



The Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE TUESDAY JULY 20, 2010

PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION 20 July 2010

No.PAP-Legis-2(44)/2010/255. The Punjab Technical Education and Vocational Training Authority Act Bill 2010, having been passed by the Provincial Assembly of the Punjab on 14 July 2010, and assented to by the Governor of the Punjab on 19 July 2010, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY ACT 2010

ACT X OF 2010

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 20 July 2010.]

An
Act

*to reorganize the Punjab Technical Education
and Vocational Training Authority.*

Preamble.— Whereas it is expedient to reorganize the Punjab Technical Education and Vocational Training Authority for proper provision of technical education in the Province and to provide for ancillary matters;

It is enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Technical Education and Vocational Training Authority Act 2010.

(2) It shall extend to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) "Authority" means the Punjab Technical Education and Vocational Training Authority;

(b) "Chairperson" means the Chairperson of the Authority;

(c) "Chief Operating Officer" means the Chief Operating Officer of the Authority;

(d) "committee" means a Committee of the Authority;

- (e) "Fund" means the Punjab Technical Education and Vocational Training Authority Fund;
- (f) "Government" means the Government of the Punjab;
- (g) "member" means a member of the Authority;
- (h) "prescribed" means prescribed by the rules or regulations;
- (i) "regulations" means regulations framed under the Act;
- (j) "rules" means rules made under the Act;
- (k) "technical education" means the form of education which prepares students for jobs that are based on manual or practical activities; and
- (l) "technical institution" means an institute, college or centre established or maintained by the Authority.

3. Incorporation.— (1) The Government may establish an Authority to be called the Punjab Technical Education and Vocational Training Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with power to enter into agreement, acquire, hold, manage, and dispose of property, and to sue and be sued in its name.

(3) The Authority shall not dispose of immovable property without prior approval of the Government and through public auction.

(4) The principal office of the Authority shall be at Lahore, but the Authority may establish its regional offices at such other places in the Punjab as it may consider necessary for the accomplishment of the objectives of the Act.

4. Composition of the Authority.— (1) The Authority shall consist of a Chairperson, and not less than seven and not more than fifteen members to be appointed by the Government.

(2) The Government shall nominate not less than three Secretaries to the Government as *ex-officio* members of the Authority.

(3) The Government shall appoint the members, other than *ex-officio* members, for a term not exceeding three years and determine the terms and conditions of such appointment.

(4) The members shall serve during the pleasure of the Government.

(5) A member, other than an *ex-officio* member, may resign from his office by a notice in writing to the Government and his seat shall fall vacant on the acceptance of the resignation.

(6) A member shall not, directly or indirectly, receive any profit from his position as the member except such fee, allowances and other expenses incurred by him in the performance of his duties as may be prescribed.

(7) Notwithstanding anything contained in sub-section (1), the Authority may, with the prior approval of the Government, co-opt any other person as member.

(8) The Chief Operating Officer shall be member-secretary of the Authority.

5. Functions of the Authority.— (1) The Authority may—

- (a) provide technical education as it may deem fit, and make provisions for research, service to the society and for the application, advancement and dissemination of technical education in all sectors of economy including industry, commerce and trade, agriculture and livestock, and services sectors in such manner as it may determine;
- (b) establish and maintain technical institutions, and regulate and administer the institutions under the control of the Authority at the commencement of the Act;
- (c) establish and support other facilities for technical education, training including teachers' pre-service and in-service training and research;
- (d) prescribe courses of studies and develop curricula for technical education and may solicit collaboration from other national and international agencies;
- (e) establish and maintain technical institutions for promoting innovation in technology adoption, and shall provide common facilitation centres and training the workforce in new technologies as per market demand;
- (f) decide teaching methods and strategies to ensure effective technical, educational and training programmes including foreign training;

- (g) prescribe the terms and conditions of employment of the officers, teachers and other employees of the Authority;
- (h) take initiatives for placement of trainees or graduates and provide career counselling and job search services to the students and alumni;
- (i) maintain linkages with alumni;
- (j) establish linkages with national and international institutions and organisations for the development of technical and vocational education and training system and seeking accreditation or recognition of standards and equivalence to create an internationally employable workforce;
- (k) take initiatives for welfare of its employees in any manner it deems appropriate;
- (l) provide and support the academic development of the faculty of the technical institutions;
- (m) institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes in the prescribed manner;
- (n) provide for the residence of the students, establish and maintain halls of residence and may approve or licence a hostel, lodging or boarding place;
- (o) maintain order, discipline and security in the technical institutions;
- (p) promote the extracurricular and recreational activities of the students and make arrangements for promoting health and general welfare of the students;
- (q) demand and receive such fees and other charges as it may determine; and
- (r) perform such other functions as may be ancillary, or as may be prescribed by the rules or as may be assigned by the Government.

