

23. SECTION 30 [OFFENCE & PENALTIES] OF THE APPRENTICES ACT, 1961 AS AMENDED TIME TO TIME:

23.1 Section 30 Sub-Section (1) If any employer contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions, he shall be given a month's notice in writing, by an officer duly authorized in this regard by the appropriate Government, for explaining the reasons for such contravention.

23.2 Section 30 Sub-Section (1A) In case the employer fails to reply the notice within the period specified under sub-section(1), or the authorized officer, after giving him an opportunity of being heard, is not satisfied with the reasons given by the employer, he shall be punishable with fine of five hundred rupees per shortfall of apprenticeship month for first three months and thereafter one thousand rupees per month till such number of seats are filled up.

23.3 Section 30 Sub-Section (2)

If any employer or any other person

a) required to furnish any information or return-

i) refuses to 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 willfully neglect to afford [the Central or the State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorized by the Central or the State Apprenticeship Adviser in writing in this behalf] any reasonable facility for making any entry, inspection, examination or inquiry authorized by or under this Act, or

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 piece-work, or

f) requires an apprentice to take part in any output bonus or incentive scheme,

g) engages as an apprentice a person who is not qualified for being so engaged, or

h) fails to carry out the terms and conditions of a contract of apprenticeship,

he shall be punishable with fine of one thousand rupees for every occurrence.

23.4 Section 30 Sub-Section (2-A)

The provisions of this section shall not apply to any establishment or industry which is under the Board for Industrial and Financial Reconstruction established under the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986).

23.5 Section 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 shall not be less than one thousand rupees but may extend to three thousand rupees.

23.6 Section 32 [Offences by companies]

Sub-section (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.

Sub-Section (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.