

AMENDMENT TO CENTRAL APPRENTICESHIP RULES 2015

REGD. NO. D. L.-33004/99 Che Gazette of Sfnidia 399} No. 3991 EXTRAORDINARY PART 11—Section 3—Sub-section (i) rm•r 28, NEW DELHI, THURSDAY, JUNE 18, 2015/JYAISTHA 28, 1937 targ 3TfÄfiq-cr, 1961 (1961 52) 37 (1) gg, fi-q-q, 1992 (1) (äü&FT) 2015 1. 2 1992 2 (ii) 2692 GI/2015 '(F) E*ÆT" 3Tür (5) nfi:- '(57)) 3TfÄfiqq fitr 7Trr (E) Q--q-r (1) 2 3. 4 5 7. THE GAZETTE OF INDIA : EXTRAORDINARY 5 (1) GTTVrr (1) q-rqTIT, 3Tfi.- [PART 11—SEC. 3(i)] (ii) (2) (1) Tf: qi-€qifi7 (iii) (3) (2) F: (4 .t.t-r-t-r.æ...r.a-,- (2) (1) (1) 3Tfi:- (3) q-rqz qrqftl" 1. (2) (3) Ä--fr 3.trg -O; 41fh erx-#tfiq€r 3Ä(-2Tr a-TR(: 3 (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) ft-g I I F•q-2 e-rq?r fr 12 (3) @r4Tr a-q-q-i7 t7fr 1 Oti 12 (l) (2) e-r€ft 10+2 Rr 01 fr*-r q-rq'TIT 1 Oti tr 12tt Ä-zrr Qtr Tr tr q-rqrq-rl 1 12tt THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. (16) (17) 7 q -q:--QT_ (1) (2) (3) (4) (5) 3Tfh fiAh-Tr, 2.5 10 Rr 15 Ür a-€ 2.5 (Aft 0) 1 30 30 (q) 1 31 8. 9. 10. 11. 12. fi-&4TUT_ 0, fir 1 1 (3) 3T2•Tf7:- "3. fizrr 13 14 — CT) (7), (8), (9) (10) 2. 4. 6. 7. 8. 9. 11 12. 14 15. 16 18. 20. 21 22. 23. 25. 27. 28. 29. 30. 32. 35 36. 13. 3.T4ÄT 7itÄT 8fr4TUIT 1:15 1:15 1:12 1:10 1:10 1.33 1:15 1•.100 1:15 1 100 I'll 1:16 1:50 1:5 1:6 1:5 1:6 1.3 1:5 1•.100 1•.32 1 100 1:20 1:13 1:13 1:11 6 [PART II—SEC. 3(i)] THE GAZETTE OF INDIA : EXTRAORDINARY 14 fire-J 1. 2. 3. 4. 5. 7. fir q7rrÉ) d q7n-@) 3PFT fitT 7Tq fif&TtJT 3..T2TÄT 3..T2F-r (iii) (iv) 7 10. 11 12. 13. 14. 15. *** 16. 3.118 (77) Rr -A1-tr g) g) (2) n-a-q• 1961 1992 3iaafir 1992 ft 8 rrk-IE GAZETTE OF INDIA : EXTRAORDINARY y-@raq-UT _ (74) [PART II—SEC. 3Tt.t-\$QTØ q-td -a-O ETFT GiTVTTI " (fQT?Cffr 1992 1 1 (2) (q) (3) 3. 4. 5. 6. a-a-reff) 4984 3542 : 2890 Fq-g 2758 grr fQ\$ q-rqtr 10+2 @r4TT 3ßfå frfr q-rgvPr 107t zrr 1 GIRT 11-•g 3(i)l 9 7. 8. 9. fi-tq-ufir: 14. 15. Ä---cfr (fQT47T 1992 Ofi q-rat (f?ThßT 1992 -Rr fQTPCffr fi a-t-a-q grr " 10 æi#tfr I Orr :- "10. va-rq-ff wr Orr tr 22 (1) 2 TVIT, IO TI-IE GAZETTE OF INDIA : EXTRAORDINARY [PART SEC. 3(i)] F) O-a0r fi#r ORr err-r (22) 3T-tnrr (1) vq-rq7 6(i) :- g-q-g-q-fi@ei-l (2)/2015-q-fr] • 15 1992 356 01 1992 11, 3, (i) 23 2014 qrsr.n. 910(3T) MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP NOTIFICATION New Delhi, the 16th June, 2015 G.S.R. 502(E).