

No. DGET-1(2)/2015-AP
Government of India
Ministry of Skill Development and Entrepreneurship
Directorate General of Training

New Delhi, dated: 22nd July, 2015

To

All the members of Central Apprenticeship Council


Subject: Amendments to the Apprenticeship Rules, 1992 – reg.

Sir/Madam,

I am to inform you that the Apprenticeship Rules, 1992 has been vide notification number G.S.R.502(E) published in Part II, Section 3, Sub-section (i) of the Extraordinary Gazette of India on 18th June, 2015. A copy of the gazette notification is enclosed herewith for your kind information. Gazette notification is also uploaded at <http://www.dget.gov.in/upload/files/559fa8c8a2483GSR502Edated16062015Apprenticeship.pdf>

Yours faithfully,

Encl.: as above


(Sandhya Salwan)
Director (AT)

Copy to :

1. All the States/UTs
Apprenticeship Advisers

2. Directors. BOAT

3. All the Regional Directors

4. All Employing Ministries

With a request to circulate the above said notifications for all establishments under your kind control, please.

For information and necessary action in this matter, please.

बाध्यकारी होगा। तथापि, यदि कोई भर्ती होती है तो नियोक्ता ऐसे किसी भी शिक्षु को भर्ती करने हेतु अपनी स्वयं की नीति निष्पादित करेगा जिसने अधिनियम की धारा (22) की उप-धारा (1) के अनुसार उसके स्थापन में शिक्षुता प्रशिक्षण की अवधि पूरी कर ली है”;

(ख) मद 6(i) और इससे संबंधी प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात :-

“6(i) एक स्नातक तक, तकनीशियन और तकनीशियन (व्यावसायिक) शिक्षु उस स्थापन में विभाग के कार्य के सामान्य घंटों के अनुसार कार्य करेगा जिसके साथ वह प्रशिक्षण हेतु संलग्न है” ।

[सं. एमएसडीएंडई-1(2)/2015-एपी]

राजेश अग्रवाल, संयुक्त सचिव

टिप्पणी : मूल नियम तारीख 15 जुलाई, 1992 की अधिसूचना संख्या सा.का.नि. 356 द्वारा तारीख 01 अगस्त, 1992 भारत के राजपत्र भाग II, खंड 3, उप खंड (i) में प्रकाशित किए गए थे और तारीख 23 दिसम्बर, 2014 की अधिसूचना संख्या सा.का.नि. 910(अ) द्वारा अंतिम संशोधन किया गया था।

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 (1) 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:—

- 1.(1) These rules may be called the Apprenticeship (Amendment) Rules, 2015.
- (2) Save as otherwise provided, they shall come into force on the date of their publication in the Official Gazette.
2. In the Apprenticeship Rules, 1992 (hereinafter referred to as principal rules), in rule 2, —
 - (i) 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;”;
 - (ii) 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.”.
3. 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:—

“2. The training places for the Other Backward Classes in designated trades shall be reserved by the 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.”.
4. In the principal rules, in rule 6, —
 - (i) Sub-rule(1) shall be omitted;
 - (ii) 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.”.

(iii) Sub-rule(3) shall be renumbered as sub-rule(2) thereof.

5 In the principal rules, in rule 7, after sub-rule (3), the following sub-rule shall be inserted, namely:-

“3A(1) 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.

(2) The flexibility referred to in sub-rule(1) shall be permissible in the following manner, namely:-

(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.

(4) The start and end date of his apprenticeship training shall be reported on portal-site by the employer.”.

6. In the principal rules, in rule 7, sub-rule (5) shall be omitted.

7. In the principal rules, after rule 7, the following rules shall be inserted, namely:-

“7A Regulation of optional trade.-

(1) A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any optional trade, unless he-

(a) is not less than fourteen years of age, and for optional trades related to hazardous industries, not less than eighteen years of age; and

(b) satisfies such physical fitness as determined by the employer.

(2) The minimum educational qualification for person to undergo apprenticeship training in optional trade shall be eighth class pass from a recognised school.

(3) 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.

(4) 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.

(5) 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.

(6) It shall be obligatory on the part of employer to disclose the duration and syllabi of the optional trades on the portal-site.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

- (11) 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 12th pass.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) Every employer and other apprentices undergoing training in optional trade shall have the obligations as provided in Schedule-V respectively.
- (16) The employer shall not run a trade as optional which is a designated trade under the Act.
- (17) 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) 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.
- (2) The strength of workers shall be calculated on the basis of average strength in the preceding financial year.
- (3) 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.
- (4) 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.
- (5) 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) the 1st April to the 30th June;
 - (b) the 1st July to the 30th September;
 - (c) the 1st October to the 31st December;
 - (d) 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.”.

8. In rule 11 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.”
9. In the principal rules, rule 13 and the entries relating thereto shall be omitted.
10. 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) Sub-rule(6) shall be omitted;

(c) Sub-rule(7), sub-rule (8), sub-rule(9) and sub-rule(10) shall be omitted.

