



Important Operating Provisions (IOP) of The Apprentices Act, 1961 and The Apprenticeship Rules 1992 as amended from time to time pertaining to Practical Training of Fresh Degree and Diploma in Engineering or Technology and Graduates or equivalent in General streams such as B.A., B.Sc., B. Com.

As per the provisions of The Apprentices Act, 1961 and The Apprenticeship Rules 1992 as amended from time to time, it is statutory obligation on the part of every employer (State & Central Govt. Departments/Undertakings/Autonomous organizations and private organizations, etc.) to engage a prescribed number of fresh Degree and Diploma in Engineering or Technology and Graduates in General streams such as B.A., B.Sc., B. Com. or equivalent qualification granted by any institution recognized by the Government in any Designated or Optional subject fields as Graduate and Technician apprentices under the Act. The salient features of the National Apprenticeship Training Scheme (NATS) under the Act are given below:

1. MINIMUM EDUCATIONAL QUALIFICATIONS:

a) Graduate Apprentices:

- i. A Degree in Engineering or Technology granted by a Statutory University.
- ii. A Degree in Engineering or Technology granted by an Institution empowered to grant such degree by an Act of Parliament.
- iii. Graduate examination of professional bodies recognized by the Central Government as equivalent to degree.
- iv. A sandwich course student who is undergoing training in order that he may hold a degree in Engineering or Technology as mentioned at (ii) and (iii) above.
- v. Graduates or equivalent in General streams such as B.A., B.Sc., B. Com.

b) Technician apprentices:

- i. A Diploma in Engineering or Technology granted by a State Council or Board of Technical Education established by a State Government.
- ii. A Diploma in Engineering or Technology by a University.
- iii. A Diploma in Engineering or Technology granted by an Institute recognized by the State Govt. or Central Govt. as equivalent to (a) and (b) above.
- iv. A sandwich course student who is undergoing training in order that he may hold a diploma mentioned in (i), (ii), (iii) above.

2. CONDITIONS OF ELIGIBILITY:

A person shall be eligible for being engaged as Graduate/Technician apprentice if he/she satisfies one of the minimum educational qualifications defined at Para No. 1 provided that:

- a) The candidates aspiring for Apprenticeship training must get enrolled themselves in the NATS portal within three years after passing their qualifying examination.
- b) Degree and Diploma in Engineering or Technology and Graduates or equivalent in General streams such as B.A., B.Sc., B. Com. qualification as mentioned at Para. No. 1 (a) & 1 (b) has training or job experience for a period of one year or more after the attainment of any of these qualifications shall not be eligible for being engaged as an apprentice under the Act.
- c) 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 where in such student is undergoing the course, unless so approved by the Regional Central Apprenticeship Adviser.
- d) A person who has been a Graduate / Technician 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 once again under the Act without the prior approval of the Apprenticeship Adviser.

A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any Designated/Optional subject fields unless he

- (a) is not more than 18 years of age; and
- (b) Satisfy such standards of educational and physical fitness as prescribed under the Act.

3. SUBJECT FIELDS

The facility for Apprenticeship training under the Act is available in both the Designated and Optional subject fields.

Designated subject fields: The subject fields approved by the Central Apprenticeship Council (CAC) are called as Designated subject fields. List of Designated subject fields in Engineering & Technology approved by CAC are available on www.bopter.gov.in

Optional subject fields: Any subject field which is not covered in Designated subject fields in Engineering or Non-Engineering or Technology as may be determined by the employer for the purpose of engagement of apprentices under the Act.

4. SELECTION OF APPRENTICES

As per provisions of the Act, it is the responsibility of the employers to make the selection of apprentices from the candidates who fulfil the minimum standard educational qualification and medical fitness for undergoing the apprenticeship training under the Act. However, the following methods may be adopted by the employer for selection of Apprentices as per their requirement.

