

THE APPRENTICES ACT, 1961



Bare Act

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THE APPRENTICES ACT, 1961

[52 OF 1961]¹

An Act to provide for the regulation and control of training of apprentices² and for matters connected therewith.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. Short title, extent, commencement and application.— (1) This Act may be called the Apprentices Act, 1961.

(2) It extends to the whole of India³.

(3) It shall come into force on such date⁴ as the Central Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different States.

(4) The provisions of this Act shall not apply to—

(a) any area or to any industry in any area unless the Central Government by notification in the *Official Gazette* specifies that area or industry as an area or industry to which the said provisions shall apply with effect from such date as may be mentioned in the notification:

(b)⁵;

(c)⁶ [any such special apprenticeship scheme for imparting training to apprentices as may be notified by the Central Government in the *Official Gazette*].

NOTES

Apprentice.—*For appointment, cannot claim exemption from entrance test.*

The controversy whether an apprentice is required to appear in a competitive test is set at rest by the judgment of the Full Bench. Following the same it is held that appellants who have completed their apprenticeship training cannot claim any legal right that they should not be required to appear in any examination or competitive test which may be held by the respondents for making selection for the advertised posts.

Rajendra Singh v. U.P. State Electricity Board 2000 (86) FLR 155 (All.-D-B.)

Termination after training period.

Respondent no.2 was apprentice with petitioner company. He was not given regular service on completion of training. He raised industrial dispute and on reference, Labour Court held termination to be illegal. Hence this writ petition.

1 The Act came into force on 1-3-1962 vide GSR 246, dt. 12-2-1962, as amended by Acts 52 of 1964, published in Gazette of India, on 30-12-1964, 25 of 1968, published in Gazette of India, on 24-5-1968 came into force on 15-8-1968, 27 of 1973 came into force w.e.f. 1-12-1974 vide GSR 1293, dt. Nov. 1974, 41 of 1986 came into force w.e.f. 16-12-1987, vide GSR 974 (E) dt. 10-12-1987 and vide Act 4 of 1997 (w.e.f. 8-1-1997).

2 Words "in trades" omitted by Act 27 of 1973, S. 2 (w.e.f. 1-12-1974).

3 Words "except in the State of Jammu and Kashmir" omitted by Act 25 of 1968, Sec. 2 and Sch. (w.e.f. 15-8-1968).

4 Came into force on 1-3-1962 vide G.S.R. 246 dated 12th Feb. 1962, published in the Gazette of India, 1962, Pt. II. Sec. 3(1), p. 218.

5 Cl. (b) omitted by Act 27 of 1973, S. 3 (w.e.f. 1-12-1974).

6 Substituted by Act 27 of 1973, S. 3, for clause (c) (w.e.f. 1-12-1974).

Held: Status of apprentice is different from that of regular workman. Appointment order provided for termination without notice. Denial of service after training is not a punishment. Certified Standing Orders specified period of training. The award of Labour Court is set aside.

Management of T.I. Diamond Chain Ltd. v. P.O. Labour Court 2003 I CLR 57 (Mad.H.C.)

Apprentice Act, 1961 – Applicability – Trainees under a Scheme.

Petitioner union filed this petition on behalf of 22 employees. The claim is that these employees though styled as trainees are in fact doing regular work, that they have completed 240 days of service and that they be regularised as regular employees and be paid wages accordingly. Respondent has set out the scheme under which these 22 persons are given training and that they are trainees and not employees.

Held: Apprentices Act, 1961 is not applicable to the present case. The training is given to 22 candidates as per the training of the respondent. 22 candidates have accepted the scheme and acted upon it and that at the end of training they have come out to say that they be treated as regular employees which would amount to backdoor entry and that as such there is no substance in this petition and is dismissed.

Petroleum Employees Union v. Indian Oil Corporation Ltd. 2001 I CLR 785 (Bom.-D.B.)

Appointment otherwise than under Act.