11. In the principal rules, in the SCHEDULE-I, column 4 and the entries relating thereto shall be omitted.

12. In the principal rules, for the SCHEDULE-IIA, the following SCHEDULE shall be substituted, namely: -

"SCHEDULE-IIA

(See rule 5)

S. No.	Name of State/ Union territory	Ratio of Scheduled Caste apprentices to the total apprentices in designated trade	Ratio of Scheduled Tribe apprentices to the total apprentices in designated trade
1.	Andhra Pradesh	1:7	1:15
2.	Arunachal Pradesh	---	1:2
3.	Assam	1:15	1:9
4.	Bihar	1:7	1:100
5.	Chattisgarh	1:9	1:4
6.	Gujarat	1:15	1:7
7.	Goa	1:50	1:8
8.	Haryana	1:5	---
9.	Himachal Pradesh	1:4	1:25
10.	Jammu and Kashmir	1:12	1:9
11.	Jharkhand	1:9	1:4
12.	Karnataka	1:7	1:15
13.	Kerala	1:10	1:100
14.	Madhya Pradesh	1:7	1:5
15.	Maharashtra	1:10	1:11
16.	Manipur	1:33	1:3
17.	Mizoram	---	1:2
18.	Meghalaya	---	1:2
19.	Nagaland	---	1:2
20.	Odisha	1:7	1:4
21.	Punjab	1:4	---
22.	Rajasthan	1:6	1:8
23.	Sikkim	1:20	1:5
24.	Tamil Nadu	1:5	1:100
25.	Tripura	1:6	1:3
26.	Telangana	1:16	1:32
27.	Uttar Pradesh	1:5	1:100
28.	Uttarakhand	1:6	1:3
29.	West Bengal	1:5	1:20
30.	Andaman and Nicobar Islands	---	1:13
31.	Chandigarh	1:6	---

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32.	Dadra and Nagar Haveli	1:50	1:2
33.	Delhi	1:6	1:13
34.	Daman and Diu	1:3	1:11
35.	Lakshadweep	---	1:2
36.	Puducherry	1:7	---

13. In the principal rules, in SCHEDULE-III, for the FORMAT-1 and FORMAT-2, the following Formats shall be substituted, namely:-

"Schedule-III

(See rule 14)

FORMAT-1

Model Contract of Apprenticeship Training for Major/Minor Apprentices*

Photograph of
Apprentice

1. Name and address of establishment : _____
with Tel. no., Fax No. and E-mail address : _____
2. (a) Name of apprentice (Block Letters) : _____
(b) Father's/Mother's /Husband's Name : _____
3. Address of apprentice : _____
4. Gender (please ✓) : Male/Female/Transgender
5. Date of birth : _____
- 6a) Whether belongs to SC/ST/OBC/PwD/Minority : Yes/No
(please ✓)
- b) Name of the category : _____
7. Educational Qualification
(a) Academic Qualification : _____

- (b) Technical qualification : _____
- (v) Name of the Trade or Course : _____
- (vi) Duration of Training or Course : From _____ To _____
- (vii) Name of the Institute or College : _____
- (viii) Name of the Council or University : _____
8. (a) Date of execution of contract : _____
- (b) Age on the date of execution of contract : _____
9. Name of the trade for which apprentice is for apprenticeship training : _____
10. (a) Duration of apprenticeship training : _____ years _____ months
- (b) Period of apprenticeship training : From _____ To _____
11. Rates of Stipend: The minimum prescribed stipend per month to be paid by the employer to apprentice
- (a) During 1st year of training : Rs. _____
- (b) During 2nd year of training : Rs. _____
- (c) During 3rd and 4th year of training : Rs. _____
12. (a) Name and address of Guardian : _____
(in case of apprentice is minor)
- (b) Relationship with the apprentice : _____
13. Name and Address of the Surety : _____

15. 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) _____

- ***16. Contract Registration Number : _____

(To be given by the Office of the Apprenticeship Adviser)

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- * 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 -

1. The employer shall pay stipend per month to the trade apprentices at the minimum rates (as per the provision of sub-rule(1) of rule 11 of the Apprenticeship Rules, 1992)
 - (a) During 1st year of training : Seventy per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory
 - (b) During 2nd year of training : Eighty per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory
 - (c) During 3rd and 4th year of training : 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”.

2. The employer shall pay stipend per month to the Graduate, Technician and Technician (Vocational) apprentices at the minimum rates (as per the provisions of sub-rule (2) of rule 11 of the Apprenticeship Rules, 1992)

- (a) Graduate Apprentices : Rs. 4984
- (b) Sandwich Course : Rs. 3542
(Students from Degree Institutions)
- (c) Technician Apprentices : Rs. 3542
- (d) Sandwich course : Rs. 2890
(Students from Diploma Institutions)
- (e) Technician (Vocational) Apprentices : Rs. 2758

3. 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.

4. The 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 12th pass and undergoing apprenticeship training in optional trade.

5. The 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 and undergoing apprenticeship training in optional trade.

6. The stipend prescribed for trade apprentices shall be paid by the employer to all other apprentices undergoing apprenticeship training in optional trade according to their period of apprenticeship training.

7. The stipend for a particular month shall be paid by the tenth day of the following month. No deduction shall be made from the stipend for the period during which an apprentice remain on leave as observed in the establishment.

8. Where the Contract of Apprenticeship is terminated through failure on the part of the employer in carrying out 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.

10. The liability of the surety is limited to an amount of two thousand five hundred rupees with interest at twelve per cent. per annum.

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.”

14. In the principal rules, in SCHEDULE-V, –

- (i) under paragraph I, relating to “Obligations of Employer”, items 2b, 3 and 7 and the entries relating thereto shall be omitted.
- (ii) under paragraph II, relating to “Obligations of Trade Apprentices”, for item 10 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(1) of section 22 of the Act”;

15. 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 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(1) of section (22) of the Act”;

(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-1(2)/2015-AP]

RAJESH AGRAWAL, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Part-II, 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. 910(E), dated the 23rd December, 2014.