—In exercise of the powers conferred by sub-section (I) of section 37 of the Apprentices Act, 1961 (52 of 1961), the Central Government, after consulting the Central Apprenticeship Council, hereby makes the following rules further to amend the Apprenticeship Rules, 1992, namely: I (l) These rules may be called the Apprenticeship (Amendment) Rules, 2015. Save as otherwise provided, they shall come into force on the date of their publication in the Official Gazette. (2) 2. 3. 4 In the Apprenticeship Rules, 1992 (hereinafter referred to as principal rules), in rule 2, (ii) after clause (2), the following clause shall be inserted, namely:- '(2A) "Diploma in non-engineering" means a person who holds a diploma in non-engineering or equivalent qualification granted by a Board or University or recognised by the concerned State Government or the Central Government, as the case may be; ' after clause (5), the following clauses shall be inserted, namely:- '(5A) "Non-engineering graduate" means a person who holds a degree in any subject other than engineering or technology granted by a statutory University or an institution empowered to grant such degree by an Act of Parliament or passed the graduateship examination of professional bodies recognised by the Central Government as equivalent degree; (5B) "Optional trade apprentice" means an apprentice who is not undergoing apprenticeship training in a designated trade.'. In the principal rules, rule 5 shall be numbered as sub-rule(1) thereof and after sub-rule(1) as so numbered, the following sub-rule shall be inserted, namely:- The training places for the Other Backward Classes in designated trades shall be reserved by the "2. employer according to the prescribed norms followed in the respective State or Union territory and if training places can not be filled from the Other Backward Classes, then the training places so lying unfilled may be filled by persons not belonging to the Other Backward Classes.". In the principal rules, in rule 6, (ii) Sub-rule(1) shall be omitted; Sub-rule(2) shall be renumbered as sub-rule(1) thereof and in the sub-rule (1) as so renumbered, for clause (a), the following clause shall be substituted, namely:- "(a) The Central Government may specify model contract form for all apprentices.". 11 5 6

