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ORDINANCE NO.XXXVI OF 2009

AN

ORDINANCE

*to provide for the regulation, coordination and policy direction
for technical education and vocational education training*

WHEREAS it is expedient to provide for an autonomous organization for regulation, coordination and policy direction for technical education and vocational training and for matters ancillary thereto or connected therewith;

AND WHEREAS the National Assembly is not in session and the President is

satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**— (1) This Ordinance may be called the National Vocational and Technical Education Commission Ordinance, 2009.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the 15th November, 2009.

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

(a) "Board" means the Board established under section 4;

(b) "Chairman" means Chairman of the Board;

(c) "Commission" means the National Vocational and Technical Education Commission established under section 3;

(d) "Member" means the Member of the Board;

(e) "prescribed" means prescribed by rules or regulations made under this Ordinance;

(f) "regulations" means regulations made under this Ordinance;

(g) "rules" means rules made under this Ordinance; and

(h) "technical education and vocational training" means training in any professional skill, trade, calling or occupation.

3. **Establishment of the Commission.**—(1) As soon as may be after the commencement of this Ordinance the Federal Government shall, by notification in the official Gazette, establish a Commission to be called the National Vocational and Technical Education Commission.

(2) The headquarters of the Commission shall be at Islamabad and it may establish regional offices at such places as it may decide.

(3) The Commission shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance to hold and dispose of property, both moveable and immovable and shall by the said name sue and be sued.

(4) For the purpose of coordination NAVTEC will be administratively attached with Prime Minister's Secretariat.

4. Management.—(1) The general direction, all matters of policy and administration of the Commission and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Commission.

(2) There shall be a Chairman of the Board who shall be appointed by the Federal Government on such terms and conditions as the Federal Government may determine.

(3) The Board shall be the apex body and shall consist of the following members, namely:—

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| (a) Chairman, NAVTEC | <i>Chairman</i> |
| (b) Secretary, Ministry of Labour, Manpower and Overseas Pakistanis. | <i>Member</i> |
| (c) Secretary, Ministry of Finance | <i>Member</i> |
| (d) Secretary, Ministry of Industries, Production and Special Initiatives. | <i>Member</i> |
| (e) Secretary, Ministry of Education. | <i>Member</i> |
| (f) Secretary of the concerned provincial department till such time that Provincial Authorities are established in the Provinces. | <i>Member</i> |
| (g) Executive Director | <i>Member</i> |
| (h) Not less than six members from the private sector who have experience in the area of skills development and technical education. | <i>Member</i> |

(4) The Executive Director shall also act as Secretary of the Board.

(5) The Board may co-opt any person as a member of the Board for such period as it may deem fit.

(6) The Federal Government may, by notification in the official Gazette, increase or decrease the number of the members of the Board, from time to time, as it deems fit.

(7) The Board in discharge of its functions shall be guided by such directions as the Federal Government may give to it from time to time.

(8) A member may, other than an *ex-officio* member, by writing under his hand, addressed to the Federal Government, resign his office.

(9) The Federal Government may, on the recommendation of the Chairman, replace any member, other than an *ex-officio* member, before completion of his term of three years or attaining the age of sixty five years.

(10) The Chairman shall, unless he resigns from office earlier, hold office for period of three years and shall be eligible for re-employment for such term or terms as the Federal Government may determine, provided that the Chairman shall cease to hold office on attaining the age of sixty-five years or expiry of the tenure whichever is earlier.

(11) A Member shall, other than an *ex-officio* member, unless he resigns from office earlier, hold office for a period of three years and shall be eligible for re-appointment for such term or terms as the Federal Government may determine, provided that the Member shall cease to hold office on attaining the age of sixty-five years or the expiry of the term whichever is earlier.

5. **Meeting of the Board.**—(1) The meetings of the Board shall be held as and when required, but once at least in a quarter, at the time and place as the Chairman of the Board may determine.

