

FAQs – Apprenticeship under the Apprentices Act, 1961

What is apprenticeship training?

Apprenticeship training is a course of training in an industry or establishment, under a contract of apprenticeship which consists of a) basic training component and b) on-the-job-training (OJT)/practical training at the workplace.

Is Apprenticeship Training mandated under any Act?

Yes –

- All establishments having work force (regular and contract employees) of **40 or more** are **mandated** to undertake Apprenticeship Programmes in a range from 2.5% -10% of its workforce (including contractual employees) every year.
- For establishments having a workforce **between 6 & 40** this is **optional**.
- Establishments having a workforce of **5 or less** are **not permitted** to engage apprentices.

Which kinds of industry covered under this programme/mandate?

All sectors including manufacturing and service.

What is National Apprenticeship Promotion Scheme?

National Apprenticeship Promotion Scheme (NAPS) is a new scheme of Government of India to provide financial support to establishments undertaking the apprenticeship training. It was launched on 19th August 2016.

What are the components of NAPS?

The scheme has the following two components:

- Reimbursement of **25% of prescribed stipend** subject to a **maximum of Rs. 1500/- per month per apprentice** by the Government of India to all employers who engage apprentices.
- Reimbursement of cost of basic training (**up to a limit of Rs. 7500/- for a maximum of 500 hours/3 months = Rs. 15/hour**) by the Government of India to Basic Training

Providers (BTPs) in respect of apprentices who come directly for apprenticeship training without any formal training.

What are the objectives of NAPS?

- To promote apprenticeship training in the country
- To provide financial support to establishments to undertake apprenticeship programmes in the following ways –
 - i) To support establishments, (specially the MSMEs), to engage apprentices under the Apprentice Act and pay stipend to them as per prescribed rates-under NAPS 25% of prescribed stipend subject to a maximum of Rs. 1500/- per month per apprentice is reimbursed to such establishments by the Government of India to engage apprentices
 - ii) To support the establishments ,(specially the MSMEs), who do not have in house Basic Training Facilities to set up such facilities in house or at a center outside its premises or to engage Training Partners to undertake the Basic Training activity on their behalf for fresher apprentices who need to undergo such Basic Training before joining the shop floor(on the job) Training under the Apprenticeship programme- Basic training cost upto a limit of Rs. 7500/- per apprentice for a maximum of 500 hours/3 months) is reimbursed to them/or to the Basic Training Provider engaged by them under NAPS by the Government of India

Who implement the Apprenticeship Programme (including NAPS)?

The Apprenticeship Programme in India under the Apprenticeship act 1961 is implemented by the Ministry of Skill Development and Entrepreneurship (MSDE) at the national level. The MSDE has entrusted the Directorate General of Training [DGT] to implement the apprenticeship training falling under "Designated Trades" and made the National Skill Development Council [NSDC] responsible for apprenticeship training under "Optional Trades". For more details regarding Trades & Courses please visit apprenticeship portal <http://apprenticeshipindia.org>

What is Basic Training?

Basic training consists of theoretical and practical/lab instructions portion of every Apprenticeship Programme syllabi relating to a particular trade in which on-the-job-training is to be imparted. The basic training is an essential component of apprenticeship training for those who have not undergone any institutional training/skill training before

taking up on-the-job-training/practical training. Basic Training is imparted to the fresher apprentices for acquiring a reasonable ability to handle Instruments/Machineries/Equipment independently prior to being moved to Shop Floor/Work Area for practical training / On-Job Training.

What is the duration of the Apprenticeship Training? Who all are exempt from Basic Training component?

Training against each category is given here under:-

Eligibility of Apprenticeship Training	Basic Training Exempted
i. ITI Pass Outs	Yes
ii. Graduates / Diploma Holders	Yes
iii. All Pass Outs from the NSQF aligned courses including PMKVY/DDUGKY etc.	Yes
iv. Dual-Learning Mode from ITIs	Yes
v. Perusing Graduation / Diplomas	Yes
vi. Fresh Apprentices	No

Note:

1. **Apprenticeship Duration:** 6 – 24 months
2. Total duration of Apprenticeship training for **Graduates/Diploma** can be a **maximum of 12 months**
3. **Exemption** only for those opting for Apprenticeship in a **qualification-related course**, as per each course's curriculum

What is the duration of BT?

