

Apprenticeship Rules, 1991*

In exercise of the powers conferred by, subsection (1) of section 37 of the Apprentices Act, 1961 (52 of 1961) and after consulting the Central Apprenticeship Council, the Central Government hereby makes the following rules in supersession of the Apprenticeship Rules, 1962, except as respects things done or omitted to be done before such supersession, namely:

1 Short title and commencement:

- (1) These rules may be called the Apprenticeship Rules, 1991.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2 Definitions:

In these rules, unless the context otherwise requires:

- (1) "Act" means the Apprentices Act, 1961 (52 of 1961);
- (2) "Diploma Holder" means a person who holds a diploma in engineering or technology or equivalent qualification granted by a State Board of Technical Education, or recognised by the State Government concerned or the Central Government.
- (3) "Engineering Graduate" means a person, who-
 - (a) holds a degree in engineering or technology granted by-
 - (i) a statutory University, or (ii) an institution empowered to grant such degree by an Act of Parliament;
 - (b) has passed the graduateship examination of professional bodies recognised by the Central Government as equivalent to degree;

OR

 - (c) holds the qualifications which exempt him from Sections A and B examinations of the Institution of Engineers (India).
- (4) "Vocational Certificate Holder" means a person who holds a certificate in a Vocational Course, involving two years of study after the completion of secondary stage of school education, recognized by the All India Council for Technical Education;
- (5) "National Classification of Occupations" means the National Classification of Occupations adopted by the Government of India, Ministry of labour Directorate General of Employment and Training;

Vide GSR 356, dated 15th July 1992.

- (6) "Registered Medical Practitioner" means a person whose name is entered in the register maintained under any law for the time being in force in any State regulating the registration of practitioners of medicine;
- (7) "Sandwich Course Student" means a student undergoing a Sandwich Course of studies at any of the technical institutions recognised for the purpose and leading to the award of degree or diploma in engineering or technology;
- (8) "Schedule" means the Schedule appended to these rules;
- (9) "Standard Industrial Classification" means the Standard Industrial Classification adopted by the Government of India, Ministry of Labour, Directorate General of Employment and Training;
- (10) All the words and expressions, not defined here in these rules, but defined in the Act, shall have the same meaning as given to them in the said Act.

3 Standard of Education:

- (1) A person shall be eligible for being engaged as a trade apprentice - if he satisfies the minimum educational qualifications as specified in Schedule-1.
- (2) A person shall be eligible for being engaged as a Graduate or Technician or Technician (Vocational) apprentice if he satisfies one of the minimum educational qualifications specified in Schedule-IA:

Provided that

- (a) no Engineering Graduate or Diploma Holder or Vocational Certificate holder who had training or job experience for a period one year or more, after the attainment of these qualifications shall be eligible for being engaged as an apprentice under the Act;
- (b) no Sandwich Course Student shall be eligible for being engaged as an apprentice under the Act after passing the final examination of the technical institution wherein such student is undergoing the course unless so approved by the Regional Central Apprenticeship Advisers;
- (c) a person who has been a Graduate or Technician or Technician (Vocational) apprentice under the Act and in whose case the contract of apprenticeship was terminated for any reason whatsoever shall not be eligible for being engaged as an apprentice again under the Act without the prior approval of the Apprenticeship Adviser.

4 **Standard of Physical Fitness:**

- (1) A person shall be eligible for being engaged as an apprentice if he satisfies the minimum standards of physical fitness specified in Schedule-II.

Provided that a person who has undergone institutional training in a school or other institution recognised by or affiliated to the National Council or the All India Council or a Statutory University or a State Board of Technical Education and has passed the examination or tests conducted by these bodies, or is undergoing institutional training in a school or institution so recognised or affiliated in order that he may require a degree or diploma in engineering or technology or certificate in vocational course or equivalent qualification shall, if he has already undergone medical examination in accordance with the rules for the admission to the school or institution, be deemed to have complied with the provisions of this rule.

*Provided further that the standards of fitness specified for item (4) relating to "EARS" and item (6) relating to "SPEECH" of schedule II shall not apply in the case of a person who is deaf or dumb or deaf and dumb for the following trades, namely:

(a) **Building and Furniture Trades Group:**

- 1 Plumber
- 2 Carpenter.
- 3 Furniture and Cabinet Maker.
- 4 Sports Goods Maker. (Wood)

(b) **Draughtsmen and Surveyors Trades Group .**

- 1 Draughtsman(Civil)

(c) **Printing Trades Group.**

- 1 Process Cameraman.
- 2 Retoucher Lithographic.
- 3 Engraver.
- 4 Book Binder.

(d) **Hotel & Catering Trades Group**

- 1 Cook (General).
- 2 Cook (Vegetarian).
- 3 Baker and Confectioner.

Inserted vide GSR 338, dated 15th September 1997.

(e) **Cutting and Tailoring Trades Group**

- 1 Designer and Master Cutter.
- 2 Tailor (Men)
- 3 Tailor (Women)
- 4 Tailor (General)

(f) **Agriculture Trades Group**

Horticulture Assistant.

(g) **Painting Trades Group**

- 1 Painter (General).

* (h) **Group No.1 - Machine Shop Trades Group**

- 1 Fitter
- 2 Turner.

(i) **Group No.3 - Metal Working Trades Group**

- 1 Sheet Metal Worker.
- 2 Welder (Gas and Electric)

(j) **Group No.4- Electrical Trades Group**

- 1 Wireman.

- (2) Without prejudice to the generality of the foregoing provision where a physically handicapped person registered at any Employment Exchange is declared, by either the medical board attached to Special Employment Exchanges. for the physically handicapped or the local Civil Surgeon (where such Medical Board has not been constituted) to be physically fit for being engaged as an apprentice in any of the designated trades under the Apprentices Act. 1961, he may be engaged as an apprentice in that trade.

* Inset1ed vide GSR 107,. dated 27th May 1998.