In this case, petitioner challenges the direction given by the Industrial Court in respect of payments to be made to apprentices appointed otherwise than under the Act. Accepting the challenge, it is held that there is no evidence that petitioner has appointed any apprentice otherwise than under the Act. Said direction is therefore set aside and quashed.

Sangamner Bhag Sahkari Sakhar Karkhana Ltd. v. Rashtriya Sakhar Kamgar Union 2000 II CLR 941 (Bom.H.C.)

Board resolution is unassailable.

The challenge is to the respondent Board Resolution dt. 3.3.1997 to give preference in direct recruitment to apprentice trainee.

It is held that the impugned resolution, whether it amounts to supplementing or supplanting statutory regulations is clearly unassailable since same has been issued in compliance with the criteria laid down by Supreme Court in the case of *UPSRTC*'s case AIR 1995 SC 1115 and the same is binding under Art.144 of the Constitution.

Shivraj Kudamble v. Karnataka Electricity Board 2001 LIC 122 (Karn.-D.B.)

Continuation after completion of training.

The petitioner commenced his apprenticeship as a General Clerk under the Apprentice Act, 1961. He completed his training on 12.10.1980 and as per amended standing orders on 12.10.1981. The term could not be extended thereafter. Yet he was allowed to continue till 7.10.1982. Therefore it will be presumed that he was verbally appointed as General Clerk. Termination of service was therefore retrenchment.

Ram Swaroop Sharma v. Labour Court, Jaipur 2000 (85) FLR 102 (Raj.H.C.).

2. Definitions.-In this Act, unless the context otherwise requires,--

¹[(a) “**All India Council**” means the All India Council of Technical Education established by the resolution of the Government of India in the former Ministry of Education No.F.16-10/44-E-III, dt. 30-11-1945;]

¹ Inserted by Act 27 of 1973, S. 4 (w.e.f. 1-12-1974).

- ¹[(aa) “**apprentice**” means a person who is undergoing apprenticeship training ²[***] in pursuance of a contract of apprenticeship;
- ³[(aaa) “**apprenticeship training**” means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices;]
- (b) “**Apprenticeship Adviser**” means the Central Apprenticeship Adviser appointed under sub-section (1) of section 26 or the State Apprenticeship Adviser appointed under sub-section (2) of that section;
- (c) “**Apprenticeship Council**” means the Central Apprenticeship Council or the State Apprenticeship Council established under sub-section (1) of section 24;
- (d) “**Appropriate Government**” means,- (1) in relation to-
- (a) the Central Apprenticeship Council, or
- ⁴[(aa) the Regional Boards, or
- (aaa) the practical training of graduate or technician apprentices or of technician (vocational) apprentices, or];
- (b) any establishment of any railway, major port, mine or oilfield, or
- (c) any establishment owned, controlled or managed by-
- (i) the Central Government or a department of the Central Government;
- (ii) a company in which not less than fifty-one per cent of the share capital is held by the Central Government or partly by that Government and partly by one or more State Governments;
- (iii) a corporation (including a co-operative society) established by or under a Central Act, which is owned, controlled or managed by the Central Government,
- the Central Government;
- (2) in relation to-
- (a) a State Apprenticeship Council, or
- (b) any establishment other than an establishment specified in sub-clause (1) of this clause,
- the State Government;
- ⁵[(dd) “**Board or State Council of Technical Education**” means the Board or State Council of Technical Education established by the State Government;]
- (e) “**designated trade**” ⁶[means any trade or occupation or any subject field in engineering or technology] ⁷[or any vocational course] which the Central Government, after consultation with the Central Apprenticeship Council,

1 Clause (a) re-numbered as clause (aa) by Act 27 of 1973, sec. 4 (w.e.f. 1-12-1974)

2 Words “in a designated trade” omitted by Act 27 of 1973, S. 4 (w.e.f. 1-12-1974).

3 Inserted by Act 27 of 1973, S. 4 (w.e.f. 1-12-1974).

4 Inserted by Act 27 of 1973, S.4 (w.e.f. 1-12-1974) and substituted by Act 41 of 1986, S.2 (w.e.f. 16-12-1987).

5 Inserted by Act 27 of 1973.

6 Substituted by Act 27 of 1973, S-4 (w.e.f. 1-12-1974).

7 Inserted by Act 41 of 1986, S-2 (w.e.f. 16-12-1987).

may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act;