7. Sub-rule(3) shall be renumbered as sub-rule(2) thereof.(iii) In the principal rules, in rule 7, after sub-rule (3), the following sub-rule shall be inserted, namely:- "3A(l) Keeping in view seasonality in operation or business or flexibility desired by trade apprentice, a trade apprentice may complete his period of apprenticeship training within five years or double the duration of apprenticeship training whichever is less

from the date of starting of his apprenticeship training. The flexibility referred to in sub-rule(1) shall be permissible in the following manner, namely:- (2) (a) Maximum one break for trades having duration two years or less than two years (b) Maximum two breaks for trades having duration more than two years. The start and end date of his apprenticeship training shall be reported on portal-site by the employer." (4) In the principal rules, in rule 7, sub-rule (5) shall be omitted. In the principal rules, after rule 7, the following rules shall be inserted, namely:- "7A Regulation of optional trade.- (1) (2) (3) (4) (5) (6) (7) (8) (9) A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any optional trade, unless he- is not less than fourteen years of age, and for optional trades related to hazardous industries, not (a) less than eighteen years of age; and satisfies such physical fitness as determined by the employer. (b) The minimum educational qualification for person to undergo apprenticeship training in optional trade shall be eighth class pass from a recognised school. The period of apprenticeship training in the case of non-engineering graduates, diploma in non- engineering and vocational certificate holder shall be maximum one year and the period of apprenticeship training for other apprentices undergoing apprenticeship training in optional trade shall be minimum of six months and maximum of two years. The training places shall be reserved by the employer for the Scheduled Castes and the Scheduled Tribes in every optional trade in accordance with the sub-rule (1) of rule 5 and Schedule-IIA of said rule. The training places for the Other Backward Classes shall be reserved by the employer in every optional trade in accordance to the sub-rule (2) of rule 5. It shall be obligatory on the part of employer to disclose the duration and syllabi of the optional trades on the portal-site. The work diary in Format-2 as specified in Schedule-III shall be maintained by each apprentice and countersigned, by his supervisor once in a week. Weekly hours of work provided in sub-rule (3) of rule 12 shall be applicable for those apprentices possessing a degree of three or four years after secondary or higher secondary education or diploma of three years after 10th class or diploma of two years after 12th pass or a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing apprenticeship training in optional trade and for all other apprentices undergoing apprenticeship training in optional trade, the weekly hours of work provided in sub-rule (1) and (2) of rule 12 shall be applicable. No person shall be engaged as an apprentice to undergo apprenticeship training in optional trade unless such person or, if he is minor, his guardian has entered into a contract of apprenticeship with the employer and such contract of apprenticeship shall be uploaded on portal-site by the employer. The minimum rates of stipend prescribed for graduate apprentices shall be paid by the employer to those apprentices who possess a degree of minimum three years duration after 10+2 system of education. 12 8. 9 10. THE GAZETTE OF INDIA : EXTRAORDINARY [PART IPSEC. 3(i)] (12) (13) (15) (16) (17) The minimum rates of stipend prescribed for technician apprentices shall be paid by the employer to those apprentices who possess a diploma of three years after 10th class or diploma of two years after 1 pass. The minimum rates of stipend prescribed for technician (vocational) apprentices shall be paid by the employer to those apprentices who possess a certificate in vocational course involving two years of study after completion of secondary stage of school education. The minimum rates of stipend prescribed for trade apprentices shall be paid by the employer to other apprentices undergoing training in optional trade according to their period of apprenticeship training. Every apprentice possessing a degree of minimum three years or a diploma of three years after 10th class or diploma of two years after 12th pass or a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing apprenticeship training in optional trade shall follow the terms and conditions of contract of apprenticeship for graduate, technician and technician(vocational) apprentices as provided in Schedule-VI. Every employer and other apprentices undergoing training in optional trade shall have the obligations as provided in Schedule-V respectively. The employer shall not run a trade as optional which is a designated trade under the Act. The progress in apprenticeship training of every apprentice in optional trade shall be assessed by the employer from time to time and every apprentice who completes his apprenticeship training to the satisfaction of the employer shall be granted a certificate of proficiency by that employer. 7B Number of apprentices for designated and optional trade.- (1) (2) (3) (4) (5) The employers having six or more workers shall only be eligible to engage apprentices and engagement of apprentices by establishment having number of workers not exceeding forty shall not be obligatory. The strength of workers shall be calculated on the basis of average strength in the preceding financial year. Within a financial year, each establishment shall engage apprentices in a band of 2.5 per cent. to 10 per cent. of the

total strength of the establishment including contractual staff. In no month, number of apprentices should be less than 2 per cent. of the total strength of the establishment and more than 15 per cent. of the total strength of the establishment subject to the condition that he shall fulfill apprentice months corresponding to 2.5 per cent. obligation in a financial year. Every employer shall disclose their intention of engagement of apprentices both in designated and optional trade on portal site as well as establishment's portal-site (if existing) as per quarters given below:- (a) (b) (c) (d) the April to the 30th June; the 1st July to the 30th September; the 1st October to the 31st December; the 1st January to the 31st March.'. 7C Inspection of establishment.- An Officer not below the rank of Assistant Apprenticeship Adviser shall inspect an establishment and such inspection shall be after prior approval of the Central or the State Apprenticeship Adviser, as the case may be.". In rule I of the principal rules, for sub-rule (3), the following sub-rule shall be substituted, namely:- "3. The stipend for a particular month shall be paid by the tenth day of the following month and the stipend shall be paid through the bank account of apprentices from a date notified by the Central Government." In the principal rules, rule 13 and the entries relating thereto shall be omitted. In rule 14 of the principal rules, with effect from such date as may be notified by the Central Government, — (a) Sub-rule(1 sub-rule(2) and sub-rule(3) shall be omitted; (b) (c) 3(i)] Sub-rule(6) shall be omitted; Sub-rule(7), sub-rule (8), sub-rule(9) and sub-rule(10) shall be omitted. 13 11. 12. S. No. 1. 2. 3. 4. 5. 6. 8. 9. 10. 11 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30