(2) The meetings of the Board shall be conducted in accordance with such procedure as may be specified by the Board.

(3) Half of the total membership of the Board shall constitute the quorum for the meeting.

(4) The decisions of the Board shall be taken by the majority of the members present and, in case of a tie, the person presiding over the meeting shall have a casting vote.

(5) All orders, determinations and decisions of the Board shall be reduced in writing together with a record of the discussions held in the meeting.

6. **Functions of the Commission.**—The functions of the Commission shall be to—

- (a) devise and review policies and evolve strategy relating to human resource development with a focus on technical education, vocational training and employment in general;
- (b) prepare national training plans, programmes and projects in coordination with stakeholders for the expansion of technical education and vocational training infrastructure in the country;
- (c) formulate policies for capacity building in the field of technical education and vocational training;
- (d) develop national occupational skill standards, curricula and trade testing certification systems for all sectors in which technical education and vocational training is imparted;
- (e) prescribe conditions under which institutions in the public and private sector may be established and operated;
- (f) facilitate skill development and employment generation through enhancement of public private partnership;
- (g) improve quality of training of instructors through skill upgradation programmes;
- (h) regulate affiliation of establishments and institutions offering technical and vocational training;
- (i) issue regulations for licensing of federal establishments and institutions;
- (j) organize workshops, Seminars, symposia and panel discussions in respect of employment and training issues;
- (k) establish national and international linkages with organizations of repute to make national programmes credible and promote marketing of manpower;
- (l) establish an internationally acceptable system of accreditation for technical education and vocational training;
- (m) coordinate with the provincial governments in the field of technical education and vocational training;

- (n) review existing laws and regulations on technical education and vocational training and recommend appropriate legislation;
- (o) carry out training needs assessment surveys;
- (p) prepare and maintain a data bank of institutions and establishments imparting technical education and vocational training and directory of their graduates and their placements;
- (q) suggest innovative programmes for promotion of technical education and vocational training among females, challenged and neglected sections of society;
- (r) suggest performance evaluation parameters for technical education and vocational training programmes and conduct performance evaluation of technical and vocational institutions;
- (s) bridge the widening gap between planning and implementation for improving access, delivery and quality of technical education and vocational training by applying new instructional and communication technologies;
- (t) suggest ways and means for effective coordination and linkages between technical education and vocational training and industry, business and commerce to make technical education and vocational training relevant and responsive to market needs;
- (u) formulate and recommend strategies for preservice and inservice training of technical educational and vocational training staff; and
- (v) develop code of conduct for technical education and vocational training institutions and staff for meeting quality assurance standards.

7. Powers of the Commission.—The Commission may—

- (a) take measures, including the allocation of funds, for the establishment of scholarships and stipends for students and training of teachers abroad and within the country;
- (b) establish an endowment fund for technical educational and vocational training with contributions from government as well as non-governmental resources;

- (c) allocate funds for infrastructure development, training of faculty as an incentive to improve quality of vocational and technical education;
- (d) set up such administrative and technical committees, working groups, skill development councils, trade testing boards or other such bodies and entrust them such functions as it may consider necessary;
- (e) regulate quality control for implementation of skills standards, syllabi, trade testing and certification of technical and vocational training institutions;
- (f) advise the Federal Government and Provincial Governments on proposals for grant of diplomas and certificates by technical education and vocational training institutions;
- (g) determine equivalence and recognition of diplomas, certificates awarded by institutions within the country and abroad;
- (h) approve policies, plans, programmes of the Commission; and
- (i) approve projects up to a ceiling of forty million rupees.

8. **Executive Director of the Commission.**— (1) There shall be an Executive Director of the Commission appointed by the Federal Government on such terms and conditions as it may determine.

(2) The Executive Director shall be the head of the Secretariat of the Commission. The Secretariat shall act as the executing wing of the Commission and shall be responsible for implementation of all the orders, decisions, directives and policy of the Commission.