Basic Training usually accounts for 20-25% of the duration of the overall Apprenticeship Programme, but can vary depending on the specific requirement of the curriculum.

Where basic training can be done?

- i) National Skill Training Institutes(NSTI), National Skill Training Institutes(W)
- ii) Government Industrial Training Institutes (ITIs) having 2 star rating or above and Private ITI having 2.5 Star rating or above affiliated to NCVT
- iii) Government & Private Training Centers affiliated with NSDC under SMART portal & the Pradhan Mantri Kaushal Kendras (PMKK).
- iv) Industries/ establishments with “In-House Basic Training facility”
- v) Basic Training Centre set up/supported by Industry/Industry clusters/Industry Chambers/Associations.
- vi) Stand-alone Basic Training Centres like Polytechnic, Universities, Engineering & Management Colleges having good ranking. vii) Training Centres empaneled under State Govts & other GoI schemes

Going forward such centers will need to meet the standards specified for Training Centers under as per Section 3.2.2 of the BTP guidelines. The standards are mentioned in the template in the Annexure section of the guidelines.

What is On-the-job-training (OJT)?

OJT is practical training imparted at the workplace premises of an establishment.

What are the kind of Trades /Courses establishments can take up under the Apprenticeship act?

There are two categories of Trades defined under the Apprenticeship act 1961-

- **Designated Trades:** Those notified by the Govt. are referred to as “Designated Trades” and
- **Optional Trades:** the others which are not included in the notified list of the Designated Trades but opted as a Trade/Course to be run under the Apprentices Act by an establishment. These are referred to as “Optional Trades”.

What is a Designated Trade?

Designated Trades are those trades /courses which an establishment can run under the Apprentices Act which have been notified by the Govt as a “Designated Trade.” These are mostly engineering based and appropriate for the manufacturing sector. Courses under Designated Trades are designed by the Central Staff Training and Research Institute (CSTARI), approved by the Central Apprenticeship Council & notified by the

Govt. as a Designated Trade. There are at present 261 such courses notified. Details are available on the apprenticeship portal <https://apprenticeshipindia.org/>

What is an Optional Trade?

Optional trade means any trade or occupation, or any subject field of engineering, non-engineering, technology or vocational training found relevant by an employer as per their requirements, other than the Designated Trades notified under the Act. Optional trades have been introduced under the Apprentices Act, 1961 to allow employers to create their own courses/trades for providing apprenticeship training. Before the introduction of optional trade, all courses/trades in which an establishment could engage apprentices under the Act were out of the list of “Designated Trades”. Such courses are usually technical/engineering based in nature more relevant to the manufacturing industry. The concept of “Optional Trade” was introduced to give more flexibility to establishment to create courses as per their requirements in the manufacturing, services, trade or any other sector. This has also opened up opportunities to non-engineering Graduates in fields such as B.A, B.Com., B.Sc., (including those pursuing such courses) and 10+2 pass outs from social sciences/commerce or those who have completed NSQF aligned short terms courses to enroll under apprenticeship training programmes and become industry ready.

What courses are readily available to run under the Apprenticeship programme?

As on 1st August 2018, there are 261 Designated Trades and 200 + Optional Trades across 37 industry sectors available for apprenticeship training. Please refer the updated list of trades and sectors at the following links:

- Designated Trades: <https://apprenticeshipindia.org/trades?type=designated>
- Optional Trades: <https://apprenticeshipindia.org/trades?type=optional>

Besides there are 2000 plus NSQF aligned Qualification Packs (may be called as Job roles), designed for Short Term courses which the establishments can choose from and add a component of shop floor training (On the Job training) and design an Apprenticeship curriculum and run the Apprenticeship Programme under Optional Trade. Once curriculum is designed, kindly send the same to pangkhuri.borgohain@nsdcindia.org for necessary action.

List of such courses can be accessed through the Link “List if Existing QPs” under Approved courses on landing page of the Apprenticeship portal.

Who is an apprentice?

An apprentice is a person who has entered into a contract of apprenticeship with the employer for apprenticeship training under the Apprentices Act.