31. In the principal rules, in the SCHEDULE-I, column 4 and the entries relating thereto shall be omitted.In the principal rules, for the SCHEDULE-IIA, the following SCHEDULE shall be substituted, namely: - Name of State/ Union territory Andhra Pradesh Arunachal Pradesh Assam Bihar Chattisgarh Goa Haryana Himachal Pradesh Jammu and Kashmir Jharkhand Karnataka Kerala Madhya Pradesh Maharashtra Manipur Mizoram Meghalaya Nagaland Odisha Punjab Rajasthan Sikkim Tamil Nadu Tripura Telangana Uttar Pradesh Uttarakhand West Bengal Andaman and Nicobar Islands Chandigarh "SCHEDULE-IIA (See rule 5) Ratio of Scheduled Caste apprentices to the total apprentices in designated trade 1:15 1:15 1:50 1:12 1:10 1:10 1:33 1:6 1:16 1:6 Ratio of Scheduled Tribe apprentices to the total apprentices in designated trade 1:15 1:100 1:15 1:100 1:11 1:100 1:100 1:20 1:13 14 32. 33. 34. 35. 36

13. THE Dadra and Nagar Haveli Delhi Daman and Diu Lakshadweep Puducherry GAZETTE OF INDIA : EXTRAORDINARY 1:50 1:6 [PART 11 1:13 1:11 SEC.3(i)] In the principal rules, in SCHEDULE-111, for the FORMAT-I and be substituted, namely:- "Schedule-I (See rule 14) FORMAT-2, the following Formats shall FORMAT-I Model Contract of Apprenticeship Training for Major/Minor* Apprentices 2. 3. 4. 5. (a) (b) Name and address of establishment with Tel. no., Fax No. and E-mail address Name of apprentice (Block Letters) Father's/Mother's /Husband's Name Address of apprentice Gender (please A) Date of birth Photograph of Apprentice Male/Female/Transgender 6a) Whether belongs to SC/ST/OBC/PwD/Minority (please) b) Name of the category 7. Educational Qualification (a) Academic Qualification : Yes/No 15 (b) Technical qualification (v) (vii) (viii) Name of the Trade or Course Duration of Training or Course Name of the Institute or College Name of the Council or University 8. 9. 10. 11. 12. 13. 15. (a) Date of execution of contract (b) Age on the date of execution of contract Name of the trade for which apprentice is for apprenticeship training (a) (b) Duration of apprenticeship training Period of apprenticeship training From years From To months To Rates of Stipend: The minimum prescribed stipend per month to be paid by the employer to apprentice (a) (b) (c) (a) (b) During ISI year of training During 1st year of training During 3rd and 4th year of training Name and address of Guardian (in case of apprentice is minor) Relationship with the apprentice Rs. Rs. Rs. Name and Address of the Surety We, the Employer, Apprentice or Guardian* * and the Surety solemnly declare that we have read the Apprentices Act, 1961 and the Apprenticeship Rules, 1992 regarding the contract of apprenticeship training including obligations and agree to abide by all the provisions made thereunder. In case of default by the either the apprentice or the employer, we agree to compensate the other party as per the provisions of the Apprenticeship Rules, 1992 (Main Provisions of the Rules may be seen in the Enclosure). Signature of the Employer with seal Signature of Apprentice Signature of Guardian* * Signature of Surety 15. Name of Witnesses with their Address (1) (2) Contract Registration Number (To be given by the Office of the Apprenticeship Adviser) * Minor apprentice is an apprentice who has not completed eighteen years of age. ** Guardian, in case of minor apprentices *** Mandatory only for designated trades Enclosure to Contract of Apprenticeship Training The main provisions of the Apprenticeship Rules relating to the Contract of Apprenticeship Training are - 16 1. THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11 SEC.