- a) Through NATS portal by creating panel through FTP.
- b) Through press advertisement
- c) Through participation in Job fair / Centralized selection of apprentices.
- d) Seeking list of aspiring candidates from institutes located in an around the areas of the establishment.
- e) Seeking application directly through notice within internal departments or from the Directorate of Higher Education or Technical Education.
- f) Calling applications through an advertisement posted at their website or social media platforms.
- g) Any method of their choice by providing equal opportunity to the aspirants.

Note: The engagement of Apprentices is the prime responsibility of the establishment. They may adopt any suitable method for selection of Apprentices as per their choices.

5. RESERVATION OF TRAINING PLACES FOR SCHEDULED CASTES/SCHEDULED TRIBES CANDIDATES:

- a) Reservation of training places of Scheduled Castes and Scheduled Tribes should be made as per ratio given below:

Sl. No.	Name of the State	Ratio of SC apprentices to the total apprentices	Ratio of ST apprentices to the total apprentices
1	Andaman & Nicobar Islands	-----	1:13
2	Arunachal Pradesh	-----	1:2
3	Assam	1:15	1:9
4	Bihar	1:7	1:100
5	Jharkhand	1:9	1:4
6	Manipur	1:33	1:3
7	Meghalaya	-----	1:2
8	Mizoram	-----	1:2
9	Nagaland	-----	1:2
10	Odisha	1:7	1:4

Sl. No.	Name of the State	Ratio of SC apprentices to the total apprentices	Ratio of ST apprentices to the total apprentices
11	Sikkim	1:20	1:5
12	Tripura	1:6	1:3
13	West Bengal	1:5	1:20

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 up by persons belonging to Schedules Tribes or, as the case may be, to the Scheduled Castes and if the prescribed training places cannot be filled even in the above manner, then the training places so lying unfilled may be filled up by persons not belonging to the Scheduled Caste or Scheduled Tribe.

- b) The training places for the Other Backward Classes in designated Subject Fields shall be reserved by the employer according to the prescribed norms followed in the respective State or Union territory and if training places cannot 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.

6. REGISTRATION OF CONTRACT OF APPRENTICESHIP

The Contract of Apprenticeship is to be created by the employer through NATS portal (www.mhrdnats.gov.in), after verifying all the credentials of each candidate, every year, within a stipulated time from the date of commencement of training of an Apprentice, in compliance of the Act.

In the process of registration of the Contract of Apprenticeship through NATS portal, BOPT(ER) Kolkata shall verify the particulars provided by the employer and apprentice, subject to fulfilment of the provisions mentioned under the Act. A registration number shall be generated against each apprentice on approval of the Contract of Apprenticeship. The registration number shall be used by the employer in all future references in respect of each apprentice.

Note: Contract of Apprenticeship of Non-Engineering Apprentice through NATS portal is underdeveloped, till then the employer should send the contracts in specified format to the Regional Central Apprenticeship Adviser, Board of Practical Training, Eastern Region, Block: EA, Sector-I, Salt Lake City, Kolkata-700 064, for registration immediately after commencement of training of apprentices.

Clauses in the Contract of Apprenticeship

Section 22(1): 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 under the said section of the Act.

Section 22(2): It is a condition in the contract of apprenticeship that the apprentice shall, after the successful completion of training serve 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 Regional Central Apprenticeship Adviser under Section the said section of the Act.

7. SKILL DEVELOPMENT DURING TRAINING AND ASSESSMENT

- The employer shall ensure the maintenance of the record of the work done and the studies undertaken by the Graduate/Technician apprentices engaged in the establishment for each quarter.
- The Apprentice shall also maintain a record of work done during the period of his apprenticeship training on daily basis.
- Every employer shall ensure that the training is provided to the apprentices as per the program approved by the Regional Central Apprenticeship Adviser in line with the policies of Central Govt. framed from time to time.

- d) Employers shall also ensure that requisite skill development takes place in the apprentices in each quarter during the period of training.
- e) Every employer shall ensure that the assessment of the skill development is conducted as per the frequency formulated by the Central Govt.
- f) The model for assessment is provided by Regional Central Apprenticeship Advisor.
- g) The Record of Progress in respect of each apprentice is to be submitted online through NATS portal on quarterly basis by every employer.