- (f) “**employer**” means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;
- (g) “**establishment**” includes any place where any industry is carried on¹[and where an establishment consists of different departments or has branches, whether situated in the same place or at different places, all such departments or branches shall be treated as part of that establishment];
- (h) “**establishment in private sector**” means an establishment which is not an establishment in public sector;
- (i) “**establishment in public sector**” means an establishment owned, controlled or managed by-
- (1) the Government or a department of the Government;
 - (2) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);
 - (3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;
 - (4) a local authority;
- ²(j) “**graduate or technician apprentice**” means an apprentice who holds, or is undergoing training in order that he may hold a degree or diploma in engineering or technology or equivalent qualification granted by any institution recognised by the Government and undergoes apprenticeship training in any such subject field in engineering or technology as may be prescribed;
- (k) “**industry**” means any industry or business in which any trade, occupation or subject field in engineering or technology³[or any vocational course] may be specified as a designated trade;]
- (l) “**National Council**” means the National Council for Training in Vocational Trades established by the resolution of the Government of India in the Ministry of Labour (Directorate General of Resettlement and Employment) No.TR/E.P.-24-56, dated 21-8-1956⁴[and re-named as the National Council for Vocational Training by the resolution of the Government of India in the Ministry of Labour (Directorate General of Employment and Training) No.DGET./12/21/80-TC, dated 30-9-1981;]
- (m) “**prescribed**” means prescribed by the rules made under this Act;
- ⁵[(mm) “**Regional Board**” means any Board of Apprenticeship Training registered under the Societies Registration Act, 1860 (21 of 1860), at Bombay, Calcutta, Madras or Kanpur;]

1 Inserted by Apprentices (Amendment) Act, 4 of 1997, w.e.f. 8-1-1997.

2 Substituted by Act 27 of 1973, S. 4 (w.e.f. 1-12-74).

3 Inserted by Act 27 of 1973 and substituted by Act 41 of 1986, w.e.f. 16-12-1987.

4 Inserted by Act 41 of 1986, w.e.f. 16-12-1987.

5 Inserted by Act 27 of 1973. w.e.f. 1-12-1974.

- (n) “**State**” includes a Union Territory’
- (o) “**State Council**” means a State Council for Training in Vocational Trades established by the State Government;
- (p) “**State Government**” in relation to a Union Territory, means the Administrator thereof;
- ¹[(pp) “**technician (vocational) apprentice**” means an apprentice who holds or is undergoing training in order that he may hold a certificate in vocational course involving two years of study after the completion of the secondary stage of school education recognised by the All-India Council and undergoes apprenticeship training in any such subject field in any vocational course as may be prescribed;]
- ²[(q) “**trade apprentice**” means an apprentice who undergoes apprenticeship training in any such trade or occupation as may be prescribed;]
- ³[(r) “**worker**” means any person who is employed for wages in any kind of work and who gets his wages directly from the employer but shall not include an apprentice referred to in clause (aa)].

CHAPTER II

APPRENTICES AND THEIR TRAINING

3. Qualifications for being engaged as an apprentice.-A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he-

- (a) is not less than fourteen years of age, and
- (b) satisfies such standards of education and physical fitness as may be prescribed:

Provided that different standards may be prescribed in relation to apprenticeship training in different designated trades ⁴[and for different categories of apprentices].

⁵**[3A. Reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades.-**

- (1) In every designated trade, training places shall be reserved by the employer for the Scheduled Castes and the Scheduled Tribes ⁶[and where there is more than one designated trade in an establishment, such training places shall be reserved also on the basis of the total number of apprentices in all the designated trades in such establishment].
- (2) The number of training places to be reserved for the Scheduled Castes and the Scheduled Tribes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Scheduled Castes and the Scheduled Tribes in the State concerned.

