

# ALL YOU NEED TO KNOW ABOUT APPRENTICES ACT 1961

## INTRODUCTION

The National Apprenticeship Act was launched in the year 1959 at first on voluntary cause. The Apprentices Act 1961 was presented in the Parliament during 1961 and came into effect from 1st January 1963. The act was eventually amended in 1973 and 1986. In the starting, the Act was meant for the training of trade apprentices.

The onus of administering the Apprentices Act, 1961 in relation to Trade Apprentices under Central Government and Departments lies with the Central Apprenticeship Adviser/Director of Apprenticeship Training in the DGE&T, Ministry of Labour and Employment with the help of six Regional Directorates of Apprenticeship Training (RDATs).

## PRIMARY OBJECTIVE OF THE ACT

The main objective of the Apprentices Act, 1961 is to meet the rising need for proficient craftsman. Giving experimental training to the people who are specialized in their crafts is the primary aim of the Apprentice Act. Candidates holding Diploma and Engineering Graduates can likewise benefit from this plan. As per the announcement of Central Government, any industry or any area the provisions of the act are applicable. It is assumed by means of the Government, to use, the infrastructure, space and provisions to be had for instruction of apprentices and to ensure that their preparation is concurring with a ponder program. With the progressive advancement of industries, different question initiated to manifest between the businesses and the students and to recoup from them. This Act should control and screen the preparation of students in exchanges and issues related with them.

*The act envisages clarifying the connection between the various employers and apprentices. The apprentices are not dealt with as employees. This Act endeavors to make provisions for health, protection, welfare and many others for the apprentices. It additionally includes provisions for settling disputes bobbing up out of the agreement between the employers and the apprentices.*

## SCHEME OF THE ACT

There are 38 Sections in generally and Schedule. This Schedule is in regards to the adjustments in the Workmen's Compensation Act, 1923 with reference to its application to students under the Apprentices Act, 1961.

## WHO ARE APPRENTICES?

An apprentice is someone who takes training in some company to master the competencies and crafts of a specific craft. The Apprenticeship Act explains apprentices to be the ones who receive apprenticeship or practical training under an apprenticeship scheme for a specified duration. The main requisites for a person to receive an apprentice training are that he/she should have attained an age of 14 years and for the trades where safety issues are concerned to the apprentice should have attained 18 years. Other than the above-prescribed qualification, extra qualifications may be prescribed for special trades and special categories of apprentices.

The phrases and conditions of an apprenticeship are mandated with the aid of an apprenticeship agreement. The agreement is entered into among a business enterprise and an apprentice. In case, an apprentice hired is a minor, his/her mother or father could enter right into a settlement with the company.

The terms and conditions, which are mentioned in the agreement/contract, should be mutually agreed to with the help of the parties for settlement. In any case, those phrases and conditions can't be detracted under this Act or be varying with the provisions of this Act.



## APPLICABILITY

As per the Apprentice Act 1961, for the industries and trades which were informed by the Central Government in the Official Gazette, the act is applicable. The date of application may follow those particular circulars. Almost all the industries fall under the purview of the act. The Apprentice Act moreover may not be applicable to the special Apprenticeship programs of the government unless and until informed by the Central Government in the Official Gazette. For clearing the doubts, this act applies to those categories of apprenticeship where the practical education is necessary to the trade. 'Internships' are not covered under this act.

## WHAT IS THE DURATION OF APPRENTICESHIP TRAINING?

The duration of apprenticeship training, which shall be clearly mentioned in the agreement of apprenticeship, will be as follows:-

- The apprentices related to any trade who, having gone through institutional schooling in a school or any institution-affiliated by the National Council, have cleared the trade exam or any examinations conducted that particular Council or by means of any institute affiliated with that particular Council, the period of apprenticeship training will be which include can be determined via that Council or via an group recognized through that Council.
- In an event any apprentices who have received training through any institute or school or college or other group affiliated to or recognized by using a Board or State Council of Technical Education or every other authority which the Central Government may via notification in the Official Gazette specify in this behalf, have cleared the trade exams or tests organized by that Board or State Council or authority, the period of apprenticeship education shall be along with can be prescribed.
- In an event of other apprentices, the length of apprenticeship training will be along with may be prescribed.
- The period/duration of the apprenticeship training shall be all-inclusive and may be prescribed for graduate engineer trainee or technician apprentices or any vocational apprentices.
- Duration of the training period and the ratio of apprentices to skilled employees for distinctive trades have been prescribed in Apprenticeship Rules, 1991. Duration of Apprenticeship may be from six months to four years depending on the alternate, as prescribed in Rules. Period of training is decided via National Council for Education in Vocational Trades (hooked up through Government of India).