8. PERIOD OF TRAINING:

Sl. No.	Category	Period of Training
1	Graduate in non-engineering or equivalent in general Streams such as B.A., B.Sc., B. Com.	Minimum: 06 (Six) Months Maximum: 36 (Thirty-Six) Months
2	Graduates in Engineering or Technology	01 (One) Year
3	Diploma in Engineering or Technology	01 (One) Year
4	Sandwich course students	The period of practical training they undergo as part of their course of studies shall be the period of apprenticeship training.

9. OBLIGATIONS OF EMPLOYERS:

Without prejudice to the other provisions of this Act every employer shall have the following obligation in relation to an apprentice, namely:

- a) to provide the apprentice with the training in his/her Subject Fields in accordance with the provisions of this Act, and the rules made thereunder.
- b) If the employer is not himself qualified in the Subject Fields, to ensure that a person who possess the prescribed qualifications is placed in charge of the training of the apprentice and
- c) to carry out his obligations under the contract of apprenticeship.
- d) to carry out his obligations under the contract of apprenticeship which shall include the maintenance of such records of his work as may be prescribed.

10. OBLIGATIONS OF APPRENTICES:

Every Graduate and Technician apprentice undergoing apprenticeship training shall have the following obligations, namely:

- a) to learn his subject field in engineering or non-engineering or technology conscientiously and diligently at his place of training.
- b) to attend the practical and instructional classes regularly.
- c) to carry out all lawful orders of his employer and superiors in the establishment.
- d) to maintain a Work Dairy in specified format given below and countersigned by his supervisor once a week.

FORMAT- 2

Proforma of Work Diary

Name and Address of Establishment : _____

Name of Apprentice : _____

Trade : _____

Registration Number : _____

Serial Number	Date (Week)		Competencies covered during the week	Signature of Supervisor
	From	To		

Note: 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.”.

- e) to carry out his obligations under the contract of apprenticeship which shall include the maintenance of such records of his work as may be prescribed.

11. PAYMENT TO APPRENTICES:

The employer shall pay stipend to every apprentice through their bank account during the period of apprenticeship training, such amount of stipend at a rate not less than the prescribed minimum rate. However, Establishments are free to pay higher stipend rate, or as specified in the contract of apprenticeship whichever is higher, and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed.

The minimum rates of stipend payable to Graduates & Technician apprentice are as under: (w.e.f. 01st April 2021)

a)	Graduate Apprentice (Engineering/ Non-Engineering/Technology)	:	₹ 9,000
b)	Technician Apprentice (Engineering/Technology)	:	₹ 8,000
c)	Graduate Sandwich Apprentice (Students from Degree Engineering Institutions)	:	₹ 8,000
d)	Technician Sandwich Apprentice (Students from Diploma Engineering Institutions)	:	₹ 7,000

Note: Reimbursement against the Engagement of Apprentices through NATS in Non-Engineering category will be made effective from 20th December 2021 for a maximum period of 12 (Twelve) months.

- As per provisions of the Act stipend are to be paid by the employer for a particular month by the 10th day of the following month. The continuance of payment of stipend to an apprentice shall be subject to the work and conduct of the apprentice being satisfactory.
- 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 continuance of payment of stipend to the apprentice.
- Employers are however free to pay stipends higher than these minimum rates as prescribed under 13.1 above. However, the reimbursement from Central Government will be restricted to 50% of minimum rate of stipends as specified under 13.1 above.

12. PROCEDURE TO CLAIM FOR RE-IMBURSEMENT

The claim should be preferred on quarterly basis in arrears i.e., the apprentices engaged under the Act are to be paid full amount of stipend by the employers in the first instance and claims are raised later on quarterly basis.

- The claims should be generated online and to be submitted to BOPT-ER, Kolkata, after duly affixing signature with date and seal by the authorities concerned, on the printed copies of generated bill through NATS portal.
- While forwarding claim bill to Board of Practical Training for reimbursement, it should be ensured that ECS mandate Form authorized by bank filled in (one time only) is submitted to the Board for effecting reimbursement through NEFT.
- In no case, the claim bills shall be reimbursed, if submitted two (02) years after completion of the apprenticeship training of an apprentice.