¹ Inserted by Act 41 of 1986, w.e.f. 16-12-1987.

² Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

³ Inserted by Apprentices (Amendment) Act 4 of 1997, w.e.f. 8-1-1997.

⁴ Added by Act 27 of 1973 (w.e.f. 1-12-1974).

⁵ Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

⁶ Inserted by Act 41 of 1986, S-4 (w.e.f. 16-12-1987).

Explanation.-In this section, the expressions "Scheduled Castes" and "Scheduled Tribes" shall have the meanings as in clauses (24) and (25) of article 366 of the Constitution.]

¹**[3-B. Reservation of training places for Other Backward Classes in designated trades** -(1) In every designated trade, training places shall be reserved by the employer for the Other Backward Classes and where there is more than one designated trade in an establishment, such training places shall be reserved also on the basis of the total number of apprentices in all the designated trades in such establishment.

(2) The number of training places to be reserved for the Other Backward Classes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Other Backward Classes in the State concerned.]

²**[4. Contract of apprenticeship.**-(1) No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such person or, if he is minor, his guardian has entered into a contract of apprenticeship with the employer.

(2) The apprenticeship training shall be deemed to have commenced on the date on which the contract of apprenticeship has been entered into under sub-section (1).

(3) Every contract of apprenticeship may contain such terms and conditions as may be agreed to by the parties to the contract:

Provided that no such term or condition shall be inconsistent with any provision of this Act or any rule made thereunder.

(4) Every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within such period as may be prescribed to the Apprenticeship Adviser for registration.

(5) The Apprenticeship Adviser shall not register a contract of apprenticeship unless he is satisfied that the person described as an apprentice in the contract is qualified under this Act for being engaged as an apprentice to undergo apprenticeship training in the designated trade specified in the contract.

(6) Where the Central Government, after consulting the Central Apprenticeship Council, makes any rule varying the terms and conditions of apprenticeship training of any category of apprentices undergoing such training, then, the terms and conditions of every contract of apprenticeship relating to that category of apprentices and subsisting immediately before the making of such rule be deemed to have been modified accordingly].

NOTES

S.4(4) – Effect of non-registration of contract of apprentice – It is held that the term 'shall' appearing in S.4(4) of the Act is merely directory and not mandatory and non-registration of the apprentice contract is not void and illegal and will not change the character of the apprentice and they will not acquire the status of workmen.

U.P. State Electricity Board v. Shiv Mohan Singh & Anr. 2005 I CLR 547 (S.C.)

S.4(4) – Workman if under Industrial Disputes Act, 1947 – Petitioner was engaged as apprentice Mechanic for 2 years subject to terms and conditions of the contract – Petitioner

1 Inserted by the Apprentices (Amendment) Act, 2007 (36 of 2007), S-2 (w.e.f. 01-02-2008).

2 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

was relieved on completion of 2 years training – He raised an industrial dispute and reference was made – Labour Court held the petitioner to be not workman and his termination was not retrenchment – Hence this petition – While dismissing the petition, it is held that non-registration of contract of apprenticeship will not change the character of the apprentice and the incumbent will not acquire the status of a workman, that the petitioner has not been able to demonstrate before this Court that the findings of fact recorded in the impugned award suffers from any illegality, perversity or error apparent on the face of the record and that as such the impugned award is not open to challenge in writ jurisdiction under Art.226 of the Constitution of India.

Ram Babu Gupta v. Presiding Officer, Labour Court, Allahabad & Anr. 2005 1 CLR 486 (All.H.C.)

5. Novation of contracts of apprenticeship.-Where an employer with whom a contract of apprenticeship has been entered into, is for any reason, unable to fulfil his obligations under the contract and with the approval of the Apprenticeship Adviser it is agreed between the employer, the apprentice or his guardian and any other employer that the apprentice shall be engaged as an apprentice under the other employer for the unexpired portion of the period of apprenticeship training, the agreement, on registration with the Apprenticeship Adviser, shall be deemed to be the contract of apprenticeship between the apprentice or his guardian and other employer, and on and from the date of such registration, the contract of apprenticeship with the first employer shall terminate and no obligation under that contract shall be enforceable at the instance of any party to the contract against the other party thereto.

