

# APPRENTICES ACT 1961

THE APPRENTICES ACT, 1961

ACT NO. 52 OF 1961 1\*

[12th December, 1961.]

An Act to provide for regulation and control of training of Apprentices 2\*\*\* and for matters connected therewith. BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows :-- CHAP PRELIMINARY CHAPTER I PRELIMINARY

Short title, extent, commencement and application.

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

(2) It extends to the whole of India 3\*\*\*.

(3) It shall come into force on such date 4\* 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; 5\* \* \* \* 6\*[(c) any such special apprenticeship scheme for imparting training to apprentices as may be notified by the Central Government in the Official Gazette.]

Definitions. 2. Definitions.- In this Act, unless the context otherwise requires,-- 7\*[(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, dated the 30th November, 1945;] -----

----- 1. This Act has been extended to Pondicherry by Reg. 7 of 1963, s. 3 and Sch. I; Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch. 2. The words "in trades" omitted by Act 27 of 1973, s. 2 (w.e.f. 1-12-1974). 3. The words "except the State of Jammu and Kashmir" omitted by Act 25 of 1968, s. 2 and Sch. (w.e.f. 15-8-1968). 4. 1st March, 1962; vide Notification No. G.S.R. 246, dated 12-2-1962, see Gazette of India, Pt. II, Sec. 3(i) p. 218. 5. Cl. (b) omitted by Act 27 of 1973, s. 3 (w.e.f. 1-12-1974). 6. Subs. by s. 3, ibid., for Cl. (c) (w.e.f. 1-12-1974). 7. Ins. by s. 4, ibid. (w.e.f. 1-12-1974). 368 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 of 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 3\*[(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 -----  
----- 1. Cl. (a) re-lettered by Act 27 of 1973, s. 4 (w.e.f. 1-12-1974).  
2. The words "in a designated trade" omitted by s. 4, ibid. (w.e.f. 1-12-1974). 3. Subs. by Act 41 of 1986, s. 2 (w.e.f. 16.12.1987). 369 (b) any establishment other than an

establishment specified in sub-clause (1) of this clause, the State Government; 1\*[(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" 2\*[means any trade or occupation or any subject field in engineering or technology] 3\*[or any vocational course] which the Central Government, after consultation with the Central Apprenticeship Council, 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 on; (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; 4\*(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; -----

----- 1. Ins. by Act 27 of 1973, s. 4 (w.e.f. 1-12-1974). 2. Subs. by s. 4, ibid., for "means a trade" (w.e.f. 1-12-1974). 3. Ins. by Act 41 of 1986, s. 2 (w.e.f. 16-12-1987). 4. Subs. by Act 27 of 1973, s. 4, for clauses (j) and (k) (w.e.f. 1-12-1974). 370 (k) "industry" means any industry or business in which any trade, occupation or subject field in engineering or technology 1\*[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 the 21st August, 1956; 1\*[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 the 30th September, 1981] (m) "prescribed" means prescribed by rules made under this Act; 2\*[(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;] (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.] CHAP APPRENTICES AND THEIR TRAINING

## CHAPTER II APPRENTICES AND THEIR TRAINING

Qualifications for being engaged as an apprentice. 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 2\*[and for different categories of apprentices.] ----- 1. Ins. by Act 41 of 1986, s. 2 (w.e.f. 16-12-1987). 2. Ins. by Act 27 of 1973, s. 4 (w.e.f. 1-12-1974). 3. Added by s. 5, ibid. (w.e.f. 1-12-1974). 371 3A. Reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades. 1\*[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 2\*[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. 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.]

Contract of apprenticeship.

3\*[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 a 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 shall be deemed to have been modified accordingly.]

Novation of contract of apprenticeship. 5. Novation of contract 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 -----

----- 1. Ins. by Act 27 of 1973, s. 6 (w.e.f. 1-12-1974). 2. Ins. by Act 41 of 1986, s. 4 (w.e.f. 16-12-1987). 3. Subs. by Act 27 of 1973, s. 7, for s. 4 (w.e.f. 1-12-1974). 372 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 the 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.