5 **Reservation of Training Places:**

In respect of each of the states specified in column (2) of the Schedule-IIA training places shall be reserved by the employer for the Schedule Castes and Scheduled Tribes in every designated trade so that the ratio of the apprentices belonging to the Scheduled Castes and Scheduled Tribes to the total number of apprentices in such designated trade or trades shall be specified in columns (3) and (4) of the said Schedule (and where there is more than one designated trade in an establishment such training places shall be reserved also on the basis of total number of apprentices in all designated trades in such establishments).

Provided that when the prescribed number of persons belonging either to the Scheduled Castes or to the Scheduled Tribes are not available, the training places so reserved for them may be filled by persons belonging to the Scheduled Tribes or as the case may be, to the Scheduled Caste and if the prescribed training places can not be filled even in the above given manner, then the training places so lying unfilled may be filled by persons not belonging to the Scheduled Castes or the Scheduled Tribes.

6 **Registration of Contract of Apprenticeship:**

- (1) Every employer shall send to the Apprenticeship Adviser the contract of apprenticeship for registration within three months of the date on which it was signed.
- (2) (a) The Central Government may specify, model contract forms for the following categories of apprentices:
 - (i) Trade Apprentices:
 - (ii) Graduate. Technician and Technician (Vocational) Apprentices:
- (b) The model contract form as may be specified by the Central Government with such variation as the circumstances of each case may require, be used for the respective purposes therein mentioned.
- (3) The obligation of the employer and that of the trade apprentice shall be as specified in Schedule-V. The terms and conditions in respect of graduate, technician and technician (vocational) apprentices shall be as specified in Schedule-VI.

Period of Apprenticeship Training:

- (1) The period of apprenticeship training in the case of trade apprentices referred to in clause (b) of Section 6 of the Act shall be as specified in Schedule - I.
- (2)
 - (a) Where a trade apprentice is unable to complete the full apprenticeship course within the periods prescribed in sub-rule (1) or to take the final test owing to illness or other circumstances beyond his control, the establishment concerned shall extend the period of his apprenticeship until he completes the full apprenticeship course and the next test is held if so required by the Apprenticeship Adviser, Similar extension of the period of training may also be allowed in the case of those trade apprentices who having completed the course, fail in the final test. A trade apprentice who fails in the second test shall not be allowed any extension of the period of training.
 - (b)
 - (i) Where a trade apprentice is unable to complete the period of apprenticeship training due to strike or lockout or layoff in an establishment where he is undergoing training and is not instrumental for the same, the period of his apprenticeship training shall be extended for a period equal to the period of strike or lockout or layoff ,. as the case may be, and he shall be paid stipend during the period of such strike or lockout or layoff or for a maximum period of six months, which ever is less;
 - (ii) If the strike or lockout or layoff is likely to continue for a longer period, the employer shall follow the procedure for novation of contract of apprenticeship of a trade apprentice referred to in clause (i) with the other employer as specified in section. 5 of the Act.
- (3) In the case of trade apprentices other than those covered by clause (a) of section 6 of the Act, the first six months of the period of training shall be treated as period of probation.
- (4)
 - (a) The period of apprenticeship training in the case of Engineering Graduates, Diploma holders and Vocational Certificate holders shall be one year.
 - (b) In the case of Sandwich Course Students, the period of practical training they undergo as part of apprenticeship course of studies shall be the period of apprenticeship training.
 - (c) Where a Graduate/Technician/Technician (Vocational) Apprentice is unable to complete the period of Apprenticeship Training due to strike/lockout! layoff in as establishment where he is undergoing training and is not instrumental in the same, the period of his Apprenticeship Training would be extended equal to the period of strike/ lockout! layoff and he shall be paid stipend during the period of such strike/ lockout /layoff or for a maximum period of six months. whichever is less.
 - (d) If the strike/lock out! layoff is likely to continue for a longer period, the employer shall follow the procedure for novation of contract of apprenticeship for the apprentices referred to in clause (c) with the other employer as specified in section 5 of the Act.

8* **Compensation for termination of apprenticeship:**

Where the contract of apprenticeship is terminated through failure on the part of any employer in carrying out the terms and conditions thereof, such employer shall be liable to pay the apprentice compensation of an amount equivalent to his three months last drawn stipend.

9 **Qualifications of persons placed in charge of the training of apprentices:**

A person placed in charge of the training of apprentices by the employer shall possess the qualifications specified in Schedule IV to these rules.

The person so appointed shall be of the appropriate level commensurate with the number of seats located for apprenticeship training and size of the establishment.

9** a **Staffing pattern and qualifications of instructional staff for practical and basic training of apprentices**

Staffing pattern and qualifications of instructional staff for imparting practical and basic training to apprentices shall be as specified in Schedule IV A

10 **Maintenance of record of work by apprentices:**

Every Graduate or Technician or Technician (Vocational) Apprentice shall maintain a daily record of the work done by him relating to the apprenticeship training in the form of a workshop or laboratory note book.

11 **Payment of stipend to apprentices:**

(1)*** The minimum rate of stipend payable to trade apprentices shall be as follows, namely:

a	During the First Year of Training	Rs.880/-per month.
b	During the Second year of Training	Rs.780/-per month.
c	During the Third year of Training	Rs.900/-per month
d	During the Fourth year of Training	Rs.1020/-per month

Provided that in the case of trade apprentices referred to in clause (a) of section 6 of the Act, the period of training already undergone by them in a school or other institution recognised by the National Council, shall be taken into account for the purpose of determining the rate of stipend payable.

Substituted vide GSR 404, dated 25th November 1997

Inserted vide GSR 190(E), dated 26th Feb. 1999

Substituted by GSR 534(E), dated 24th August, 1998

(2)* The minimum rates of stipend payable to Graduate, Technician and Technician (Vocational) Apprentices shall be as follows namely:

a	Engineering graduates (for post-institutional training)	Rs.1630/-per month
b	Sandwich course (Students from Degree institutions)	Rs.1160/-per month.
c	Diploma holders (for post-institutional training)	Rs.1160/-per month
d	Sandwich course (Students from Diploma-institutions)	Rs.940/-per month.
e	Vocational Certificate holder.	Rs.900/-per month.