Who all are eligible to be apprentices under the Act?

Any individual, who has completed 14 years of age (18 years in case of Hazardous Industries defined under the Apprenticeship Rules), is a minimum of 5th pass and is meeting the standard of physical fitness for the course and having minimum educational qualification prescribed for a trade can undergo apprenticeship training. Please refer to **The Apprentices (Amendment) Act, 2014 & Rules 2015** for more details – both can be found on the landing page of the apprenticeship portal - <https://apprenticeshipindia.org/>

What is the procedure for registration of candidate on the apprenticeship portal? How a candidate can undergo apprenticeship training?

- Candidate may access the apprenticeship portal and register him/ herself for an apprenticeship programme in a sectors/trades of his choice
- Search for potential employers and apprenticeship opportunities posted by them on the apprenticeship portal - <https://apprenticeshipindia.org/course-search>
- Send applications to potential employers for apprenticeship training,
- Receive offer letters from establishments on line and send his acceptance
- Sign the contract of apprenticeship with the establishment & commence the apprenticeship programme

On which date is the apprenticeship training deemed to have commenced?

The date on which the contract of apprenticeship has been entered between employer and apprentice and registered online on the web portal <http://apprenticeshipindia.org>

Is registration of contract of apprenticeship required?

Online Registration of contract of apprenticeship is **mandatory** Designated Trades. This is not, however, mandatory for Optional Trades.

What is the procedure for online registration of contract of apprenticeship?

- The establishment registers on the apprenticeship portal on line and views the application of candidates on line & notifies apprenticeship opportunities on line

- Candidate registers on the apprenticeship portal & applies to an establishment for apprenticeship training against notified apprenticeship opportunities posted by an establishment.
- Establishment searches on the portal and offers a seat to candidates found suitable.
- An establishment can also search for the candidate offline and get them registered on the portal
- Candidate receives the offer of apprenticeship on line from the establishment and accepts it
- The acceptance is again reflected in the MIS account of establishment.
- The establishment approves the accepted offer from the candidate. A contract having a unique contract number is generated between the establishment and candidate and signed by both parties on line.
- In case of Designated Trades, this contract of apprenticeship is now reflected in the MIS account of approving authority and registered/approved by him
- In case of Optioaln Trades, registration of contract is not mandatory. The competent authority will verify and approve the contract
- Upon such registration/approval the candidate gets the status of an apprentice.

What categories of apprentice are covered under the Apprentice programme?

- ITI Pass Outs
- Graduates / Diploma Holders
- All Pass Outs from the NSQF aligned courses including PMKVY/DDUGKY etc.
- Dual-Learning Mode from ITIs
- Perusing Graduation / Diplomas
- Fresh Apprentices

What categories of apprentices are required to undergo basic training?

- **All fresher apprentices** are mandatorily required to undergo basic training.
- Candidates who **don't have basic training or qualification** in the trade/course for which he/she has applied for apprentice on apprenticeship portal need to go through the basic training

What is Pradhan Mantri Kaushal Vikas Yojana (PMKVY)?

PMKVY is the flagship scheme of the Ministry of Skill Development & Entrepreneurship. The objective of this Skill Certification Scheme is to enable a large number of Indian youth to take up industry-relevant skill training that will help them in securing a better livelihood.

PMKVY courses are run by Training Partners under the Sector Skill Councils (SSCs) set up by National Skill Development Corporation (NSDC).

What are Short Term Training (STT) courses?

STT courses are short term courses designed by NCVT under the scheme SDI – Skill Development Initiative or by NSDC or Various State Governments & other Central Government agencies. Only pass outs from those out of all STT courses that are NSQF aligned are exempted from Basic Training under the Act. Others will be treated at par with fresher candidates.

What is “dual-learning mode of training”?

The dual-learning mode has been introduced for improving the connect between industry and ITIs. Under the dual-learning mode of training, the theoretical instructions and basics about safety and tools, equipment along with foundation practical will be imparted in ITIs and relevant on the job training for that particular trade will be given in the industry. ITIs are required to enter into MOUs with industries/employers where they want to send their trainees for on the job training.