3(i)] The employer shall pay stipend per month to the trade apprentices at the minimum rates (as per the provision of sub-rule(l) of rule 11 of the Apprenticeship Rules, 1992) (a) (b) (c) During 1st year of training During 2nd year of training During 3rd and 4th year of training Seventy per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory Eighty per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory Ninety per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory: Provided that in the case where the minimum rate of wage for a trade is not notified by the State Government or Union territory, then, the maximum of minimum wages of the Scheduled Employment notified by such State Government or Union territory for semi-skilled workers shall be taken into account for paying the stipend in respect of that trade: Provided further 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". The employer shall pay stipend per month to the Graduate, Technician and Technician (Vocational) apprentices 2. at the minimum rates (as per the provisions of sub-rule (2) of rule 11 of the Apprenticeship Rules, 1992) (a) (b) (c) (d) 3. Graduate Apprentices Sandwich Course (Students from Degree Institutions) Technician Apprentices Sandwich course (Students from Diploma Institutions) Technician (Vocational) Apprentices Rs. 4984 Rs. 3542 Rs. 3542 Rs. 2890 Rs. 2758 The stipend prescribed for graduate apprentices shall be paid by the employer to those apprentices who possess a degree of minimum three years duration after 10+2 system of education and undergoing apprenticeship training in optional trade. The stipend prescribed for technician apprentices shall be paid by the employer to those apprentices who 4. possess a diploma of three years after 10th class or diploma or two years after 12th pass and undergoing apprenticeship training in optional trade. The stipend prescribed for technician (vocational) apprentices shall be paid by the employer to those 5. apprentices who possess a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing apprenticeship training in optional trade. The stipend prescribed for trade apprentices shall be paid by the employer to all other apprentices undergoing 6. apprenticeship training in optional trade according to their period of apprenticeship training. The stipend for a particular month shall be paid by the tenth day of the following month. No deduction shall be 7. made from the stipend for the period during which an apprentice remain on leave as observed in the establishment. 3(i)l 17 Where the Contract of Apprenticeship is terminated through failure on the part of the employer in carrying out 8. the terms and conditions of the Contract (as notified under the Apprenticeship Rules, 1992), he shall pay to the apprentice such compensation as may be provided by the Central Government

9. In the event of premature termination of Contract of Apprenticeship for failure on the part of apprentice to carry out the terms and condition of the contract (as notified under the Apprenticeship Rules, 1992), the surety at the request of apprentice hereby guarantees to employer the payment of such amount as determined by the Apprenticeship Adviser as and towards the cost of training. The liability of the surety is limited to an amount of two thousand five hundred rupees with interest at twelve per cent. per annum. Name and Address of Establishment Name of Apprentice Trade Registration Number Serial Number Proforma of Work Diary Competencies covered during the week
 FORMAT- 2 Signature of Supervisor Date (Week) From To Note: 14

15. The list of competencies to be indicated as laid down in the course of trade. The work diary shall be maintained by the Apprentice and countersigned by his supervisor once a week.". In the principal rules, in SCHEDULE-VY (ii) under paragraph 1, relating to "Obligations of Employer", items 2b, 3 and 7 and the entries relating thereto shall be omitted. under paragraph 11, relating to "Obligations of Trade Apprentices", for item IO and the entries relating thereto, the following shall be substituted namely:- "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: Provided that if there is any recruitment, employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment in terms of sub-section(l) of section 22 of the Act"; In the principal rules, in SCHEDULE-VI, (a) for item 2 and the entries relating thereto, the following shall be substituted, namely:- "2. 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: Provided that if there is any recruitinent, ernployer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment in terins of sub-section(l) of section (22) of the Act"; 18 Note • THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)] (b) for item 6(i) and the entries relating thereto, the following shall be substituted, namely:- "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 or she is attached for training.". [No. MSD&E-I (2)/2015-AP] RAJESH AGRAWAL, Jt. secy. The principal rules were published in the Gazette of India, Part-11, Section 3, sub-section (i), dated the 1st August, 1992 vide notification number G.S.R. 356, dated the 15th July, 1992 and last amended vide notification number G.S.R. 91 0(E), dated the 23rd December, 2014. Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-1 10064 and Publishe@ by the Controller of Publications, Delhi-110054.