- (3) The stipend for a particular month shall be paid by the tenth day of the following month.
- (4) No deduction shall be made from the stipend for the period during which an apprentice remains on casual leave or medical leave. Stipend shall, however, not be paid for the period for which an apprentice remains on extraordinary leave.
- (5) Notwithstanding anything contained in this rule, where an establishment has a system of deferred payment whereby only a portion of the stipend is paid to the apprentice every month and the balance is paid to the apprentice on the completion of training such establishment shall be free to continue such system provided that the minimum amount paid to the apprentices every month shall not be less than the monthly stipend prescribed under these rules and no deduction is made from the said accumulated amount on any account. Establishments which do not already have such a system shall be free to institute a system on the same conditions.
- (6) The continuance of payment of stipend to an apprentice shall be subject to the work and conduct of the apprentice being satisfactory.
- (7) Where the work and conduct of the apprentice is not satisfactory, the employer shall report the matter to the Apprenticeship Adviser and with his consent may stop the continuance of payment of stipend to the apprentices.

Provided that the stipend of an apprentice shall not be stopped without intimating him the grounds thereof and giving him an opportunity of representing against the action proposed.

- (8) On report being made by the employer under sub-rule (7) the Apprenticeship Adviser shall give his decision thereon within thirty days of the receipt of the report and where the Apprenticeship Adviser does not communicate to the employer refusal to consent to the stopping of the payment of stipend within the period of thirty days, it shall be deemed that he has consented to the stopping of the stipend

12 **Hours of work:**

- (1) The weekly hours of work of a trade apprentice undergoing practical training shall be as follows, namely:
 - (a) The total number of hours per week shall be 42 to 48 hours (including the time spent on Related Instruction)
 - (b) Trade apprentices undergoing basic training shall ordinarily work for 42 hours per week including the time spent on Related Instruction.
 - (c) Trade apprentices during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on Related Instruction.
 - (d) Trade apprentice during the third and 'subsequent years of apprenticeship shall work for the same number of hours per week as the workers in the trade in the establishment in which the trade apprentice is undergoing apprenticeship training.
- (2) -No trade apprentice shall be engaged on such training between the hours of 10.00 P.M. to 6.00 A.M. except with the prior approval of the Apprenticeship Adviser who shall give his approval if he is satisfied that it is in the interest of the training of the trade apprentice or in public interest.
- (3) Graduate, Technician and Technician (Vocational) Apprentices shall work according to the normal hours of work of the department in the establishment to which they are attached for training.

13 **Grant of leave to apprentices:**

- (1) In establishments where proper leave rules do not exist or the total leave of different types admissible to their workers is less than thirty seven days in a year, the apprentice shall be entitled to the following kinds of leave and subject to the conditions specified under each kind of leave.
 - (a) Casual leave .
 - (i) Casual leave shall be admissible for a maximum period of twelve days in a year.
 - (ii) Any holiday intervening during the period of casual leave shall not be counted for the purpose of the limit of twelve days.
 - (iii) Casual leave not utilised during any year shall stand lapsed at the end of the year.
 - (iv) Casual leave shall not be combined with medical leave. If casual leave is preceded or followed by medical leave, the entire leave taken shall be treated either as medical or casual leave, provided that it shall not be allowed to exceed the maximum period prescribed in respect of medical or casual leave, as the case may be.
 - (v) Except in case of extreme urgency applications for such leave shall be made to the appropriate authority and sanction obtained prior to availing of leave.

- (b) Medical leave
 - (i) Medical leave up to fifteen days for each year of training may be granted to the apprentice who is unable to attend duty owing to illness. The unused leave shall be allowed to accumulate upto a maximum of forty days.
 - (ii) Any holiday intervening during the period of medical leave shall be treated as medical leave and accounted for in the limits prescribed under clause(i) above.
 - (iii) The employer may call upon the apprentice to produce a medical certificate from a registered medical practitioner in support of his medical leave. A Medical certificate shall, however, be necessary if the leave exceeds six days.
 - (iv) It shall be open to the employer to arrange a special medical examination of an apprentice if he has reason to believe that the apprentice is not really ill or the illness is not of such a nature as to prevent attendance.
 - (v)* A female apprentice with one surviving child may be granted maternity leave for a period of 90 days from the date of its commencement without payment of stipend and the apprenticeship training period shall be extended accordingly. The monthly stipend shall be paid to the apprentice during such extended period.
- (c) Extraordinary leave:
 - (i) Extraordinary leave upto a maximum of ten days or more in a year may be granted to the apprentice, after he has exhausted the entire casual & medical leave, if the employer is satisfied with the genuineness of the grounds on which the leave is applied for.
- (2) In establishments where proper leave rules exist for workers, the leave to apprentices shall be granted by the employers in accordance with those rules.
Provided that in the case of trade apprentices grant of such leave shall be subject to the following conditions, namely:
 - (a) That every apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 200 days in a year out of which one sixth, namely 33 days shall be devoted to related instructions and 167 days to practical training.
 - (b) That every apprentice engaged in an establishment which works for 5 1/2 days or six days in a week shall put in minimum attendance of 240 days in a year, out of which one sixth, namely 40 days shall be devoted to related instructions and 200 days to practical training.

*Inserted vide GSR 293, dated 10th July, 1997

- (c) an apprentice who for any reason is not able to undergo training for the period specified in clause (a) or clause (b) shall be given an opportunity to make up for the shortfall in the following year and shall be eligible to take the test conducted by the National Council:
 - (i) If he is engaged in an establishment referred to in clause (a) only if he has completed the period of training and has put in minimum attendance of 600 days or 800 days accordingly as the period of training is three years or four years;
 - (ii) if he is engaged in an establishment referred to in clause (b) only if he has completed the period of training and has put in a minimum attendance of 720 days or 960 days accordingly as the period of training is three years or four years.
- (3) If the trade apprentice is not able to put in the minimum period of attendance specified in clause (c) of the proviso to sub-rule (2) during the period of training for circumstances beyond his control and the employer is satisfied with the ground for shortfall in attendance and certifies that the apprentice has otherwise completed the full apprenticeship course he shall be considered as having completed the full period of training and shall be eligible to take the test conducted by the National Council.
- (4) If a trade apprentice is not able to put in the minimum period of apprenticeship specified in clause (c) of the proviso to sub-rule (2) during the period of training and has not completed the full apprenticeship course he shall not be considered as having completed the full period of training and the employer shall, under sub-rule (2) of rule 7, extend his period of training until he completes the full apprenticeship course and the next test is held.