## WHAT ARE THE DUTIES OF AN APPRENTICE?

- An apprentice must master the selected trade with utmost attentiveness and awareness. He ought to strive exceptionally to qualify himself as a skilled person in the related trade for the period of apprenticeship.
- He has to attend all the practical and instructional sessions given by the employer or someone particular on his behalf on a normal basis.
- An apprentice must obey all lawful orders of the employer and other superiors in the organization.
- An apprentice should work for duration as specified by the employer, which might be subject matter to the prescribed period of the training period.
- He should carry out all of the responsibilities, which are mentioned in the apprenticeship agreement.
- The apprentice's behavior and the knowledge or skills will be assessed with the help of the person who set the guidelines and regulations that practice to corresponding employees in an establishment.







- The employers are violating the provisions of the act and are not paying the stipend for the month before the 10th day of the following month.
- If an apprentice takes a casual leave or medical leave, some of the employers are deducting from the stipend, which is against the act.
- Some companies are engaging the apprentices to work in night shifts between 10 p.m. to 6 a.m. without the permission of the Apprenticeship Adviser.
- In some cases, the total number of hours per week is more than the prescribed hours i.e. 42 to 48 hours.
- The employer may not allow the apprentices to take any leaves.
- The employers are not allowing the apprentice any holidays which are followed in the establishment.
- During apprenticeship training, if any apprentice meets with any accident or personal injury, the employer is responsible for paying the compensation to the apprentice as per the provisions of the Workmen's Compensation Act.
- An employer may not be concerned about health, safety and welfare of an apprentice as per the provisions of the Factories Act.
- The employer may appoint an apprentice on any work, which is not related or connected with the training of the apprentice.
- The employer may not extend his cooperation to the concerned authority for visiting, inspecting, examining or inquiring.
- The employer may pay to an apprentice on hourly work rate basis, which is in the provision of the act.
- The employer may not encourage an apprentice to participate in any schemes like output bonus or incentive schemes.
- The employer may not allow the Central Apprenticeship Advisor to enter the organization to check whether the training rendered to the apprentices is an approved program.
- Some employers are employing apprentices who are untrained and not taken any training in any institute or school which is recognized or affiliated by the National Council or state council or any recognized board.
- As per Section 3(A), employers aren't reserving a training site for SC and ST apprentices for every assigned trade, training.

## AMENDMENT TO THE APPRENTICES ACT – SIGNIFICANT CHANGES

- To make sure that the Apprentice Act is implemented effectively, some changes were also made by the Apprentices (Amendment) Act, 2014 and it came into effect on 22 December 2014.
- Below given are some of the main modifications which are brought about by the Amendment.
- To include agency workers and contractual workers the definition of 'worker' has been widened. That is applicable because the number of employees in a status quo is one of the constituents which might be considered even as determining the number of apprentices to be appointed within the company.
- The amendment to the apprentice Act has paved the way for the transformation of conventional methods of records to electronic records and information systems by launching a portal. The portal would allow certain activities like registering the apprenticeship contract, maintenance of records and filing the returns etc., which can be done online now.
- Due to the amendment in the apprentice act, there is a change in the procedure of checking the strength of apprentices to be employed.
- If anyone violates the Apprentice Act imprisonment is no more a penalty. Following the amendment, if anyone is not abiding the provisions of the Act payment of a fine is the only punishment.
- The main objective behind these changes seems to make sure that employers employ more and more apprentices, and to encourage the organizations abide by the provisions of the Apprentices Act.