What are MES Courses

Modular Employable Skills (MES) Courses are for whom historically the DGT had been conducting assessments. It was decided that post 15th August 2018, the assessment and certification of MES Courses would be conducted by SSCs and that in the due course these MES Courses would be QP-NOS aligned and would come under the purview of SSCs.

What are the eligibility criteria for apprentices under the apprenticeship programme?

Apprentice must fulfill the following:

- The minimum age prescribed under the Act for an apprenticeship is 14 (18 years in case of hazardous industries) and he/she must have educational/technical and physical qualification prescribed under the Curriculum for the concerned trade;
- Minimum of 5th pass
- Apprentice must register on the Apprenticeship portal.
- Apprentice must have an aadhaar number.

Who/what is an employer/ establishment?

An employer/ establishment is a person/entity who has a business in any trade or occupation and having infrastructure for providing On the Job Training (OJT). All establishments having work force (regular and contract employees) of 40 or more are mandated to undertake Apprenticeship Programmes in a range from 2.5% -10% of its workforce every year. For establishments having a workforce between 6 & 40 this is optional. Establishments having a workforce of 5 or less are not permitted to engage apprentices.

What is the procedure for registration of an establishment/ employer on the apprenticeship portal?

Establishments have to access the apprenticeship portal <https://apprenticeshipindia.org/> and register themselves on line for the apprenticeship programme in case they opt for Optional Trades. In case they choose to run Designated Trades they would need to register on another portal <http://www.apprenticeship.gov.in>

The two portals will get merged into one in the near future after which only the portal <https://apprenticeshipindia.org/> will be functional. The information furnished by them will be used for online validation.

How many apprentices can be engaged by an industry/establishment?

Establishment shall engage apprentices in a band of 2.5% to 10% of the total manpower strength of the establishment including contractual staff depending on their requirements. An establishment with total strength of 100 can engage a maximum of 10 apprentices and a minimum of 3 apprentices.

What are the eligibility criteria for employers/ establishments to avail the benefits of NAPS?

The employers/ establishments interested to avail the benefits of NAPS must fulfill the following conditions:-:

- Such contracts must be uploaded by establishment for approval by the concerned apprenticeship advisor, which shall be facilitated by the portal
- the Courses they run under the apprenticeship programme must be NSQF aligned.
- the assessments at the end of all such programmes must be done jointly between the establishment and the NCVT (for Designated Trades) / the concerned Sector Skill council (in case of Optional trade)

How can an establishment engage apprentices?

- Employer may access <http://apprenticeshipindia.org> for on-line registration
- Notify apprenticeship opportunities on portal
- Search & shortlist interested (or suitable) candidates specific to sector, trades, region etc. online.
- Issue offer letters to candidates on line for engaging as apprentices
- Upon their acceptance of the offer sign contract of apprenticeship with apprentice on line
- Submit contract of apprenticeship on-line for approval/registration by respective Joint Apprenticeship Advisor/State Apprenticeship Adviser.

What are other benefits for employers to engage apprentices under the Apprenticeship Training?

Besides, employers who are engaging apprentices under the Apprentices Act, 1961 are exempted towards contribution of EPF and ESI for apprentices engaged by them financial support is avail of them under NAPS as detailed in this document elsewhere in case they opt for NAPS & fulfill the conditions elaborated therein

Who is Basic Training Provider?

Basic Training Provider (BTP) is an entity who has necessary facilities for a trade and providing basic training to fresher apprentices, who otherwise do not have any formal education and/or training in related trades, engaged by an establishment.

Who can become BTP?

- i) National Skill Training Institutes(NSTI), National Skill Training Institutes(W)
- ii) Government Industrial Training Institutes (ITIs) having 2 star rating or above and Private ITI having 2.5 Star rating or above affiliated to NCVT
- iii) Government & Private Training Centers affiliated with NSDC under SMART portal & the Pradhan Mantri Kaushal Kendras (PMKK).
- iv) Industries/ establishments with “In-House Basic Training facility”
- v) Basic Training Centre set up/supported by Industry/Industry clusters/Industry Chambers/Associations.
- vi) Stand-alone Basic Training Centres like Polytechnic, Universities, Engineering & Management Colleges having good ranking. vii) Training Centres empaneled under State Govts & other Gol schemes

How will the BTPs be selected for Optional Trades under Apprenticeship?