Period of apprenticeship training. 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; 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, 2\*[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 1\*[trade apprentices], the period of apprenticeship training shall be such as may be prescribed; 4\*[(c) in the case of graduate or technician apprentices, 5\*[technician (vocational) apprentices] the period of apprenticeship training shall be such as may be prescribed].

Termination of apprenticeship contract.

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 -----  
----- 1. Subs. by Act 27 of 1973, s. 8, for "apprentices" (w.e.f. 1-12- 1974). 2. Ins. by Act 41 of 1986, s. 5 (w.e.f. 16-12-1987). 3. Subs. by Act 27 of 1973, s. 8, for "that Council" (w.e.f. 1-12-1974). 4. Ins. by s. 8, ibid. (w.e.f. 1-12-1974). 5. Ins. by Act 41 of 1986, s. 3 (w.e.f. 16-12-1987). 373 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 that 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.

Number of apprentices for a designated trade.

8. Number of apprentices for a designated trade.- 1\*[(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 of graduate or technician apprentices, 2\*[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. -----  
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1. Subs. by Act 27 of 1973, s. 9, for sub-sections (1), (2) and (3) (w.e.f. 1-12-1974). 2. Ins. by Act 41 of 1986, s. 3 (w.e.f. 16-12-1987). 374 (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 managerial 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 1\*[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 2\*[or in excess of the number specified in a notice issued under sub-section (3A)] should in the opinion 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. -----  
----- 1. Ins. by Act 41 of 1986, s. 3 (w.e.f. 16-12-1987). 2. Ins. by Act 27 of 1973, s. 9 (w.e.f. 1-12-1974). 375

(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.

Practical and basic training of apprentices.

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 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, 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. -----

----- 1. Subs. by Act 27 of 1973, s. 10, for "The Central Apprenticeship Adviser" (w.e.f. 1-12-1974). 2. Subs. by s. 10, *ibid.*, for "the State Apprenticeship Adviser" (w.e.f. 1-12-1974).

3. Subs. by s. 10, *ibid.*, for sub-section (3) (w.e.f. 1-12-1974). 4. Subs. by s. 10, *ibid.*, for "the apprentices" (w.e.f. 1-12-1974). 376

1\*[(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 Training Centre or Industrial Training Institute for basic training in any designated trade, in either case, run by the Government. (4B) Where an employer deputes 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 2\*[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 a graduate or technician apprentice, 4\*[technician (vocational) apprentice] 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. 1\*[(7A) In the case of graduate or technician apprentices 4\*[technician (vocational) apprentices] the programme of apprenticeship training and the facilities required for such training in any subject field in engineering or technology 4\*[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 5\*[practical training, including 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 five hundred workers or more, by the employer; ----  
----- 1. Ins. by Act 27 of 1973, s. 10 (w.e.f. 1-12-1974). 2. Subs. by s. 10, *ibid.*, for "the apprentices" (w.e.f. 1-12-1974). 3. Subs. by s. 10, *ibid.*, for "The syllabus of" (w.e.f. 1-12-1974). 4. Ins. by Act 41 of 1986, s. 3 (w.e.f. 16-12-1987). 5. Subs. by Act 27 of 1973, s. 10, for certain words (w.e.f. 1-12-1974). 377 (ii) if such employer less than five hundred workers, by the employer and the Government in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone; and (b) recurring costs (including the cost 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 up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone.]

Related instruction of apprentices.

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.

(2) Related instruction shall be imparted at the cost of the appropriate Government but the employer shall, when so required, afford all facilities for imparting such instruction.

(3) Any time spent by 6\*[a trade apprentice] in attending classes on related instruction shall be treated as part of his paid period of work.

7\*[(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. -----  
----- 1. Subs. by Act 27 of 1973, s. 10, for certain words (w.e.f. 1-12-1974). 2. Ins. by s. 10, *ibid.*, (w.e.f. 1-12-1974). 3. Ins. by Act 41 of 1986, s. 3 (w.e.f. 16.12.1987). 4. Subs. by Act 27 of 1973, s. 11, for "An apprentice" (w.e.f. 1-12-

1974). 5. Subs. by s. 11, *ibid.*, for "the apprentice" (w.e.f. 1-12-1974). 6. Subs. by s. 11, *ibid.*, for "an apprentice" (w.e.f. 1-12-1974).

