than thirty persons may also choose to voluntarily participate in the apprenticeship scheme.

Provided further that owner of a workplace or place of work as defined in the Sindh Occupational Safety and Health Act, 2017 (Sindh Act No.I of 2016) may also choose to participate in apprenticeship.

3. (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. **Apprenticeship contract.**
- (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 criteria.
4. (1) Unless terminated earlier under sub section (2), the apprenticeship contract shall stand terminated on completion of the period of apprenticeship. **Termination of apprenticeship contract.**

THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

(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.

(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. The authority may, by notification in official Gazette, constitute apprenticeship committee under the Chairmanship of competent authority with forty percent representation from employers, forty percent from Government and twenty percent from elected workers to monitor the process of apprenticeship and advise the competent authority on matters relating to apprenticeship as may be prescribed. **Apprenticeship committees.**
6. (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 - **Apprenticeship fund.**
 - (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.

THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

(2) 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 and other sums, 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 Government.

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

- (a) be bound to ensure proper compliance with the provisions of this Act and the rules made there under, in his establishment;
- (b) introduce and operate an apprenticeship programme in his establishment or Undertaking and get the programme registered with competent authority within such time as may be prescribed;
- (c) train apprentices in a proportion of minimum ten 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 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 related theoretical instructions to the extent as may be specified by the authority;
- (e) bear the cost of training of apprentices including the stipend during his apprenticeship within the establishment or undertaking, excluding the cost of training at an institute, which shall be borne by the authority:

**THE SINDH APPRENTICESHIP ACT, 2023.
SINDH ACT NO. XXV OF 2023.**

- (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;
 - (g) be responsible to notify well in time an apprenticeship opportunity including job opening on designated websites of the authority in a manner as the competent authority may specify; and
 - (h) be bound to promote local recruitment of apprentices and shall abide by all the laws, rules, regulations in this regard.
8. (1) Subject to other provisions of this Act and the rules, an apprentice shall-
- Obligations of apprentices.**
- (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) not become the member of a trade union of any class of employees other than his own;
 - (f) 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, he shall abide by decision of the competent authority; and
 - (g) not, except with prior approval in writing of the competent authority, leave his apprenticeship after completion of his probationary period as may be prescribed.

THE SINDH APPRENTICESHIP ACT, 2023. SINDH ACT NO. XXV OF 2023.

(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. The authority shall - **Counseling and placement service.**
 - (a) establish facilities for career counseling and placement of the apprentices at such places and in such a manner as may be prescribed;
 - (b) publish periodical newsletters, information bulletins in print and electronic media including authority's website for 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. 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. **Advice and guidance to employers.**
11. (1) Subject to any rules made in this behalf, the competent authority shall evolve and implement an effective monitoring and evaluation system and may - **Powers of entry, inspection etc:**

**THE SINDH APPRENTICESHIP ACT, 2023.
SINDH ACT NO. XXV OF 2023.**

- (a) with such assistance, as it thinks fit; to 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, information, 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. 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 officers subordinate to it and subject to such conditions as may be specified in the order. **Delegation of powers.**
13. (1) If any employer - **Penalties and procedure.**
- (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

THE SINDH APPRENTICESHIP ACT, 2023.
SINDH ACT NO. XXV OF 2023.

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 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, and the employer shall pay the penalty within such period as may be specified by the competent authority.

(2) In case of non-payment of the 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.

(5) The amount of any fine recovered shall be deposited in the apprenticeship fund.

(6) 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. Government may, on advice of the authority, in consultation with apprenticeship committee and by notification in the official **Power to exempt.**

**THE SINDH APPRENTICESHIP ACT, 2023.
SINDH ACT NO. XXV OF 2023.**

Gazette, exempt conditionally, any establishment or any part of it, or class of establishments from all or any of the provisions of this Act for not more than one year, in case of natural calamity.

15. Nothing in this Act applies to an establishment which has not been in existence at least for a period of two years. **Saving.**
16. The provision of this Act shall have overriding effect notwithstanding anything to contrary contained in any other law for the time being in force. **Act to override other laws.**
17. (1) The authority shall, with approval of Government and in consultation with apprenticeship committee, make rules for carrying out the purposes of this Act. **Powers to make rules.**