

**R.D.A.T.**  
**KANPUR**

क्षेत्रीय शिक्षता प्रशिक्षण निदेशालय



# **RDAT Kanpur**

**Changes in Apprenticeship Rule 1992**

**Notification G.S.R. 502(E) dated**

**16<sup>th</sup> June, 2015**

**Effective date to come in force**

**Shall come into force on the date of publication in the Official Gazette.**

# Changes 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.

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(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.

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(5B) “ **Optional trade apprentice**” means an apprentice who is not undergoing apprenticeship training in designated trade.



# Changes in Rule 5

Rule 5 shall be numbered as sub-rule(1) thereof and after sub-rule(1) as so numbered, 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 cannot be filled from the OBC, then the training places so lying unfilled may be filled by persons not belonging to the Other Backward Classes.”

# Changes 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 numbered, 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.



# Changes 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 5 years** or **double the duration of apprenticeship training** whichever is less from the date of starting of his apprenticeship training.

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**(2) The flexibility referred to in sub-rule (1) shall be permissible in the following manner, viz.**

**(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.**

Sub –rule (5) shall be omitted.

After rule 7, the following rules shall be inserted, namely:-

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# **“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 14 years of age, and for optional trades related to hazardous industries, not less than 18 years of age, and
  - (b) Satisfies such physical fitness as determined by the employer.

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- (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 **6 months and maximum of two years.**

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- (4) The training places shall be reserved by the employer for the Scheduled Caste and the Scheduled Tribes in every optional trade in accordance with the sub-rule (1) of rule 5 and Schedule-IIA of said rule (Please refer page 13 )
- (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.**

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(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 10<sup>th</sup> class or diploma of two years after 12<sup>th</sup> pass or a certificate in vocational course involving two

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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

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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 3 years after 10<sup>th</sup> class or diploma of 2 years after 12<sup>th</sup> pass.

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(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.**

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(14) Every apprentice possessing a degree of minimum three years or a diploma of 3 years after 10<sup>th</sup> class or diploma of two years after 12<sup>th</sup> pass or a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing 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

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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.**

## **7 B 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.

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- (3) Within a financial year, each establishment shall engage **apprentices in a band of 2.5% to 10% of total strength of the establishment including contractual staff.**
- (4) In no month, number of apprentices should be less than 2% of the total strength of the establishment and more than 15% of the total strength of the establishment subject to the condition that he shall fulfill apprentice months corresponding to 2.5 % obligation in a financial year.

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**(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 qtrs given below:**

**(a) The 1<sup>st</sup> April to the 30<sup>th</sup> June;**

**(b) The 1<sup>st</sup> July to the 30<sup>th</sup> September;**

**(c) The 1<sup>st</sup> October to the 31<sup>st</sup> December;**

**(d) The 1<sup>st</sup> January to the 31<sup>st</sup> March.**



## **7 C 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 State Apprenticeship Adviser, as the case may be.**

# Changes in Rule 11

For sub-rule (3), the following sub-rule shall be substituted, namely:-

“3. The stipend for a particular month shall be paid by the 10<sup>th</sup> 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.”

# Changes in SCHEDULE-IIA,

For Schedule-IIA, the following SCHEDULE shall be submitted.

(Please see the notes provided on changes in Apprenticeship Rules, 1992 page 13.)

# Changes in SCHEDULE-II

For FORMAT-1 and FORMAT-2 , the following FORMATS shall be substituted,

(Please refer in Scheduled –III, Format-1 i.e. Model Contract of Apprenticeship Training at page -14 and 15 of the notes provided and Format-2 i.e. Performa of Work Diary at page No. 17 of the note)

# Stipend to trade apprentices

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 1<sup>st</sup> year of training- 70%**
- (b) During 2<sup>nd</sup> Year of training-80%**
- (c) During 3<sup>rd</sup> year of training-90% of minimum wage of semi-skilled workers notified by the respective State or UT.**

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Provided that in the case where the minimum rate of wage for a trade is not notified by the State Government or UT, 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 recognized by the National Council, shall be taken into account for the purpose of determining the rate of stipend payable.” **(Rebate)**

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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 2 of Apprenticeship Rules, 1992)

**(Rates of stipend are given at page 16 of the note)**

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. Contd..



The stipend for a particular month shall be paid by the 10<sup>th</sup> 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.**

# What will be compensation ?

1. 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 apprenticeship such compensation as may be provided by the Central Government.
2. In the event of premature termination of Contract of Apprenticeship for failure on the part of apprentice to carryout the terms and condition of the contract

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# Changes in SCHEDULE-V

- (i) Under paragraph I, relating to “Obligations of Employer”, item 2b, 3 and 7 and 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**

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**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 est. in terms of sub-section (1) of section 22.**

# Changes in SCHEDULE-VI

(a) For item 2 and the entries relating thereto, the following shall be substituted,

“2. 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 any employment under the employer.

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# Thanks



(as notified under the Apprenticeship Rule), 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.

The liability of the surety is limited to an amount of **two thousand five hundred rupees** with interest at 12% per annum.



(b) For item 6(i) and the entries 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.