14 Record and returns:

- (1) Establishments referred to in items (b) and (c) of sub-clause (1) of clause (d) of section 2 of the Act shall submit returns as hereinafter provided to the respective Regional Director.
- (2) Establishments referred to in item (b) of sub-clause (2) of clause (d) of Section 2 of the Act shall submit returns as hereinunder provided to the respective State Apprenticeship Adviser.
- (3) Within seven days from the date a trade apprentice joins an establishment, the employer shall prepare the return in form Apprenticeship - 4 in Schedule-III in duplicate and shall submit one return to the Regional Director or State Apprenticeship Adviser as the case may be, and the other to the Principal or Head of the Institute where Basic Training or Related Instructions shall be imparted.

- (4) As soon as a trade apprentice joins the establishment, the employer shall prepare an index card (Envelope) in Form Apprenticeship -I in Schedule-III in duplicate and shall submit one of the cards to the Regional Director or State Apprenticeship Adviser, as the case may be, within a period of fifteen days of the date of registration of the contract of apprenticeship and retain the other one with him.
- (5) (a) Every employer shall maintain a record of Basic Training or Practical Training and Related Instructions in Form Apprenticeship-IA in Schedule-III, Information regarding Basic Training or Practical Training shall be based on the syllabus approved by the Central Apprenticeship Council and operations actually performed by the trade apprentice during the half year under review, every employer shall send a copy of this report to the Regional Director or the State Apprenticeship Adviser, as the case may be, at the end of every half year, and the said report shall be kept inside form Apprenticeship-I.
- (b) In case where the Basic Training is given to the Trade Apprentices at an institute set up by the Government, reports during the period of such training, giving the required information shall be furnished to the establishment by the Head of the Institute concerned in form Apprenticeship-IA if] duplicate.
- (c) The details relating to "Trade Theory" "Workshops Calculation and Science" "Engineering Drawing" and "Social Studies" shall be entered periodically in form Apprenticeship-IA, in Schedule-III by the establishments on the basis of half yearly report which is furnished by the authorities imparting relating instructions in Apprenticeship-I (Supplementary),.
- (6) At the end of each half year every establishment shall in respect of trade apprentices receiving training in the establishment submit a report in form Apprenticeship-2 in Schedule-III to the Regional Director or the State Apprenticeship Adviser, as the case may be, according to the table below alongwith the relevant half yearly report in form Apprenticeship- IA in Schedule-III.

TABLE

Report for period ending	Date by which to be sent
March	15th April
September	15th October

- (7) (a) Every employer shall during the months of November and May, submit to the Regional Director or the State Apprenticeship Adviser, as the case may be, the particulars of such trade apprentices who satisfy the minimum conditions of eligibility to appear in the ensuing trade test in March or September and the particulars so submitted shall be in form Apprenticeship-3 in Schedule-III.
 - (b) Having scrutinised the eligibility of such trade apprentices, the Regional Director or the State Apprenticeship Adviser, as the case may be, shall inform the employer the programme of the trade test and name of the trade testing centre.
 - (c) After receiving the information under clause (b) the employer shall furnish the progress reports in Apprenticeship-I and Apprenticeship-IA in Schedule-III of the eligible trade apprentices to the trade testing officer in advance and not later than seven days before the commencement of the trade test.
- (8) Every employer shall maintain a register of attendance of the trade apprentices undergoing apprenticeship training in his establishment and action taken for irregular and unauthorised absence shall be recorded in the said register at the end of each month.
- (9) On a Graduate or Technician or Technician (Vocational) apprentice joining an establishment, the employer shall prepare index cards in Form Apprenticeship-5 set out in Schedule-III with complete bio-data and retain one card with himself and forward within ten days from the date of the engagement of the apprentice, one card to each of the following authorities, namely:
 - (i) The Central Apprenticeship Adviser:
 - (ii) The Director, Regional Board of Apprenticeship Training concerned; and
 - (iii) In the case of Sandwich course student, the technical Institution concerned.
- (10) Every employer shall maintain a record of the work done and the studies undertaken by the graduate, technician and technician (Vocational) apprentices engaged in his establishment, for each quarter. and at the end of each quarter shall send a report in Form Apprenticeship-6 set out in Schedule-III to the Director, Regional Board of Apprenticeship Training concerned.

SCHEDULE - I A

(See Rule 3(2))

Sl.No.	Category of Apprentices 1	Minimum Educational Qualification 2
1	Graduate Apprentices	<p>(a) A degree in engineering or technology granted by statutory University.</p> <p>(b) A degree in engineering or technology granted by an institution empowered to grant such degrees by an Act of Parliament.</p> <p>(c) Graduate examination of professional bodies recognised by the Central Government as equivalent to a degree.</p> <p>(d) A sandwich course student who is undergoing training in order that he may hold a degree in engineering or technology as mentioned at (a) and (b) above.</p>
2	Technician Apprentices	<p>(a) A diploma in engineering or Technology granted by a State Councilor Board of Technical Educational established by a State Government.</p> <p>(b) A diploma in engineering or technology granted by a University.</p> <p>(c) A diploma in engineering or technology granted by an Institute recognised by the State Government or Central Government as equivalent to (a) and (b) above.</p> <p>(d) A sandwich course student who is undergoing training in order that he may hold a diploma mentioned in (a), (b)& (c) above.</p>
3	Technician (Vocational) Apprentices	<p>(a) 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 for Technical education.</p> <p>(b) A sandwich course student who is undergoing training in order that he may hold a certificate mentioned in (a) above</p>

SCHEDULE-II

(See Rule 4)

Standard of Physical Fitness for Training:

- 1 A candidate should be free evidence of any contagious or infectious disease., He should not be suffering from any disease which is likely to be aggravated by service or is likely to render him unfit for service or endanger the health of the public. He should also be free from evidence of tuberculosis in any form, active or healed.
- 2 Height, Weight and Chest: Candidates should satisfy the following minimum standards, namely:-
HEIGHT: 137 centimeters; Weight:25.4 Kilogram; Chest expansion should not be less than 3.8 centimeters irrespective of size of chest:

Provide that where a candidate does not satisfy the said minimum standards but is certified in writing by a Medical Officer not below the rank of an Assistant Surgeon (Gazetted), to be physically fit for being engaged as an apprentice in a particular trade under the Apprentices Act, 1961, he may be engaged as an apprentice in that trade.