13. ISSUANCE OF CERTIFICATE OF PROFICIENCY (COP):

Every Graduate & Technician apprentice, who completes his/her apprenticeship training to the satisfaction of the concerned Regional Board shall be granted a “certificate of proficiency” by that Board on behalf of Central Govt.

For the above purpose, every apprentice, who has successfully completed apprenticeship training shall be entitled to download/receive Certificate of Proficiency online/offline subject to the condition that his/her last quarter assessment is completed and uploaded / forwarded by the employer. However, the employer may issue a certificate to the apprentices of their own.

14. HEALTH, SAFETY AND WELFARE OF APPRENTICES:

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

15. HOURS OF WORK, OVERTIME, LEAVE AND HOLIDAYS:

- a) The weekly and daily hours of work of an apprentice while undergoing practical training in workplace shall be as determined by the employer subject to the compliance with the training duration, if prescribed
- b) No apprentice shall be required or allowed to work overtime except with the approval of the Apprenticeship Adviser who shall not grant such approval unless he is satisfied that such overtime is in the interest of the training of the apprentice or in the public interest.
- c) An apprentice shall be entitled to such leave and holidays as are observed in the establishment in which he is undergoing training.

16. EMPLOYER’S LIABILITY FOR COMPENSATION FOR INJURY:

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

17. CONDUCT AND DISCIPLINE:

In all matters of conduct and discipline, the apprentice shall be governed by the rules and regulations applicable to employees of the corresponding category in the establishment in which the apprentice is undergoing training.

18. PREMATURE TERMINATION OF CONTRACT OF APPRENTICESHIP:

- a) If the Contract of Apprenticeship is terminated through the failure on the part of Employer to carry out the terms and conditions of the Contract, he/she shall be liable to pay to the apprentice, compensation of an amount equivalent to his/her three months’ last drawn stipend, and when the said termination is due to failure on the part an apprentice in the above manner then a training cost of an amount equivalent to his/her three months’ last drawn stipend shall be made recoverable from such apprentice.
- b) However, a Contract of Apprenticeship can be terminated without payment of compensation.
 - i. provided both the parties are agreeable for the earlier termination of contract.
 - ii. provided the apprentices got a regular employment, and
 - iii. provided the apprentice quits apprenticeship on medical ground. A medical certificate shall, however, be necessary.

19. REGULARISATION OF LOSS OF TRAINING DUE TO LOCK-OUT/STRIKE ETC.

- a. Where Graduate / Technician apprentice is unable to complete the period of Apprenticeship Training due to Strike / Lock-out / Lay-off in an 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 / Lock-out / Lay-off and he shall be paid stipend during the period of such Strike / Lock-out / Lay-off or for a maximum period of six months whichever is less.
- b. If the Strike / Lock-out / Lay-off 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 21(a) above with the other employer as specified in Section 5 of the Act.

20. APPRENTICES ARE TRAINEES NOT WORKERS:

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

21. OFFENCE & PENALTIES

- a) **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.
- b) **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.

c) Section 30 Sub-Section (2)

If any employer or any other person

- i. required to furnish any information or return-
 - ii. refuses or neglects to furnish such information or return, or
 - iii. 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
 - iv. refuses to answer, or gives a false answer to any question necessary for obtaining any information required to be furnished by him, or
 - v. refuses or wilfully 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
 - vi. requires an apprentice to work overtime without the approval of the Apprenticeship Adviser, or
 - vii. employs an apprentice on any work which is not connected with his training, or
 - viii. makes payment to an apprentice on the basis of piecework, or
 - ix. requires an apprentice to take part in any output bonus or incentive scheme,
 - x. engages as an apprentice a person who is not qualified for being so engaged, or
 - xi. fails to carry out the terms and conditions of a contract of apprenticeship,
- he/she shall be punishable with fine of one thousand rupees for every occurrence.

d) 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).

e) **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.

f) **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.