6. Period of apprenticeship training.-The period of apprenticeship training, which shall be specified in the contract of apprenticeship, shall be as follows:

- (a) in the case of ¹[trade apprentices] who, having undergone institutional training in a school or other institution recognised by the National Council, have passed the trade tests ²[or examinations] conducted by ³[that Council or by an institution recognised by that Council], the period of apprenticeship training shall be such as may be determined by that Council or by an institution recognised by that Council;
- ⁴[(aa) in the case of trade apprentices who, having undergone institutional training in a school or other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette specify in this behalf, have passed the trade tests ⁵[or examinations] conducted by that Board or State Council or authority, the period of apprenticeship training shall be such as may be prescribed;]
- (b) in the case of other ⁶[trade apprentices], the period of apprenticeship training shall be such as may be prescribed;

1 Substituted by Act 27 of 1973 for "apprentices" (w.e.f. 1-12-1974).

2 Inserted by Act 41 of 1986, w.e.f. 16-12-1987.

3 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

4 Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

5 Inserted by Act 41 of 1986, w.e.f. 16-12-1987.

6 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

¹[(c) in the case of graduate or technician apprentices, ²[technician (vocational) apprentices] the period of apprenticeship training shall be such as may be prescribed].

7. Termination of apprenticeship contract.- (1) The contract of apprenticeship shall terminate on the expiry of the period of apprenticeship training.

(2) Either party to a contract of apprenticeship may make an application to the Apprenticeship Adviser for the termination of the contract, and when such application is made, shall send by post a copy thereof to the other party to the contract.

(3) After considering the contents of the application and the objections, if any, filed by the other party, the Apprenticeship Adviser may, by order in writing, terminate the contract, if he is satisfied that the parties to the contract or any of them have or has failed to carry out the terms and conditions of the contract and it is desirable in the interests of the parties or any of them to terminate the same:

Provided that where a contract is terminated

- (a) for failure on the part of the employer to carry out the terms and conditions of the contract, the employer shall pay to the apprentice such compensation as may be prescribed;
- (b) for such failure on the part of the apprentice, the apprentice or his guardian shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser.

³[(4) Notwithstanding anything contained in any other provision of this Act, where a contract of apprenticeship has been terminated by the Apprenticeship Adviser before the expiry of the period of apprenticeship training and a new contract of apprenticeship is being entered into with a new employer, the Apprenticeship Adviser may, if he is satisfied that the contract of apprenticeship with the previous employer could not be completed because of any lapse on the part of the previous employer, permit the period of apprenticeship training already undergone by the apprentice with his previous employer to be included in the period of apprenticeship training to be undertaken with the new employer].

8. Number of apprentices for a designated trade.⁴[(1) The Central Government shall, after consulting the Central Apprenticeship Council, by order notified in the Official Gazette, determine for each designated trade the ratio of trade apprentices to workers other than unskilled workers in that trade:

Provided that nothing contained in this sub-section shall be deemed to prevent any employer from engaging a number of trade apprentices in excess of the ratio determined under this sub-section.

(2) In determining the ratio under sub-section (1), the Central Government shall have regard to the facilities available for apprenticeship training under this Act in the designated trade concerned as well as to the facilities that may have to be made available by an employer for the training a graduate or technician

1 Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

2 Inserted by Act 41 of 1986 (w.e.f. 1-12-1974).

3 Inserted by Apprentices (Amendment) Act 4 of 1997, w.e.f. 8-1-1997.

4 Sub-sections (1), (2), (3) and (3A), substituted by Act 27 of 1973.

apprentices ¹[technician (vocational) apprentices], if any, in pursuance of any notice issued to him under sub-section (3A) by the Central Apprenticeship Adviser or such other person as is referred to in that sub-section.

