

“Apprentices Act , 1961”

Learning Objectives

- The object of the Act and its applicability
- The apprentice scheme and the contract to be executed between the employer & the apprentice.
- The authorities provided under the Act.

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Structure

13.1 Introduction

13.2 Object of the Act

13.3 Definitions

13.4 Apprenticeship Scheme

13.5 Contract of Apprenticeship

13.6 Obligations of Employers

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Structure

- 13.7 Rights of Apprentice
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- 13.9 Settlement of Disputes
- 13.10 Administration
- 13.11 Offences & Penalties
- 13.12 Miscellaneous
- 13.13 Summary

“Apprentices Act , 1961”

13.1 Introduction

The Apprentices Act was enacted to supplement the programme of industrial training with on-the-job training & to regulate the training arrangements in the industry .

It came into force on 01.03.1962 and is applicable to the whole of India.

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13.2 Object of the Act

The object of the act is to impose statutory obligation on all employers in the notified industries to engage apprentices in the ratio prescribed for designated trades.

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13.3 Definitions

Apprentice : “Apprentice” means a person who is undergoing apprenticeship training in pursuance of a contract of apprenticeship.

Apprenticeship Training : Apprenticeship Training” means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship under prescribed terms & conditions which may be different for different categories of apprentices.

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13.4 Apprenticeship Scheme

A person above age of 14 years & satisfying specified standards of education & physical fitness shall be qualified to be engaged as an apprentice.

The Act provides for reservation of certain training vacancies for persons of scheduled castes and tribes keeping in view their population in the state.

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13.5 Contract of Apprenticeship

Apprentice , or guardian in case apprentice is a minor, needs to enter into contract of apprenticeship with employer for a period to be indicated in the contract.

Both parties can terminate the contract before maturity by going to apprentice Advisor and paying stipulated compensation.

Employer is to provide required training facility for training and bear the cost of training , if he employs 250 or more workers. Others can share the cost with the Government.

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13.6 Obligations of Employers

1] provide the apprentice with the training in his trade in accordance with the provisions of the Act.

2] place in charge of training a qualified person if the employer is not himself qualified in the trade

3] carry out his obligations under the contract of apprenticeship.

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13.6 Obligations of an Apprentice

1] attend classes regularly

2] carry out lawful orders of his employer & supervisors

3] carry out his obligations under the contract of apprenticeship and

4] learn his trade conscientiously and diligently and endeavour to become a skilled craftsman

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13.7 Rights of Apprentice

Employer has to pay stipulated stipend to the apprentice.

Employer has to take care of apprentices' health, safety and welfare as indicated in the Factories act.

Apprentice is entitled to holidays and leave [including 90 days maternity leave to female apprentices] in accordance with rules of the Act.

In case of an industrial accidents apprentice is entitled to compensation under Workmen's Compensation Act 1923.

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13.8 Status of Apprentice

Apprentice is a trainee and not a worker.

Provisions of labour laws do not apply to him unless specifically made applicable.

Industrial Disputes Act is applicable to apprentices but acts on payments of bonus, PF, ESI, Gratuity are not applicable.

Employer has to maintain records about apprentice's training progress.

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13.9 Settlement of Disputes

Any dispute between employer & apprentice has first to be referred to Apprentice Advisor for a decision.

At end of training apprentice has to appear for the final all India test conducted by National Council for Training in Vocational Trades.

Unless specifically included in the apprenticeship contract, on completion of apprenticeship, there is no obligation on employer to offer employment or on apprentice to accept it.

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13.10 Administration

The Act provides for the constitution of councils, appointment of apprenticeship advisers, and specifies their powers and functions.

Different authorities provided in the Act are

National council, Central Apprenticeship council, The State council, The All India council, The regional Boards, Boards or State Councils for Technical Education, The Central & State Apprenticeship Advisers.

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13.11 Offences & Penalties

The Act provides for imprisonment up to six months or fine or both, if employers appoint an apprentice who is not qualified to be so engaged, or fails to comply with the contract of apprenticeship or contravenes the provisions of the Act related to number of apprentices to be appointed.

If the offence is committed by a company persons responsible for conduct of its business are also subject to above punishment.

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13.12 Miscellaneous

The Act contains provisions relating to cognizance of offences , delegation of powers and protection of action taken in good faith.

The central Government can make rules for the purpose of carrying out the provisions of this Act.

Central Apprenticeship Council Rules were framed under the Act in 1962 .

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13.13

Summary

The Apprentices Act was enacted to supplement the programme of institutional training by on-the-job training and to regulate the training arrangements in the industry .

Under this Act, it is a statutory obligation on all employers in the notified industry to engage apprentices as per the ratio prescribed for the designated trades.

The Act has defined the terms ‘apprentice’ and ‘apprentice training’ & has provided for authorities for its implementation

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The End!

In the next session we cover chapter fourteen on

‘Bombay Shops & Establishments Act 1948’

Good Luck!