7. Subs. by s. 11, *ibid.*, for sub-section (4) (w.e.f. 1-12-1974). 378

(5) Where any person has, during his course in a technical institution, become a graduate or technician apprentice 1\*[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.]

Obligations of employers. 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 2\*[who possesses the prescribed qualifications] is placed in charge of the training of the apprentice; and (c) to carry out his obligations under the contract of apprenticeship.

Obligations of apprentices.

12. Obligations of apprentices.- 3\*[(1)] 4\*[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 practical and instructional classes regularly; (c) to carry out all lawful orders of his employer and superiors in the establishment ; and (d) to carry out his obligations under the contract of apprenticeship.

5\*[(2) Every graduate or technician apprentice 6\*[technician (vocational) apprentice] undergoing apprenticeship training shall have the following obligations, namely :-- (a) to learn his subject field in engineering or technology conscientiously and diligently at his place of training; (b) to attend the practical and instructional classes regularly; -----

----- 1. Ins. by 41 of 1986, s. 3 (w.e.f. 16.12.1987). 2. Subs. by Act 27 of 1973, s. 12, for "duly qualified" (w.e.f. 1- 12-1974).

3. S. 12 re-numbered as sub-section (1) thereof by s. 13, *ibid.*, (w.e.f. 1-12-1974). 4. Subs. by s. 13, *ibid.*, for "Every apprentice" (w.e.f. 1-12-1974). 5. Ins. by s. 13, *ibid.* (w.e.f. 1-12-1974). 379 (c) to carry out all lawful orders of his employer and superiors in the establishment; (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.]

Payment to apprentices.

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 1\*[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 apprentice 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.

2\*[(2) An apprentice shall not be paid by his employer on the basis of piece work nor shall he be required to take part in any output bonus or other incentive scheme.]

Health, safety and welfare of apprentices. 14. Health, safety and welfare of apprentices.- Where any apprentices are undergoing training in a factory, the provisions of Chapters III, IV and V of the Factories Act, 1948 (63 of 1948), shall apply in relation to the health, safety and welfare of the apprentices as if they were workers within the meaning of that Act and when any apprentices are undergoing training in a mine, the provisions of Chapter V of the Mines Act, 1952 (35 of 1952), shall apply in relation to the health and safety of the apprentices as if they were persons employed in the mine.

Hours of work, overtime, leave and holidays.

15. Hours of work, overtime, leave and holidays.- (1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workshop shall be such as may be prescribed.

(2) No apprentice shall be required or allowed to work overtime except with the approval of the Apprenticeship Adviser who shall not grant such approval unless he is satisfied that such overtime is in the interest of the training of the apprentice or in the public interest.

(3) An apprentice shall be entitled to such leave as may be prescribed and to such holidays as are observed in the establishment in which he is undergoing training.

Employer's liability for compensation for injury. 16. Employer's liability for compensation for injury.-If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid, so far as may be, in accordance with the provisions of the Workmen's Compensation Act, 1923 (8 of 1923), subject to the modifications specified in the Schedule. -----

----- 1. Subs. by Act 27 of 1973, s. 14, for "prescribed minimum rate" (w.e.f. 1-12-1974).

2. Subs. by s. 14, *ibid.*, for sub-section (2) (w.e.f. 1-12-1974). 380

Conduct and discipline. 17. Conduct and discipline.- In all matters of conduct and discipline, the apprentice shall be governed by the rules and regulations 1\*[applicable to

employees of the corresponding category] in the establishment in which the apprentice is undergoing training.

Apprentices are trainees and not workers. 18. Apprentices are trainees and not workers.- Save as otherwise provided in this Act,-- (a) every apprentice undergoing apprenticeship training in a designated trade in an establishment shall be a trainee and not a worker; and (b) the provisions of any law with respect to labour shall not apply to or in relation to such apprentice.

Records and returns.

19. Records and returns.- (1) Every employer shall maintain records of the progress of training of each apprentice undergoing apprenticeship training in his establishment in such form as may be prescribed.

(2) Every such employer shall also furnish such information and returns in such form, to such authorities and at such intervals as may be prescribed.

Settlement of disputes.

20. Settlement of disputes.- (1) Any disagreement or dispute between an employer and an apprentice arising out of the contract of apprenticeship shall be referred to the Apprenticeship Adviser for decision.