(3) The Apprenticeship Adviser may, by notice in writing, require an employer to engage such number of trade apprentices within the ratio determined by the Central Government for any designated trade in his establishment, to undergo apprenticeship training in that trade and the employer shall comply with such requisition:

Provided, that in making any requisition under this sub-section, the Apprenticeship Adviser shall have regard to the facilities actually available in the establishment concerned:

²[Provided further that the Apprenticeship Adviser may, on a representation made to him by an employer and keeping in view the more realistic employment potential, training facilities and other relevant factors, permit him to engage such number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than fifty per cent of the number so arrived at, subject to the condition that the employer shall engage apprentices in other trades in excess in number equivalent to such shortfall.]

(3A) The Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf shall, having regard to-

- (i) the number of marginal persons (including technical and supervisory persons) employed in a designated trade;
- (ii) the number of management trainees engaged in the establishment;
- (iii) the totality of the training facilities available in a designated trade; and
- (iv) such other factors as he may consider fit in the circumstances of the case,

by notice in writing, require an employer to impart training to such number of graduate or technician apprentices ³[technician (vocational) apprentices], in such trade in his establishment as may be specified in such notice and the employer shall comply with such requisition.

Explanation.-In this sub-section the expression "management trainee" means a person who is engaged by an employer for undergoing a course of training in the establishment of the employer (not being apprenticeship training under this Act) subject to the condition that on successful completion of such training, such person shall be employed by the employer on a regular basis.]

(4) Several employers may join together for the purpose of providing practical training to the apprentices under them by moving them between their respective establishments.

(5) Where, having regard to the public interest, a number of apprentices in excess of the ratio determined by the Central Government ⁴[or in excess of the number specified in a notice issued under sub-section (3A)] should, in the opinion

1 Inserted by Act 41 of 1986 w.e.f. 16-12-1987.

2 Substituted by the Apprentices (Amendment) Act 2007 (36 of 2007) (w.e.f. 01-02-2008).

3 Inserted by Act 41 of 1986 w.e.f. 16-12-1987.

4 Inserted by Act 27 of 1973.

of the appropriate Government be trained, the appropriate Government may require employers to train the additional number of apprentices.

(6) Every employer to whom such requisition as aforesaid is made, shall comply with the requisition if the Government concerned makes available such additional facilities and such additional financial assistance as are considered necessary by the Apprenticeship Adviser for the training of the additional number of apprentices.

(7) Any employer not satisfied with the decision of the Apprenticeship Adviser under sub-section (6), may make a reference to the Central Apprenticeship Council and such reference shall be decided by a Committee thereof appointed by that Council for the purpose and the decision of that Committee shall be final.

9. Practical and basic training of apprentices.-(1) Every employer shall make suitable arrangements in his workshop for imparting a course of practical training to every apprentice engaged by him in accordance with the programme approved by the Apprenticeship Adviser.

(2) ¹[The Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf] shall be given all reasonable facilities for access to each such apprentice with a view to test his work and to ensure that the practical training is being imparted in accordance with the approved programme:

Provided that ²[the State Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the State Apprenticeship Adviser in writing in this behalf] shall also be given such facilities in respect of apprentices undergoing training in establishments in relation to which the appropriate Government is the State Government].

³[(3) Such of the trade apprentices as have not undergone institutional training in a school or other institution recognised by the National Council or any other institution affiliated to or recognised by the Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, shall, before admission in the workshop for practical training, undergo a course of basic training.]

(4) Where an employer employs in his establishment five hundred or more workers, the basic training shall be imparted to ⁴[the trade apprentices] either in separate parts of the workshop building or in a separate building which shall be set up by the employer himself, but the appropriate Government may grant loans to the employer on easy terms and repayable by easy instalments to meet the cost of the land, construction and equipment for such separate building.

⁵[(4A) Notwithstanding anything contained in sub-section (4), if the number of apprentices to be trained at any time in any establishment in which five hundred or more workers are employed, is less than twelve the employer in relation to such establishment may depute all or any of such apprentices to any Basic

1 Words "The Central Apprenticeship Adviser" substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

2 Substituted for words "the State Apprentice Advisor" by Act 27 of 1973.

3 Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

4 Substituted for words "the apprentices" by Act 27 of 1973.

5 Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

Training Centre or Industrial Training Institute for basic training in any designated trade, in either case, run by the Government.