- 3 Eyes: There should be no evidence of any morbid condition of either eye of the lids of either eye which may be liable to risk of aggracation of recurrence.

Standard of Vision:

- a) **Visual acuity:*** Candidates having vision in one eye shall eligible to undergo apprenticeship training except in the following seventeen trades, namely :

- | | |
|------------------------------------|--------------------------------|
| 1) Electrician Aircraft | 2) Watch and Clock Mechanic |
| 3) Driver cum Fitter | 4) Surveyor |
| 5) Process, Cameraman | 6) Sirdar |
| 7) Rigger (Engg. & chem. Industry} | 8) Shortfirer/Blaster(Mines) |
| 9) Mate(Mines} | 10) Mech. Radio & Radar Aircra |
| 11)Ceramic Moduler | 12) Ceramic Caster |
| 13)Ceramic Kiln Operator | 14) Ceramic Press Operator |
| 15) Ceramic Modeller | 16) Ceramic Decorator |
| 17) Optical worker | |

- 4 **Ears:** Hearing must be good in both ears and there should be no sign of suppurative disease. No hearing aid shall be permitted.
- 5 **Skin:** There should be no evidence of acute or chronic skin disease or chronic ulceration.
- 6 **Speech:** Speech should preferably be without impediment.

* Substituted vide GSR 221 dated 21st Apri/1993

7 . Alimentary system:

- 1 Candidates should have sufficient number of natural teeth (in healthy state) for mastication.
- 2 Spleen should not be palpably enlarged and there should be no evidence of tenderness in the splenic area.
- 3 Liver should not be palpable or tender.
- 4 There should be no oral sepsis. There
- 5 should be no sugar in the urine.
- 6 Candidates should not be suffering from haemorrhoids, fissures in and testis anal hernia or bubonocele or ischio-rectal abscess or hydrocele.

8 Cardio vascular system:

- 1 Blood pressure should not exceed 85 diastolic and 140 systolic.
- 2 Candidates with low blood pressure (Le. systolic below 100) should be rejected.
- 3 There should be no sign of any cardiovascular disease.

9 Respiratory system: Candidates should be free from all diseases of respiratory system. There should be no deformity of chest which may cause impediment to breathing.

10 . Genito urinary system: There should be no evidence of genito urinary disease or any abnormality.

11 Skeletal system:

- 1 The function of all limbs should be within normal limits.
- 2 There should be no evidence of serious deformity of the spinal column or of the extremities.

12 Nervous system: There should be no evidence of any disease of nervous system or of any mental disease.

13 Glandular system: There should be no evidence of tuberculosis or other disease of the glandular system including the endocrine glands.

SCHEDULE -II A

(See Rule 5)

Sl.No.	Name of Staff	Ratio of Scheduled Caste Apprentices to the total Apprentices	Ratio of Scheduled Tribes Apprentices to the total Apprentices
1	Andhra Pradesh	1:8	1:20
2	Assam	1 :17	1:9
3	Bihar	1:7	1 : 11
4	Gujarat	1 :14	1:7
5	Haryana	1:5	1 :20
6	Himachal Pradesh	1:5	1 :20
7	Jammu & Kashmir	1 :12	1 :20
8	Karnataka	1:8	1 :20
9	Kerala	1: 11	1 :20
10	Madhya Pradesh	1:8	1:5
11	Maharashtra	1 :17	1 :17
12	Manipur	1 :50	1:3
13	Meghalaya	1:10	1:2
14	Nagaland	-	1:2
15	Orissa	1:7	1:4
16	Punjab	1:4	1 :20
17	Rajasthan	1:6	1:8
18	Tamilnadu	1:6	1 :20
19	Uttar Pradesh	1:5	1 :20
20	Tripura	1:8	1:3
21	West Bengal	1:5	1 :17
22	Andman.& Nicobar Islands	-	1:6
23	Arunachal Pradesh	-	1:2
24	Chandigarh	1:8	1 :20
25	Dadar & Nagar Haveli	1:50	1:2
26	Delhi	1:6	1 :13
27	Goa,Daman & Diu	1 :50	1 :20
28	Lakshadweep	-	1:2
29	Mizoram	-	1:2
30	Pondicherry	1:6	1 :30

SCHEDULE-III to Apprenticeship Rule 1961

(See rule 14)

(Please see Annexure XXXVII)

SCHEDULE -IV

(See Rule 9)

1 In case of Trade Apprentices:

- (a) Must possess a degree or diploma in engineering or technology or equivalent qualification recognised by Government of India.
- (b) National Apprenticeship Certificate with minimum five years experience.

2 In the case of Graduate Apprentices:

Must hold a degree in engineering or technology or equivalent qualification as recognised by the Government of India.

3 In the case of Technician and Technician (Vocational) Apprentices:

Must hold degree or diploma in engineering or certificate in Vocational courses or equivalent qualification recognised by the Government of India.

- 4** The person placed in over all charge of training of apprentices may be assisted by such number, as is considered necessary, of shop floor or workshop personnel who have practical know how to guide the apprentices. It is desirable that the person in charge should have industrial experience.

5 Desirable qualification in the case of 1,2 and 3 above:

Training in Central Staff Training and Research Institute/Technical Teacher Training Institute/Central Training Institute.

