

# (AMENDMENT)

## ACT, 2015

### LAW CAPSULE

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THE

APPRENTICES

### Summary on the Apprentices

#### (Amendment) Act, 2014:

The Apprentices (Amendment) Bill, 2014 received the assent of the President on 5<sup>th</sup> December, 2014 and came to the statute book as The Apprentices (Amendment) Act, 2014. Some of the important aspects of the Act are:

- Definitions: The Bill amends the definition of appropriate government to include an establishment operating in four or more states to be regulated by the central government. It also amends the definitions of designated trade, graduate or technician apprentice, trade apprentice, industry and a worker. The Bill also adds two definitions of optional trade, and portal-site.
- Minimum age for an apprentice: The Act sets the minimum age for being engaged as an apprentice at 14 years. The Amendment Act, 2014 adds that the minimum age for apprenticeship in designated trades related to hazardous industries shall be 18 years;

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- Number of apprentices: The Act says that the Central Government, after consulting the Central Apprenticeship Council (CAC) established under the Act shall determine the ratio of trade apprentices to workers (except unskilled workers) for each designated trade. The Act also states that the Central Government shall prescribe the number of apprentices to be engaged by an employer for designated trade and optional trade.
- Cooperation between employers for training: The Act permits multiple employers to come together, either themselves or through an approved agency in order to provide apprenticeship training to apprentices under them.
- Practical training to apprentices: The Act states that every employer shall make suitable arrangements in his workshop for imparting practical training to apprentices, as per the programme approved by the Adviser. The Amendment Act removes the requirement for Adviser's approval.
- Basic training to apprentices: The Act states that trade apprentices who have not received prior institutional training shall be imparted basic training before admission in the workshop for practical training. The Amendment Act adds specifications that such training can be provided in any institute with adequate facilities.
- Syllabus and equipment for practical training: The Act states that the syllabus and equipment for practical training shall be as approved by the Central Government (with CAC consultation). The Amendment Act limits the provision for training in a designated trade only.
- Grant of certificate: The Act specifies that every trade apprentice should appear for a proficiency test conducted by the National Council for Vocational Training (NCVT), on completion of his training. On passing the test, NCVT shall grant him a certificate of proficiency. The Amendment Act adds that such tests may be conducted and certificates may be granted by other authorised agencies as well.
- Hours of work, overtime, leave and holidays: The Amendment Act states that the hours of work and leave will be as per the discretion or policy of the employer.
- Offences and penalties: The Amendment Act specifies the amount/maximum amount of fine

and removes the provision for imprisonment for such offences.

- Power to make Rules: The Act permits the central government (after consulting with the CAC) to make Rules for implementing the Act. The Amendment Act states that these powers shall include the power to make Rules. No Rule shall have a retrospective effect if it prejudicially affects the interests of any person to whom such Rule may be applicable.

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