9. **Delegation of powers.**—The Board may delegate all or any of its powers to its Executive Director or any officer of the Commission as the case may be.

10. **Committees.**—(1) The Commission may set up as many Committees and working groups as may be required to effectively perform its functions.

(2) The composition and function of a Committee and working group shall be such as the Commission may determine.

11. **Appointment of officers and staff.**—(1) The Commission may, subject to general or special orders, as the Federal Government may give to it from

time to time and subject to such rules as may be made in this behalf, create posts, appoint such officers, advisers, consultants and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

(2) The Commission shall make rules for the recruitment of its employees.

12. **Funds.**—(1) The Federal Government shall provide funds to the Commission for meeting all expenses required for discharging its functions.

(2) The Federal Government may provide annual grants to the Commission for carrying out its functions.

(3) All receipts of the Commission from any source whatsoever shall be credited to a fund to be called National Vocational and Technical Education Commission (NAVTEC Fund) and shall vest in the Commission with power to manage and operate.

(4) The mechanism for operation of the Fund shall be prescribed by the Commission with the prior approval of the Federal Government.

13. **Submission of reports.**—The Commission shall submit an annual report to the Federal Government in respect of its activities or as and when required by the Federal Government.

14. **Audit and accounts.**—(1) The Commission shall maintain its accounts of receipts and expenditure in such manner as may be prescribed by the Controller General of Accounts.

(2) The accounts of the Commission shall be audited every year by the Auditor-General of Pakistan.

(3) The Commission may also get its accounts audited by a Chartered Accountants firm to be appointed with the approval of the Board.

15. **Employees of the Commission to be public servants.**—Every employee of the Commission and every person acting or purporting to act under this Ordinance and the rules and regulations made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

16. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against any person exercising the powers or for anything in good faith or intended to be done under this Ordinance.

17. **Power to make rules.**—The Commission may, with the approval of the Federal Government, make rules for carrying out the purposes of the Ordinance.

18. **Power to make regulations.**—The Commission may, with the approval of the Board, make regulations, not inconsistent with this Ordinance and the rules, for carrying out the purposes of this Ordinance.

19. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Federal Government may make such order, not inconsistent with the provisions of this Ordinance, for removing the difficulty.

20. **Ordinance to override other laws.**—The provision of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

21. **Validation of actions, etc.**—Anything done, action taken, orders passed, instruments made, order of appointment made, proceedings initiated, processes or communications issued, powers conferred, assumed, exercised by the Commission or its officers and servants on and after the 14th November, 2009 and before the commencement of this Ordinance shall be deemed to have been validly done, made, issued, taken, initiated, conferred, assumed and exercised and the provisions of this Ordinance shall have, and shall be deemed always to have had, effect accordingly.

22. **Repeal and savings.**—On the commencement of this Ordinance.—

- (a) Cabinet Division's Notification. No.4-16/2005-Min-I, dated the 30th December, 2005, shall stand rescinded;
- (b) the National Vocational and Technical Education Commission constituted under the aforesaid notification shall stand dissolved and all its assets, liabilities, members and staff shall become assets, liabilities, members and staff of the Commission established under this Ordinance; and
- (c) Notwithstanding anything contained therein before, all orders made, actions taken, vesting orders or notifications issued under any of the powers conferred or vested under the Cabinet Division's notification No.4-16/2005-Min-I, dated the 30th December, 2005 shall be deemed always to have been lawfully and validly made, taken, issued, vested under the provisions of this Ordinance.

STATEMENT OF OBJECTS AND REASONS

In line with the government's vision to reduce unemployment and promote technical skills in the national work force, it has been decided to set up an institutional arrangement at the federal level for policy formulation, regulation and coordination in matters relating to technical education and vocational training. The law of National Vocational and Technical Education Commission provides for an autonomous organization for the said purpose and for matters ancillary thereto or connected therewith.

The Bill seeks to achieve the aforesaid objective.

Member-in-Charge