SCHEDULE - IV A

(See Rule 9 A)

Staffing Pattern

(a) Basic Training Centre

- | | | |
|---|-----------------------------|---|
| 1 | One Trade Instructor | for every 16 apprentices |
| 2 | One Drawing Instructor | for every 150 apprentices |
| 3 | One Instructor | for every 150 apprentices (<i>W/Shop Calculation and Science</i>) for every |
| 4 | One Social Study Instructor | 400 apprentices |

(b) Shop Floor Training Including Related Instructions

- | | | |
|---|------------------------|---|
| 1 | One Trade Instructor | for every 40 apprentices |
| 2 | One Drawing Instructor | for every 150 apprentices |
| 3 | One Instructor | for every 150 apprentices (<i>W/Shop Calculation and Science</i>) |

II Qualifications of Instructional Staff for Basic Training Centre and Shop Floor Training including Related Instructions.

Trade Instructor! Drawing Instructor! Workshop Calculation and Science Instructor

- Essential: a)**
- (i) Passed 10th standard
 - (ii) Passed National Apprenticeship Certificate Examination in relevant trade with five years experience in industry.

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- b) Diploma. in Engineering/Technology in appropriate branch with three years experience.

Desirable: Passed Instructor Training Course in relevant trade from any of the Advanced Training Institute or Central Training Institute for Instructors under the Directorate General of Employment and Training, Ministry of Labour.

Inserted vide GSR 190(E) dated 26h Feb. 1999

SCHEDULE-V

(See Rule 6)

Obligations of Employer (both in the case of Major and Minor Trade Apprentices).

(Under section /I of the Apprentices Act, 1961)

The employer shall make suitable arrangements in the workshop for imparting a course of practical training to the apprentice in accordance with the programme approved by the Central/State Apprenticeship Adviser and the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council..

- 2 (a) Such of those employer as specified in sub-section (4)of section 9 shall take suitable arrangements to impart course of basic training to the apprentice in accordance with the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council, either in separate parts of the workshop building or in a separate building set up by the employer.
- (b) Such of the employer as specified in sub-section (5)of section 9 shall make suitable arrangements in a training institute set up by the Government for imparting a course of basic training to the trade apprentice in accordance with the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council.
- 3 The employer shall release the apprentice for receiving related instructions as required by section 10 of the Apprentices Act. 1961, treating any time spent in attending such classes as part of his paid period of work.
- 4 (a) The employer shall pay stipend to the apprentice at the rate as specified from time to time under rule II of the Apprenticeship Rules 1991.
- (b) The stipend for a particular month shall be paid by the 10th day of the following month. No deduction shall be made from the stipend for the period during which the apprentice remains on casual or medical leave. Stipend shall, however not be paid for the period for which the apprentice remains on extraordinary leave.
- 5 (a) The weekly hours of work of an apprentice while undergoing practical training shall be as follows:
 - (i) The total number of hours per week shall be 42 to 48 hours (including the time spent on related instructions);
 - (ii) Apprentice during basic training shall ordinarily work for 42 hours per week including the time spent on related instruction;
 - (iii) Apprentice during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on related instructions;
 - (iv) Apprentice during the third and subsequent years of apprenticeship shall work for the same number of hours per week as the workers in the trade in the establishment in which the apprentice is undergoing apprenticeship training:

Provided, however, that short term apprentice may be engaged to work upto a limit of 48 hours per week.

- (b) No apprentice other than a short term apprentice, shall be engaged on such training between the hours of 10 p.m. and 6 a.m. except with the prior approval of the apprenticeship Adviser who may give his approval if he is satisfied that it is in the interest of the training of the apprentice or in public interest.
- 6 Where the contract of apprenticeship is terminated on account of failure on the part of the employer to carry out the terms and conditions of the contract, he shall pay to the apprentice or his guardian. (in the case of a minor) compensation in accordance with the rates as specified under rule 8 of the Apprenticeship Rules, 1991.
- 7 The employer shall allow leave to the apprentice as under:
- (i) Casual leave for a maximum period of 12 days in a year. Any holidays intervening during the period of casual leave shall not be counted for the purpose of the limit of 12 days. Casual leave not used during any year shall stand lapsed at the end of the year.
 - (i i) Medical leave upto 15 days for each year of training shall be granted to the apprentice who is unable to attend duty owing to illness. The unused leave may be allowed to accumulate upto a maximum of 40 days. Any holidays intervening during the period of medical leave shall be treated as medical leave. The employer may call upon the apprentice to produce a medical certificate from a registered medical practitioner, as defined in the Apprenticeship Rules, 1991, in support of his medical leave. A medical certificate shall, however, be necessary if the leave exceeds 6 days. It shall be open to the employer to arrange a special medical examination of the apprentice if he has reason to believe that the apprentice is not really ill or the illness is not of such a nature as to prevent his attendance.
 - (iii) Casual leave shall not be combined with medical leave. If casual leave is preceded or followed by medical leave, the entire leave taken shall be treated as either medical or casual leave, provided that it shall not be allowed to exceed the maximum period prescribed in respect of medical or casual leave, as the case may be.
 - (iv) Extraordinary leave upto a maximum of 10 days or more in a year may be granted to the apprentice, after he has taken the entire medical or casual leave if the employer is satisfied with the genuineness of the grounds on which the leave is applied for.
 - (v) (a) The apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 200 days in a year on training, out of which one-sixth, namely, 33 days shall be devoted to related instructions and 167 days to practical training:
 - (b) The apprentice engaged in an establishment, which works for 5 1/2 days or 6 days in a week shall put in a minimum attendance of 240 days in a year on training, out of which one-sixth, namely 40 days shall be devoted to related instructions and 200 days to practical training.

(vi) The apprentice, who for any reason is not able to undergo training for the periods specified in sub-clause shall be given an opportunity to make up for the shortfall in the following year and shall be eligible to take the test conducted by the National Council :

(a) only if he has completed the period of training and has put in a minimum attendance of 600 days or 800 days accordingly as the period of training is three years or four years, as the case may be, in an establishment which works for 5 days in a week.

OR

(b) only if he has completed the period of training and has put in a minimum attendance of 720 days or 960 days accordingly as the period of training is three years or four years as the case may be, in an establishment which works for 5 % days or 6 days in a week.