(4B) Where an employer deutes any apprentice under sub-section (4A), such employer shall pay to the Government the expenses incurred by the Government on such training, at such rate as may be specified by the Central Government.]

(5) Where an employer employs in his establishment less than five hundred workers, the basic training shall be imparted to ¹[the trade apprentices] in training institutes set up by the Government.

(6) In any such training institute, which shall be located within the premises of the most suitable establishment in the locality or at any other convenient place ²[the trade apprentices] engaged by two or more employers may be imparted basic training.

(7) ³[In the case of an apprentice other than graduate or technician apprentice ⁴[technician (vocational) apprentices] the syllabus of], and the equipment to be utilised for, practical training including basic training shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.

⁵[(7A) In the case of graduate or technician apprentices ⁶[technician (vocational) apprentices] the programme of apprenticeship training and the facilities required for such training in any subject field in engineering or technology ⁷[or vocational course] shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship council.]

(8) (a) Recurring costs (including the cost of stipends) incurred by an employer in connection with ⁸[* * *] ⁹[basic training,] imparted to trade apprentices other than those referred to in clauses (a) and (aa)] of section 6 shall be borne-

(i) If such employer employs ¹⁰[two hundred and fifty] workers or more, by the employer;

(ii) If such employer employs less than ¹¹[two hundred and fifty] workers by the employer; and the Government in equal shares upto such limit as may be laid down by the Central Government and beyond that limit, by the employer alone; and

1 Substituted for words "the apprentices" by Act 27 of 1973 (w.e.f. 1-12-1974).

2 Substituted for words "the apprentices" by Act 27 of 1973 (w.e.f. 1-12-1974).

3 Substituted for words "The syllabus of" by Act 27 of 1973 (w.e.f. 1-12-1974).

4 Inserted by Act 41 of 1986 w.e.f. 16-12-1987.

5 Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

6 Inserted by Act 41 of 1986 w.e.f. 16-12-1987.

7 Inserted by Act 41 of 1986 w.e.f. 16-12-1987.

8 Subs. by Act 27 of 1973, s. 10 for "practical training imparted to apprentices other than those referred to in clause (a)" w.e.f. 1-12-1974.

9 Subs. for words "practical training including" omitted by Apprentices (Amendment) Act 4, 1997, w.e.f. 8-1-1997, s. 5 (i).

10 Words "five hundred" substituted by Apprentices (Amendment) Act 4, 1997, w.e.f. 8-1-1997, s. 5 (ii).

11 Words "five hundred" substituted by Apprentices (Amendment) Act 4, 1997, w.e.f. 8-1-1997, s. 5 (iii).

(b) Recurring costs (including the costs of stipends), if any, incurred by an employer in connection with ¹[practical training, including basic training imparted to trade apprentices referred to in clauses (a) and (aa)] of section 6 shall, in every case, be borne by the employer;

²[(c) Recurring costs (excluding the cost of stipends) incurred by an employer in connection with the practical training imparted to graduate or technician apprentices ³[technician (vocational) apprentices] shall be borne by the employer and the cost of stipends shall be borne by the Central Government and the employer in equal shares upto such limit as may be laid down by the Central Government and beyond that limit, by the employer alone.]

10. Related instruction of apprentices.- (1) ⁴[A trade apprentice] who is undergoing practical training in an establishment shall, during the period of practical training, be given a course of related instruction (which shall be appropriate to the trade) approved by the Central Government in consultation with the Central Apprenticeship Council, with a view to giving ⁵[the trade apprentice] such theoretical knowledge as he needs in order to become fully qualified as a skilled craftsman.

⁶[(2) Related instruction shall be imparted at the cost of the employer and the employer shall, when so required, afford all facilities for imparting such instruction.]