(2) Any person aggrieved by the decision of the Apprenticeship

Adviser under sub-section (1) may, within thirty days from the date of communication to him of such decision, prefer an appeal against the decision to the Apprenticeship Council and such appeal shall be heard and determined by a Committee of that Council appointed for the purpose.

(3) The decision of the Committee under sub-section (2) and subject only to such decision, the decision of the Apprenticeship

Adviser under sub-section (1) shall be final.

Holding of test and grant of certificate and conclusion of training. 21. Holding of test and grant of certificate and conclusion of

training.- (1) Every 2\*[trade apprentice] who has completed the period of training shall appear for a test to be conducted by the National Council to determine his proficiency in the designated trade in which he has 3\*[undergone his apprenticeship training].

(2) Every 2\*[trade apprentice] who passes the test referred to in

sub-section (1) shall be granted a certificate of proficiency in the trade by the National Council. ----- 1. Subs. by Act 27 of 1973, s. 15, for certain words (w.e.f. 1-12- 1974). 2. Subs. by s. 16, ibid., for "apprentice" (w.e.f. 1-12-1974). 3. Subs. by s. 16, ibid., for "served his apprenticeship" (w.e.f. 1- 12- 1974). 381

1\*[(3) The progress in apprenticeship training of every graduate or technician apprentice 2\*[technician (vocational) apprentice] shall be assessed by the employer from time to time.

3\*[(4) Every graduate or technician apprentice or technician (vocational) apprentice, who completes his apprenticeship training to the satisfaction of the concerned Regional Board, shall be granted a certificate of proficiency by that Board.]

Offer and acceptance of employment.

22. Offer and acceptance of employment.- (1) It shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part of the apprentice to accept an employment under the employer.

(2) Notwithstanding anything in sub-section (1), where there is a condition in a contract of apprenticeship that the apprentice shall, after the successful completion of the apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice, and the apprentice shall be bound to serve the employer in that capacity for such period and on such remuneration as may be specified in the contract: Provided that where such period or remuneration is not, in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable, and the period or remuneration so revised shall be deemed to be the period or remuneration agreed to between the apprentice and the employer. CHAP AUTHORITIES CHAPTER III AUTHORITIES

Authorities.

23. Authorities.- (1) In addition to the Government, there shall be the following authorities under this Act, namely:-- (a) The National Council, (b) The Central Apprenticeship Council, (c) The State Council, (d) The State Apprenticeship Council, 4\*[(e) The All India Council, (f) The Regional Boards, (g) The Boards or State Councils of Technical Education,] ----- 1. Ins. by Act 27 of 1973, s. 16 (w.e.f. 1-12-1974). 2. Ins. by Act 41 of 1986, s. 3 (w.e.f. 16.12.1987). 3. Subs. by s. 6, ibid. (w.e.f. 16.12.1987). 4. Ins. by Act 27 of 1973, s. 17 (w.e.f. 1-12-1974). 382 1\*[(h)] The Central Apprenticeship Adviser, and 1\*[(i)] The State Apprenticeship Adviser.

(2) Every State Council shall be affiliated to the National Council and every State Apprenticeship Council shall be affiliated to the Central Apprenticeship Council. 2\*[(2A)

Every Board or State Council of Technical Education and every Regional Board shall be affiliated to the Central Apprenticeship Council.]

(3) Each of the authorities specified in sub-section (1) shall, in relation to apprenticeship training under this Act, perform such functions as are assigned to it by or under this Act or by the Government: Provided that a State Council shall also perform such functions as are assigned to it by the National Council and the State Apprenticeship Council 2\*[and the Board or State Council of Technical Education] shall also perform such functions as are assigned to it by the Central Apprenticeship Council.

Constitution of Councils.

24. Constitution of Councils.- (1) The Central Government shall, by notification in the Official Gazette, establish the Central Apprenticeship Council and the State Government shall, by notification in the Official Gazette, establish the State Apprenticeship Council.