(vii) If the apprentice is not able to put in the minimum period of attendance specified in sub-clause (v) during the period of training for circumstances beyond his control and the employer is satisfied with the grounds for shortfall in attendance and certifies that the apprentice has otherwise completed the full apprenticeship course, he shall be considered as having completed the full period of training and shall be eligible to take the test conducted by the National Council;

(viii) If the apprentice is not able to put in the minimum period of attendance specified in sub-clause(vi) during the period of training and has completed the full apprenticeship course, he shall not be considered as having completed the full period of training and the employer shall under sub-rule (2) of rule 7 extend his period of training unless he completes full apprenticeship course and the next test is held.

8 The employer shall allow to the apprentice such holidays as are observed in the establishment.

9 If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, the employer shall pay to the apprentice compensation in accordance with the provisions of the Workmen Compensation Act,1923, subject to the modifications specified in the Schedule to the *Apprentices Act, 1961*.

II **Obligations of Trade Apprentice** (both in case of Major and Minor Trade Apprentices)

(Under Section 12 of Apprentices Act. 1961).

1 The apprentice shall abide by the rules and regulations of the establishment in all matters of conduct and discipline and carry out all lawful orders of the employer and superiors in the establishment.

2 The apprentice shall conduct himself as a trainee and not as a worker, learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled Craftsman in his trade before the expiry of the period of training. Save as provided in the Apprentices Act. 1961 provisions of any law with respect to Labour will not be applicable to him.

- 3 The apprentice shall attend practical (basic and shop-floor training and related instructions) classes regularly.
- 4 The apprentice shall appear for periodical tests that may be conducted by the employer or other authorities concerned by the National Council for Vocational Training for award of a certificate of proficiency in the trade.
- 5 In the event of premature termination of contract of apprenticeship for failure on the part of the apprentice to carry out the terms and conditions of contract, the surety or the guardian may be bound to pay the employer such amount as may be determined by the Central/State Apprenticeship Adviser as and towards the cost of training in accordance with rates as specified under rule 8 of the Apprenticeship rules, 1991.
- 6 Except in case of extreme urgency the apprentice shall submit applications for all leave except medical leave to the appropriate authority and obtain sanction before the leave is taken.
- 7 The apprentice, his/her guardian (in case of minor) declares that no other contract of apprenticeship subsists already between him and any other employer (in respect of minor apprentice, by the guardian) and undertake that he shall not enter into any other contract of apprenticeship with any other employer (in respect of minor apprentice, by the guardian) before the expiry or termination of the contract of apprenticeship.
- 8 The apprentice or his/her guardian (in case of minor) shall not enter into any other contract of apprenticeship with any other employer in respect of the apprentices mentioned in the first recital before the expiry or termination of the contract of apprenticeship.
- 9 The first six months of the period of apprenticeship training shall be treated as period on probation. Either party may make an application to the Central/State Apprenticeship Adviser for the earlier termination of contract and when such an application is made the party making the application shall send by post a copy thereof to the other party to the contract. The Central/State Apprenticeship Adviser after considering the contents of the application and objectives, if any, filed by the other party, may terminate the contract, if he is satisfied that the parties to the contract, if 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 the amount as stated in paras 1(6) and 11(5) of this schedule shall become payable by one party to the other accordingly as the failure is on the part of the employer or the apprentice:

Provided further that no compensation shall be payable by the employer to the guardian of the apprentice if the employer to the guardian of the apprentice if the employer makes an application to the Central State Apprenticeship Adviser during the period the apprentice is on probation for the termination of the contract on the ground that the apprentice on the trade in which he has been engaged and that his guardian has refused to allow him to undergo apprenticeship training in another designated trade for which he is found suitable by the employer and if the Central/State Apprenticeship Adviser, after considering the contents of the application of the employer and the objections, if any, filed by the other party is satisfied that it is desirable in the interests of the parties or any of them to terminate the contract.

- 10 It shall not be obligatory on the part of the employer to offer any employment to the apprentice on completion of 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.
- 11 Any disagreement or dispute between the employer and the guardian of the apprentice arising out of the contract shall be referred to the Central/State Apprenticeship Adviser, for decision and any person aggrieved by the decision of the Central State Apprenticeship Adviser, may within 30 days from the date of communication to him of such decision, prefer as appeal against the decision to the Central/State Apprenticeship Council and such appeal shall be heard and determined by the Committee of that Council appointed for the purpose. The decision of such Committee shall be final.

SCHEDULE VI

(See Rule 6)

Terms and Conditions of the Contract of Apprenticeship for Graduate Technician and Technician (Vocational) Apprentices.

The period of training shall be one year (in the case of Sandwich students, the period of training shall be stipulated in the curriculum).

- 2 It shall not be obligatory on the part of the employer to offer any employment to the apprentice on completion of period of apprenticeship training in his establishment nor shall it be obligatory on the part of the apprentice to accept an employment under the employer.

Note: If, however, there is a condition in the contract of Apprenticeship' that the apprentice shall, after the successful completion of 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 for such remuneration as may be specified in the contract subject to the approval of the Central Apprenticeship Advisor.

- 3 Every apprentice undergoing apprenticeship training in an establishment shall be a trainee and not a worker and as such the provisions of any law with respect to Labour shall not apply to or in relation to such apprentice.

- 4
- (i) The apprentices shall abide by the rules and regulations of the establishment in all matters of conduct and discipline and safety and carry out all lawful orders of the employer and superiors in the establishment.
 - (ii) The apprentice shall learn his subject field conscientiously and diligently and attend to practical and instructional classes regularly.
 - (iii) The apprentice shall maintain a record of his work during the period of his apprenticeship training in a proforma approved by the Apprenticeship Adviser.
 - (iv) Where the contract of apprenticeship is terminated for failure on the part of the apprentice to carry out the terms of contract, the apprentice shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser. In such event, the apprentices shall not be entitled to enter into another contract of Apprenticeship under the Act with any other employer.
 - (v) The contract of apprenticeship can be terminated without compensation payable to the apprentices:
 - a) If he/she secures gainful employment(on production of copy of the appointment order); and
 - b) If he/she is unable to continue training on medical grounds (on production of a certificate to this effect from a Medical Officer not below the rank of Civil Surgeon).