(2) Notwithstanding anything contained in the Punjab Board of Technical Education Ordinance 1962 (XXXIX of 1962), the Authority shall be the Controlling Authority of the Punjab Board of Technical Education under the said Act.

6. Chairperson.— (1) The Government shall appoint a Chairperson for a period not exceeding five years on such terms and conditions as the Government may determine.

(2) The Chairperson shall hold office during the pleasure of the Government but shall not be removed without notice and opportunity of hearing.

(3) The Chairperson may resign his office subject to one month prior notice in writing to the Government or on payment of one month's pay in lieu of the notice.

(4) The Chairperson—

(a) shall be the Chief Executive of the Authority and shall be responsible for the management, administration and day to day affairs of the Authority; and

(b) shall exercise such powers as are assigned under the Act or are delegated by the Authority or as may be prescribed.

(5) The Chairperson may delegate any of his powers under the Act to any officer of the Authority.

7. Chief Operating Officer.— (1) The Government shall appoint a Chief Operating Officer of the Authority for a period not exceeding three years on such terms and conditions as the Government may determine.

(2) The Chief Operating Officer shall hold office during the pleasure of the Government but shall not be removed without notice and opportunity of hearing.

(3) Notwithstanding the expiration of the term, the Chief Operating Officer shall continue to hold office on the same terms and conditions for a period of three months or till his successor enters upon office, whichever is earlier.

(4) The Chief Operating Officer may resign his office subject to one month's prior notice in writing to the Government or on payment of one month's pay in lieu of the notice.

(5) The Chief Operating Officer shall—

(a) perform such functions as are assigned to him under the Act; and

(b) exercise such powers as are delegated by the Authority or as may be prescribed.

8. Disqualifications.— No person shall be appointed or shall continue as the Chairperson, Chief Operating Officer, or member, if he—

- (a) has been convicted of an offence involving moral turpitude; or
- (b) has been found guilty of misconduct; or
- (c) has been declared to be of unsound mind by a competent court; or
- (d) has been or is adjudged as un-discharged insolvent; or
- (e) is incapable of discharging his duties by reason of physical or mental infirmity and has been so declared by a Special Medical Board appointed by the Government; or
- (f) is an employee or member of the staff of the Authority other than the Chairperson, and the Chief Operating Officer; or
- (g) fails to disclose to the Authority any conflict of interest with the Authority within three days of his knowledge of the conflict of interest; or
- (h) stands disqualified by the order of a court to hold any public office; or
- (i) has been dismissed from the service of Pakistan or service of any Provincial Government or a body or authority under a Provincial or Federal Government; or
- (j) fails to attend more than three consecutive meetings of the Authority without leave.

9. Meetings.— (1) The Authority shall regulate the procedure for its meetings.

(2) A meeting of the Authority shall be held at such time and place as the Chairperson or the majority of members may determine.

(3) Members shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Authority shall be taken in such a meeting.

(4) The Chairperson shall preside over a meeting of the Authority; and, in the absence of the Chairperson, the members present in the meeting may select an acting Chairperson for the meeting.

(5) Five members, including the Chairperson or the acting Chairperson, shall constitute the quorum for a meeting of the Authority.

(6) 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.

(7) The Authority shall cause minutes to be kept of proceedings of every meeting of the Authority and of every meeting of a committee established by the Authority.

(8) The Chief Operating Officer shall maintain a complete record of the minutes and the decisions of the Authority in the prescribed manner.

(9) The proceedings of a meeting of the Authority shall not be invalid merely on account of any vacancy or defect in the constitution of the Authority.

10. Committees of Authority.— The Authority may constitute committees of its members and entrust them such functions and powers as it may deem fit.

11. Delegation.— 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, Chief Operating Officer, a committee, or one or more members, except the power to—

- (a) frame, amend or repeal regulations;
- (b) constitute a committee or fill a vacancy in a committee;
- (c) take policy decisions; and
- (d) approve the annual budget, audited accounts and the annual reports.