(2) The Central Apprenticeship Council shall consist of 3\*[a Chairman and a Vice-Chairman] and such number of other members as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among the following categories of persons, namely:-- (a) representatives of employers in establishments in the public and private sectors, (b) representatives of the Central Government and of the State Governments, 4\*\*\* (c) persons having special knowledge and experience on matters relating to 5\*[industry, labour and technical education, and] 6\*[(d) representatives of the All India Council and of the Regional Boards.] ----- 1. Items (e) and (f) re-lettered as items (h) and (i) respectively by Act 27 of 1973, s. 17 (w.e.f. 1-12-1974). 2. Ins. by s. 17, ibid. (w.e.f. 1-12-1974). 3. Subs. by s. 18, ibid., for "a Chairman" (w.e.f. 1-12-1974). 4. The word "and" omitted by s. 18, ibid, (w.e.f. 1-12-1974). 5. Subs. by s. 18, ibid. for "industry and labour" (w.e.f. 1-12- 1974). 6. Ins. by s. 18, ibid. (w.e.f. 1-12-1974). 383

(3) The number of persons to be appointed as members of the Central Apprenticeship Council from each of the categories specified

in sub-section (2), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as may be prescribed.

(4) The State Apprenticeship Council shall consist of 1\*[a Chairman and a Vice-Chairman] and such number of other members as the State Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among the following categories of persons, namely:-- (a) representatives of employers in establishments in the public and private sectors, (b) representatives of the Central Government and of the State Government, 2\*\*\* (c) persons having special knowledge and experience of matters relating to 3\*[industry, labour and technical

education, and] 4\*[(d) representatives of the Board or of the State Council of Technical Education.]

(5) The number of persons to be appointed as members of the State Apprenticeship Council from each of the categories specified in sub-

section (4), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as the State Government may, by notification in the Official Gazette, determine.

(6) The fees and allowances, if any, to be paid to 5\*[the Chairman and the Vice-Chairman] and the other members of the Central Apprenticeship Council, shall be such as may be determined by the Central Government and the fees and allowances, if any, to be paid to 5\*[the Chairman and the Vice-Chairman] and the other members of the State Apprenticeship Council shall be such as may be determined by the State Government.

Vacancies not to invalidate acts and proceedings. 25. Vacancies not to invalidate acts and proceedings.-No act done or proceeding taken by the National Council, the Central Apprenticeship Council, the State Council or the State Apprenticeship Council under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Council. -----

----- 1. Subs. by Act 27 of 1973, s. 18, for "a Chairman" (w.e.f. 1-12- 1974). 2. The word "and" omitted by s. 18, ibid, (w.e.f. 1-12-1974). 3. Subs. by s. 18, ibid., for "industry and labour" (w.e.f. 1-12- 1974). 4. Ins. by s. 18, ibid. (w.e.f. 1-12-1974). 5. Subs. by s. 18, ibid., for "the Chairman" (w.e.f. 1-12-1974). 384

Apprenticeship Advisers.

26. Apprenticeship Advisers.-(1) The Central Government shall, by notification in the Official Gazette, appoint a suitable person as the Central Apprenticeship Adviser.

(2) The State Government shall, by notification in the Official Gazette, appoint a suitable person as the State Apprenticeship Adviser.

(3) The Central Apprenticeship Adviser shall be the Secretary to the Central Apprenticeship Council and the State Apprenticeship Adviser shall be the Secretary to the State Apprenticeship Council.

Additional, Joint, Regional, Deputy and Assistant ApprenticeshipAdvisers. 27.  
Additional, Joint, Regional, Deputy and Assistant

Apprenticeship Advisers.- (1) The Government 1\*[may appoint suitable persons as Additional, Joint, Regional, Deputy and Assistant Apprenticeship Advisers] to assist the Apprenticeship Adviser in the performance of his functions.

(2) 2\*[Every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Adviser] shall, subject to the control of the Apprenticeship Adviser, perform such functions as may be assigned to him by the Apprenticeship Adviser.

Apprenticeship Advisers to be public servants. 28. Apprenticeship Advisers to be public servants.- Every Apprenticeship Adviser and 3\*[every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Adviser] appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Powers of entry, inspection, etc.