(3) Any time spent by ⁷[a trade apprentice] in attending classes on related instruction shall be treated as part of his paid period of work.

⁸[(4) In the case of trade apprentices who, after having undergone a course of institutional training, have passed the trade tests conducted by the National Council or have passed the trade tests and examinations conducted by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, the related instruction may be given on such reduced or modified scale as may be prescribed.

(5) Where any person has, during his course in a technical institution, become a graduate or technician apprentice, ⁹[technician (vocational) apprentice] and during his apprenticeship training he has to receive related instruction, then, the employer shall release such person from practical training to receive the related instruction in such institution, for such period as may be specified by the Central Apprenticeship Adviser or by any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf.]

1 Substituted for words "practical training imparted to apprentices other than those referred to in clause (a)" by Act 27 of 1973, s. 10 for (w.e.f. -1-12-1974).

2 Inserted by Act 27 of 1973, S.10 (w.e.f. 1-12-1974).

3 Inserted by Act 41 of 1986 w.e.f. 16-12-1987.

4 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

5 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

6 Substituted by the Apprentices (Amendment) Act 2007 (36 of 2007) (w.e.f. 01-02-2008).

7 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

8 Substituted by Act 27 of 1973 (w.e.f. 1-12-1974).

9 Inserted by Act 41 of 1986 w.e.f. 16-12-1973.

11. Obligations of employers.-Without prejudice to the other provisions of this Act, every employer shall have the following obligations in relation to an apprentice, namely-

- (a) to provide the apprentice with the training in his trade in accordance with the provisions of this Act, and the rules made thereunder;
- (b) if the employer is not himself qualified in the trade, to ensure that a person ¹[who possesses the prescribed qualifications] is placed in charge of the training of the apprentice; ²[***]
- ³[(bb) to provide adequate instructional staff, possessing such qualifications as may be prescribed, for imparting practical and theoretical training and facilities for trade test of apprentices; and]
- (c) to carry out his obligations under the contract of apprenticeship.

12. Obligations of apprentices.- ⁴[(1) ⁵[Every trade apprentice] undergoing apprenticeship training shall have the following obligations, namely,-

- (a) to learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled craftsman before the expiry of the period of training;
- (b) to attend the practical and instructional classes regularly;
- (c) to carry out all lawful orders of his employer and superiors in the establishments;
- (d) to carry out his obligations under the contract of apprenticeship.

⁶[(2) Every graduate or technician apprentice ⁷[technician (vocational) apprentice] undergoing apprenticeship training shall have the following obligations, namely,-

- (a) to learn his subject field in engineering or technology ⁸[or (vocational) course] conscientiously and diligently at his place of training;
- (b) to attend the practical and instructional classes regularly;
- (c) to carry out all lawful orders of his employer and superiors in the establishments; and
- (d) to carry out his obligations under the contract of apprenticeship which shall include the maintenance of such records of his work as may be prescribed.]

13. Payment to apprentices.- (1) The employer shall pay to every apprentice during the period of apprenticeship training such stipend at a rate not less than the ⁹[prescribed minimum rate, or the rate which was being paid by the employer on 1st January, 1970, to the category of apprentices under which such apprentices falls, whichever is higher] as may be specified in the contract of apprenticeship and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed.

1 Substituted for words "duly qualified" by Act 27 of 1973.

2 Word "and" omitted by Apprentices (Amendment) Act 4 of 1997, w.e.f. 8-1-1997, s. 6 (i).

3 Inserted by Apprentices (Amendment) Act 4 of 1997, w.e.f. 8-1-1997, s. 6 (ii).

4 Original s. 12 renumbered as sub-s.(1) by Act 27 of 1973.

5 Substituted for words "every apprentice" by Act 27 of 1973.

6 Inserted by Act 27 of 1973 (w.e.f. 1-12-1974).

7 Inserted by Act 41 of 1986 w.e.f. 16-12-1973.

8 Inserted by Act 41 of 1986 w.e.f. 16-12-1973.

9 Substituted for words "prescribed minimum rate" by Act 27 of 1973.

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