(vi) For breach of contract by the employer, the employer shall pay compensation to the apprentice in accordance with rates specified under rule 8 of these rules.

(vii) Continuance of payment of stipend shall depend on satisfactory performance of the apprentice during the training period.

5 (i) The employer shall make suitable arrangement in his establishment for imparting a course of apprenticeship training to the apprentice in accordance with the provisions of the Act and rules made thereunder and with the approval of the respective Regional central Apprenticeship Adviser.

(ii) Every employer is required to formulate a "Training Programme" for the training of Graduate/Technician (Vocational) Apprentices and get it approved by the respective Regional Central Apprenticeship Adviser.

(iii) The employer will arrange for a suitable person to be placed in charge of training of apprentices as laid down under the Act and the rules made thereunder.

6 (i) A Graduate Technician and Technician (Vocational) Apprentice shall work according to the normal hours of work of the department in the establishment to which he/she is attached for training. They will be eligible for 12 days of Casual Leave and 15 days of Medical Leave with payment of stipend. Extraordinary Leave upto 10 days with or without payment of stipend may be granted at the discretion of the establishment.

(ii) The stipend for a particular month shall be paid before the 10th day of the following month.

Central Apprenticeship Council Rules,1962.

In exercise of the powers conferred by *sub-section (1) of section 37 of the Apprentices Act, 1961 (52 of 1961)*, the Central Government hereby makes the following rules, namely:-

- 1 **Short title and commencement:**
 - (a) These rules may be called the Central Apprenticeship Council Rules,1962.
 - (b) They shall come into force at once.

- 2 **Definitions:** In these rules, unless the context otherwise requires,
 - (a) "Act" means the Apprentices Act, 1961 (52 of 1961);
 - (b) "Chairman" means the Chairman of the Central Apprenticeship Council;
 - (c) "Council" means the Central Apprenticeship Council established under sub-section (1) of section 24 of the Act.
 - (d) "Member" means a member of the Council
 - (e) "Secretary" means Secretary of the Council.

- 3 **Constitution of council:** The Council shall consist of a Chairman and a Vice Chairman who shall be appointed by the Central Government and the following other members who shall also be appointed by the Central Government, namely:
 - (a) not more than 9 representatives of employers in establishments in the public sector.
 - (b) not more than 9 representatives of employers in establishments in the private sector.
 - (c) not more than 12 representatives of the Central Government
 - (d) not more than 22 representatives of the State Government.
 - (e) not more than 9 persons having special knowledge and experience on matters relating to industry and Labour and technical education.
 - (f) two representatives of the At! India Council and one representative each of the Regional Boards.

- 4 **Terms of offices:**
 - (a) The Council shall be constituted for a period of three years and thereafter it shall be reconstituted at the end of every three years. All the members appointed to it shall accordingly hold office for a period of three years:

Provided that a member of the Council shall, notwithstanding the expiry of the said period of three years, continue to hold office until his successor is appointed.

- (b) Where a person is chosen as a member of the Council by virtue of the office or appointment he holds, he shall cease to be a member if he ceases to hold that office or appointment.

5 **Cessation of membership:**

- (a) A member of the Council shall cease to be a member if he dies, resigns, becomes of unsound mind, is declared insolvent or is convicted of a criminal offence involving moral turpitude.
- (b) The office of a member of the Council shall fall vacant from the date on which his resignation is accepted or on the expiry of 30 days from the date of receipt of letter of resignation. whichever is earlier.

6 **Filling of vacancies:**

- (a) Any vacancy in the membership of the Council caused by reasons mentioned in sub-rule (1) of rule 5 shall be filled by the Central Government. '
- (b) A member appointed to fill a casual vacancy shall hold office for so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

7 **Time and place of meeting:**

The Council shall meet as often as may be necessary and at least once a year on such date, time and place as may be determined by the Chairman.

8 **Notice for meeting:**

The Secretary shall give a notice of not less than fifteen days for a meeting of the Council to each member but a shorter notice may be given for holding an emergent meeting.

9 **Quorum for the Council:**

One-third of the numbers of member of the Council shall constitute the quorum for any meeting of the Council.

10 **Decision by majority:**

- (a) All questions to be decided by the Council shall be in accordance with the opinion of the majority of the members present and voting.
- (b) Each member shall have one vote. If there is equality of votes, the Chairman shall have and exercise the casting vote.

11 **Business by circulation:**

The Chairman may, in special circumstances, instead of convening a meeting of the Council obtain the opinion of the members on any item of business individually by circulation of papers and such item be decided in accordance with the opinion of the majority.

12 **Proceedings of the Council:**

(a) Copies of all proceedings of the Council shall be furnished to the Secretary of the National Council for Training in Vocational Trades. Any views expressed or suggestions made thereon by the said National Council shall be duly considered by the Council.

(b) In all other matters, the Council shall follow such procedure as it may determine.

13 **Power to co-opt members:**

The Council may, at any time invite, any person to attend its meetings to give advice or assist in any matter. The person so invited shall, however, not be entitled to vote on any question coming before the Council.

14 **Committees of Council:**

(a) The Council shall have the power to appoint such Standing or Special Committees for assisting it in the discharge of its functions as may be considered expedient by it.

(b) The functions of the Standing or Special Committees shall be determined by the Council.

(c) The composition of the Standing or Special Committees shall be determined by the Chairman of the Council.

15 **Fees and allowances to members:**

The Chairman and the representatives of the Central and the State Governments will draw travelling and daily allowances for attending the meetings of the Council or of its Committees from the respective Governments in accordance with the rules of those Governments. All other members of the Council will be paid travelling and daily allowances by the Central Government for attending the meetings of the Council or of its Committees at the rates admissible to a Government Officer of the first grade in accordance with the relevant rules.

16 **Authentication of acts and proceedings:**

(a) All acts and proceedings of the Council shall be authenticated by the Chairman, or with the approval of the Chairman, by the Secretary.

(b) The Secretary shall carry out the decisions of the Council.