22. REGULAR EMPLOYMENT TO THE APPRENTICES AFTER COMPLETION OF TRAINING:

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 (1) of section 22 of the Act". However, 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 under above mentioned section of the Act.

23. SURVEY & NOTIFICATION

The Regional Central Apprenticeship Advisor or his nominee shall locate the industries for survey and notification in the Eastern Region and in other Regions also for such companies aspiring for PAN India operation. The establishments shall forward the detail information online/offline in the prescribed format (Form F2). After survey the Board shall inform by a notice (Online/Offline) to the industry containing the number of training seats to be created for engagement of apprentices in the current/subsequent years in exercise of powers conferred under Section 8(1) of The Apprentices (Amendment) Act, 2014. The notice shall contain the total number of Graduate & Diploma holder engineers to be engaged every year by the Employer under Section 11(a) of the Act.

24. USE OF ICT IN IMPLEMENTATION OF THE APPRENTICES ACT

Skills and knowledge are the driving forces of economic growth and social development for any country. Countries with higher and better levels of skills adjust more effectively to the challenges and opportunities of world of work. Potentially, the target group for skill development comprises in the labour market including those entering the labour market for the first time (12.8 million annually), those employed in the organized sector (26.0 million), and those working in the unorganized sector (433.0 million) [2004-05]. The current capacity of Skill Development Programme is 3.1 million against which India has set a target of skilling 500 million people by 2022. As the proportion of working age group of 15 to 59 years is steadily increasing, India has an advantage of demographic dividend. Harnessing the demographic dividend through appropriate skill development efforts would provide an opportunity to achieve inclusion and productivity within the country and a reduction in the global skill shortages. Large scale development is thus an imminent imperative.

There are many major challenges of skill development initiative to address the needs of the huge population of the country. National Apprenticeship training Scheme of Govt. of India is one of the ways forward achieving such target, comprising of on job training to freshly qualified graduates and diploma holders in engineering, non-engineering, and technology. Some of the measures taken by Govt. of India for the expansion of skill development are:

1. Adaptation of Innovative approaches to raise the capacity of the system extensively over a limited period.
2. Development of mechanism to encourage private sector participation.
3. Expansion of public training institutions, particularly in rural, border and hilly and difficult areas.
4. Development of innovative delivery models using mobile training, distance learning, e-learning etc.
5. Promotion of skill development in villages and block level, encouraging participation of Panchayat, Municipalities and other local bodies including co-operatives and NGOs.
6. The expansion coverage by establishment to 1 lakh (for 1 million apprentices) from existing 23,800 establishments (for 2.58 lakhs apprentices)

Now, we can understand the role of employers'/training establishments in building the capacity of skill development to reach the national target of development of 500 million skilled manpower by 2022.

Ministry of Education, Department of Higher Education, Govt. of India through the four Regional Boards of Practical/Apprenticeship Training situated in Kolkata, Mumbai, Kanpur & Chennai is implementing The Apprentices Act aiming to create a pool of skilled manpower in the country through On- the-Job Training for Graduates in Engineering or Non-Engineering or Technology or Equivalent qualification granted by any institution recognized by the Government and Diploma Holders in Engineering or Technology, in any Designated or Optional subject fields. All the four Boards are implementing the Apprenticeship Training Scheme on Regional basis.

The National Web Portal-site is developed based on four board perspectives:

1. Integration of existing four portals of Regional Boards
2. User friendly portal-site for Students, Industries, Institutions & other stakeholders
3. Auto Skill Mapping of Demand & Supply
4. Provide capacity building for vertical & horizontal growth of regions.

One of the components of such initiative to reach the target is contribution through structured National Apprenticeship Training Scheme of Govt. of India under The Apprentices Act, 1961 as amended time to time.

Note: The information provided under this heading are for easy understanding of stakeholders; all cares are taken to ensure that the content herein is as per the provisions of the Apprentices Act as amended from time to time, however, in case of any dispute the provisions of the said Act will prevail over this content.