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

13. Staff.— (1) The Authority may employ such persons as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

(2) The employees of the Authority shall hold office during the pleasure of the Authority and shall, subject to notice and opportunity of hearing, be liable to such disciplinary action as may be prescribed.

(3) The Authority may, in the manner prescribed, absorb in its service an employee who is on deputation with the Authority, subject to the consent of the employee and prior approval of the Government or the employer.

(4) The terms and conditions of service of an employee, on absorption, shall not be less favourable than those admissible to the employee immediately before his absorption in the service of the Authority.

(5) The Authority shall, through adoption of policies of hiring freeze, reassignment restructuring of institutions, non-replacement of employees retiring upon attainment of age of superannuation and providing incentives for early retirement, bring the number of its employees in conformity with the requirements of the Authority.

(6) The terms and condition of service of the employees on deputation with the Authority shall be such as may be prescribed.

14. Fund.— (1) There shall be established a Fund to be known as the Punjab Technical Education and Vocational Training Authority Fund which shall be administered and controlled by the Authority.

(2) The Fund shall consist of—

- (a) budgetary releases from the Government;
- (b) grants, other than budgetary releases, from the Government;
- (c) grants from the Federal Government;
- (d) donations or grants from any person, local, national or international organization or agency; and
- (e) fees, charges, fines, confiscations, shares in profits, donations and gifts.

15. Budget.— The Chairperson shall prepare annual budget comprising the likely income and expenditures for the ensuing financial year and submit it to the Authority for approval in the form and manner as may be prescribed.

16. Bank accounts.— The Authority may open and maintain its accounts at such scheduled banks as it may determine.

17. Accounts.— (1) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(2) As soon as may be, after the end of each financial year, the Authority, in the manner prescribed, shall cause to be prepared for that financial year statements of account of the Authority which shall include a balance-sheet and an account of income and expenditure.

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

(2) The Government, in addition to the audit under sub-section (1), may cause the annual accounts of the Authority audited, in the prescribed manner, by a Chartered Accountant or a firm of Chartered Accountants selected from the list approved by the State Bank of Pakistan.

19. Annual report.— (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual report.

(2) The report shall consist of—

- (a) the statement of accounts under section 17 of this Act;
- (b) a comprehensive statement of the work and activities of the Authority during the preceding financial year; and

- (c) such other matters as may be prescribed and as the Authority may consider appropriate.
- (3) The Government shall, within two months of receiving the report from the Authority, shall give notice for laying the report in the Provincial Assembly of the Punjab, and shall lay the report before the Assembly in its first available session.
- 20. Appeal.**— A person aggrieved by an order of the Authority may, within thirty days of the communication of the order, prefer an appeal to the Government whose decision shall be final.
- 21. Public servants.**— The Chairperson, Chief Operating Officer, members, officers, employees and other persons authorized to perform or exercise any function or power under this 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 the Pakistan Penal Code 1860 (XLV of 1860).
- 22. Indemnity.**— All acts done, orders passed or proceedings taken by the Authority in good faith, shall be final and shall not be called in question in any court by a suit or otherwise.
- 23. Power to make rules.**— The Government may, by notification, make rules for carrying out the purposes of this Act.
- 24. Power to frame regulations.**— Subject to this Act and the rules, the Authority may frame regulations for the efficient performance of its functions under the Act.
- 25. Removal of difficulties.**— If any difficulty arises in giving effect to any provision of this Act, the Government may make such order as may be necessary for removing the difficulty.
- 26. Repeal, saving and succession.**— (1) The Punjab Technical Education and Vocational Training Authority Ordinance 1999 (XLV of 1999) is hereby repealed.
- (2) Notwithstanding the repeal of the Ordinance XLV of 1999—
- any action taken or order or appointment made under the repealed Ordinance shall be deemed to have been taken or made under this Act;
 - all rights, properties, assets or liabilities of the Punjab Technical Education and Vocational Training Authority established under the repealed Ordinance shall stand transferred to the Authority;
 - all employees of the Punjab Technical Education and Vocational Training Authority established under the repealed Ordinance shall be deemed to be the employees of the Authority; and
 - the employees of the Government, transferred to the Punjab Technical Education and Vocational Training Authority under the repealed Ordinance, shall continue to be the employees of the Government unless absorbed in the service of the Authority.
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MAQSOOD AHMAD MALIK
Secretary