29. Powers of entry, inspection, etc.- (1) Subject to any rules made in this behalf, the 4\*[Central Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the Central Apprenticeship Adviser in writing in this behalf] may-- (a) with such assistants, if any, as he thinks fit, enter, inspect and examine any establishment or part thereof at any reasonable time; (b) examine any apprentice employed therein or require the production of any register, record or other documents maintained in pursuance of this Act and take on the spot or otherwise statement of any person which he may consider necessary for carrying out the purposes of this Act; (c) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed in the establishment; (d) exercise such other powers as may be prescribed: -----

----- 1. Subs. by Act 27 of 1973, s. 19, s. 19, for certain words (w.e.f. 1-12-1974). 2. Subs. by s. 19, *ibid.*, for "Every Deputy or Assistant Apprenticeship Adviser" (w.e.f. 1-12-1974). 3. Subs. by s. 20, *ibid.*, for "every Deputy or Assistant Apprenticeship Adviser" (w.e.f. 1-12-1974). 4. Subs. by s. 21, *ibid.*, for "Central Apprenticeship Adviser" (w.e.f. 1-12-1974). 384A Provided that 1\*[a State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the State Apprenticeship Adviser in writing in this behalf] may also exercise any of the powers specified in clause (a), (b), (c) or (d) of this sub-section in relation to establishments for which the appropriate Government is the State Government.

r(2) Notwithstanding anything in sub-section (1), no person shall be compelled under this section to answer any question or make any statement which may tend directly or indirectly to incriminate him.

Offences and penalties.

30. Offences and penalties.- (1) If any employer-- (a) engages as an apprentice a person who is not qualified for being so engaged, or (b) fails to carry out the terms and conditions of a contract of apprenticeship, or (c) contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(2) If any employer or any other person-- (a) required to furnish any information or return-- (i) refuses or neglects to furnish such information or return, or (ii) furnishes or causes to be furnished any information or return which is false and which he either knows or believes to be false or does not believe to be true, or (iii) refuses to answer, or gives a false answer to any question necessary for obtaining any information required to be furnished by him, or (b) refuses or wilfully neglects to afford 2\*[the Central or the State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the Central or the State Apprenticeship Adviser in writing in this behalf] any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act, or -----  
----- 1. Subs. by Act 27 of 1973, s. 21, for "a State Apprenticeship Adviser" (w.e.f. 1-12-1974). 2. Subs. by s. 22, ibid., for "the Central or the State Apprenticeship Adviser" (w.e.f. 1-12-1974). 384B (c) requires an apprentice to work overtime without the approval of the Apprenticeship Adviser, or (d) employs an apprentice on any work which is not connected with his training, or (e) makes payment to an apprentice on the basis of piecework, or (f) requires an apprentice to take part in any output bonus or incentive scheme, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Penalty where no specific penalty is provided. 31. Penalty where no specific penalty is provided.- If any employer or any other person contravenes any provision of this Act for which no punishment is provided in section 30, he shall be punishable with fine which may extend to five hundred rupees.

Offences by companies.

32. Offences by companies.- (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.--For the purposes of this section,-- (a) "company" means a body corporate and includes a firm or other association of individuals; and (b) "director" in relation to a firm means a partner in the firm.

Cognizance of offences. 33. Cognizance of offences.- No court shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint thereof in writing made by the Apprenticeship Adviser within six months from the date on which the offence is alleged to have been committed. 384C

Delegation of powers. 34. Delegation of powers.- The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also-- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification; and (b) where the appropriate Government is the State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.

Construction of references.

35. Construction of references.- (1) Any reference in this Act or in the rules made thereunder to the Apprenticeship Council shall, unless the context otherwise requires, mean in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Council and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Council.

(2) Any reference in this Act or in the rules made thereunder to the Apprenticeship Adviser shall, unless the context otherwise requires,-- (a) mean in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Adviser and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Adviser; (b) be deemed to include 1\*[an Additional, a Joint, a Regional, a Deputy or an Assistant Apprenticeship Adviser] performing the functions of the Apprenticeship

Adviser assigned to him under sub-section (2) of section 27.

Protection of action taken in good faith. 36. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. -----

----- 1. Subs. by Act 27 of 1973, s. 23, for "a Deputy or Assistant Apprenticeship Adviser" (w.e.f. 1-12-1974). 384D

Power to make rules.

37. Power to make rules.- (1) The Central Government may, after consulting the Central Apprenticeship Council, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session 1\*[or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be: so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.