BTPs will need to self-report some details of the them and submit them to the Apprenticeship Division at NSDC. Once approved, they can start giving Basic Training under Apprenticeship. Please refer to the BTP guidelines that are available on the Apprenticeship Portal - <https://apprenticeshipindia.org/>

What is the procedure for registration of BTP on the apprenticeship portal?

- Please refer to the BTP guidelines on the Apprenticeship Portal. The BTP will need to have basic facilities in accordance with annexure 1 of the guidelines
- All centres registered as BTP under designated trade by the RDATs will deemed to be approved as BTP for the optional trade. Similarly, all NSTIs and ITIs (grading 2.5 or above) will deemed to be a BTP for the optional trade for the NCVT affiliated trades, and subject to available spare capacity

What is the procedure for payment of reimbursement claims[stipend] to the employers?

- I. Payment of full rate of prescribed stipend, including
- II. Government of India's share shall be paid to apprentices by the establishment through the aadhaar linked bank accounts of apprentices. For this purpose, the employers are required to seek bank details from the apprentices.
- III. Establishments are required to upload a proof for payment of full amount of stipend to the apprentice along with the attendance particulars. Government of India's share will be reimbursed on a quarterly basis by the respective agency ie DGT/RDAT/SAA in respect of Designated Trades & NSDC/SSDMs in respect of Optional Trades. The entire processing of such claims will be on line. (hereon after defined as the relevant authority)
- IV. The respective agency will verify the information uploaded by the establishment and on confirmation of the training conducted and full amount of stipend paid, they will reimburse the payment to establishments' bank account on receipt of claims in prescribed format from the employers on line at the end of each quarter and subject to on line verification of payment of stipend to the apprentices.
- V. Payment for each quarter shall be made only after adjusting for dropouts.

What certification will be provided to Apprentice after completion of apprenticeship training?

Assessment and Certification by Establishments (non NAPS)

After completion of apprenticeship training, apprentices will need to go through an assessment to be conducted by the establishment. Certificates will be awarded by the establishments to apprentices based on marks obtained by them in the assessment by the establishment. A model template for certificate will be available on portal for adoption by the industry.

Assessment and Joint Certification under NAPS

Under NAPS, and in cases where the employer/ establishment opts for Joint certification, the assessment will be conducted jointly by the establishment and the concerned Sector Skill Council, (in case of Optional Trades) or the DGT (in case of Designated Trades). The theory part of this assessment would be on line to be conducted through the SSC concerned / DGT, as the case may be, while the practical would be conducted by the employer at the shop floor premises and would be evidence based. In such cases the certificates will be awarded to apprentices who pass the assessment jointly by the establishment and the concerned Sector Skill Council /DGT. The assessment details will be uploaded on the portal and certificates, in approved formant will be electronically generated and sent to establishments and successful apprentice.

Area	Sub Area	Agency
Practical	Practical Examination	Employer (on the shop floor)
Theory	Theory - (Online Examination)	Certifying Agency

What are the key amendments made in the Apprentices Act, 1961 in year 2014?

The key changes in Apprentices Amendment Act 2014 are as below:

- A band from 2.5% to 10% of total strength of establishment has been introduced as a responsibility of the employer to engage apprentices in his establishment instead of a fixed % earlier.
- The employers have been given the liberty to run industry driven “Optional Trades” for apprentices instead of only the “Designated Trades” notified by the Govt of India under the Act
- The scope has been extended to include non-engineering pass-outs.
- Outsourcing of basic training component of the Apprenticeship programme (which can be about 20-25% of the entire duration of the programme) has been permitted to an institute of the employer’s choice.

- Aggregation of apprentices through Third Party Agency (TPA) has been introduced to facilitate the employer to mobilise apprentices and to help the employers meet his statutory obligations under the Act including the filing of returns.
- Penalty in the form of fine only have been provided for noncompliance of provisions of the Act- the provision for imprisonment has been removed
- The entire process of searching & contracting the apprenticeships and submission of returns & other information and reimbursement of GOIs contribution towards the stipend in a time bound manner has been on line.

Where can apprenticeship Training be undertaken

One can undergo apprenticeship training on the shop floor of any establishment under the Central/State Govt or private sector establishment upon signing of contract of apprenticeship with the establishment

What is the role of DGT/RDATs/SSDMs/SSC/Chambers under the Apprenticeship programme?

Table 1 : The role of different agencies under the operational framework for Apprenticeship in India

Activity	Stakeholders			
	DGT (DT) / NSDC (OT)	SAA (DT) / SSDMs (OT)	Sector Skill Councils (SSCs)	Industry Chambers
Industry Connect	Developing a strong industry connect for implementation of the apprenticeship programme	To promote and implement apprenticeship at state level to complement DGT's/NSDC's role at central level	Advocacy of apprenticeship in the industry	Advocacy of apprenticeship in the industry
Identification of Potential Sectors	To identify suitable & interested industry/industry sectors for apprenticeship programmes	Identification of state specific sectors & job roles in consultation with SSCs/Industry chambers	Identification of sectors suitable for apprenticeship programmes	Identification of sectors suitable for apprenticeship programmes
<ul style="list-style-type: none"> • Courses, • Training, • Assessment and Certification 	Developing guidelines/standard templates to help Industry design courses & run these programmes	Approval of curricula other than those approved by NSDC in consultation with DGT/NSDC/Industry &	<ul style="list-style-type: none"> - Assist industry develop apprenticeship curricula - Empanelment of Training Providers - Certification and Assessments 	<ul style="list-style-type: none"> - Assist industry develop apprenticeship curricula - Assist industry in capacity building activity for provision of basic training and on-the-job training - Empanelment of Training Providers
Monitoring and other Support Functions	<ul style="list-style-type: none"> - Acting as a monitoring unit to oversee activities performed by RDATs/ SSCs/other industry bodies - Undertaking promotion activities - NSDC shall design an efficient portal to run the entire programme online in consultation with DGT 	<ul style="list-style-type: none"> - Acting as a monitoring unit to oversee activities performed by AAA/ SSCs / other state industry bodies - Undertake apprenticeship promotion activities 	<ul style="list-style-type: none"> - CEOs notified as Joint Apprenticeship Advisors (JAAs) for online - Registration of contracts between employers and candidates (in case they opt for stipend subsidy under NAPS) 	Act as an aggregator (TPA) to support the MSME clusters in running the apprenticeship program

What is meant by NSQF aligned courses? What is NSQC

The National Skill Qualification Framework (NSQF) was notified in the Gazette of India on 27 December 2013. The NSQF organizes qualifications according to a series of level descriptors covering knowledge, skills and aptitude. The NSQF replaces existing frameworks such as the National Vocational Qualifications Framework (NVQF) and the National Vocational Educational Qualification Framework (NVEQF). Each level of NSQF is described by a statement of learning outcomes in five domains, which are known as level descriptors. These five domains are:

- Process
- Professional knowledge
- Professional skill
- Core skill
- Responsibility

NSQF requires that SSCs when developing Qualifications Packs and NOS identify a corresponding NSQF level using the NSQF level descriptors and that this information be included in NSQF level field in the Qualification Pack. It is possible for all current vocational courses, like MES, ITI Courses, or similar vocational courses in schools, colleges and polytechnics, to be aligned to job roles at specific NSQF Levels. An ITI Course in Plumbing would say they are training for plumbers at NSQF Level 3. Similarly, a polytechnic, training in fashion design, may say it is training for NSQF Level 5 for Garment Cutters. National Skills Qualifications Committee organized by NSDA provides the process of aligning courses and qualifications to NSQF.

What is meant by NOS ?

The National Occupational Standards (NOS) specify the standard of performance an individual must achieve when carrying out a function in the workplace, together with the knowledge and understanding they need to meet a standard consistently. Each NOS defines one key function in a job role. The NOS are laid down by employers (through their SSCs). A Qualification Pack (QP) is a set of NOS aligned to a job role.

Cases	Situation	NAPS/Non NAPS	Course of action	Approval process
Case 1	QP not available for the courses	NAPS benefit to avail	Create Apprenticeship embedded curriculum with help on concerned SSC and submit to NSDC	Place in Technical Approval Committee of NSDC and then NSQC of NSDA for NSQF alignment
Case 2	QP available for course and NSQF aligned	NAPS benefit to avail	Create Apprenticeship embedded curriculum, submit to NSDC for approval and upload	Upload in portal after review as already NSQF aligned
Case 3	QP available for course but	NAPS benefit to avail	Option 1:	Option 1: Place in Technical

	not NSQF aligned		Create Apprenticeship embedded curriculum, submit to NSDC Option 2: Get QP aligned to NSQF first and then create Apprenticeship curriculum and submit to NSC	Approval Committee of NSDC and then NSQC of NSDA for NSQF alignment Option 2: Upload in portal after review as already NSQF aligned
Case 4	QP not available for the courses	No NAPS benefit	Create Apprenticeship embedded curriculum and submit to NSDC	Basic scrutiny by NSDC and upload in portal

Can an establishment with presence in multiple locations register centrally?

As per the definitions in Apprenticeship Act, 1961.

1. *"employer" means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;*
2. *"establishment" includes any place where any industry is carried on; 5[and where an establishment consists of different departments or have branches, whether situated in the same place or at different places, all such departments or branches shall be treated as part of the establishments];*

In point no. 2, it is specified that an establishment consists of different department and branches which can be situated at different places; all such branches shall be treated as part of establishment.

On apprenticeship portal, this functionality is already developed where TCI can register and add different office locations in case it wants to operate centrally. If TCI wants to operate in a decentralized manner, there is an option to register multiple branches also, and indicate Head Office and Branch Office structure for all registered branches.

Can Corporate Social Responsibility (CSR) funds be used for running Apprenticeship training?

Companies which are covered under the Apprentices Act shall undertake skill training under the Apprentices Act 1961. These companies can also undertake skill training from their CSR funds over and above the requirement under the Apprentices Act.

For more details, please refer to

<https://www.iaonline.in/notification/Corporate%20Social%20Responsibility%20%20Circular.pdf>

Is Apprentice considered as a worker?

- I. As per **section 18 of Apprenticeship Act, 1961**, the apprentice is not a worker. The section 18 of act is reproduce here under

Apprentices are trainees and not workers

- a) *Every Apprentices undergoing apprenticeship training in designated/optional trade in an establishment shall be trainee and not a worker, and*
- b) *The provision of any law with respect to labor shall not apply to or in relation to such apprentice*

- II. Besides the provision of **Provident Fund and Miscellaneous provision Act, 1952 Act and State Insurance Act, 1948** also clarifies apprentices appointed under Apprenticeship Act are not workers. Relevant section are reproduced as below:

A. Section 2(f) in The Employees' Provident Funds and Miscellaneous Provisions Act, 1952

- *"employee" means any person who is employed for wages in any kind of work, ...and includes any person,—*
- *employed by or through a contractor in or in connection with the work of the establishment;*
- **engaged as an apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961),**

B. Section 2(9) in The Employees' State Insurance Act, 1948

- *"employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and—*
- *who is directly employed by the principal employer, ...; or*
- *who is employed by or through an immediate employer, on the premises of the factory or establishmentor*
- *whose services are temporarily lent or let on hire to the principal employer ...*
- **[and includes any person employed for wages on any workor any person engaged as apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961),**

Are apprentices allowed to be engaged in night shift?

Rule 7 A (8) of Apprenticeship Rule 2015 which regulates Apprenticeship Optional Trades provides as under:

*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.***

Rule 12, of Apprenticeship rule 2015 provides as under:

Rule 12: The hours of work:-

(1) The weekly hours of work of a trade apprentice undergoing practical training shall be as follows, namely:-

(a) The total number of hours per week shall be 42 to 48 hours (including the time spent on Related Instruction)

(b) Trade apprentices undergoing basic training shall ordinarily work for 42 hours per week including the time spent on Related Instruction.

(c) Trade apprentices during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on Related Instruction.

(d) Trade apprentice during the third and subsequent years of apprenticeship shall work for the same number of hours per week as the workers in the trade in the establishment in which the trade apprentice is undergoing apprenticeship training.

(2) No trade apprentice shall be engaged on such training between the hours of 10.00 p.m. to 6.00 a.m.. except with the prior approval of the Apprenticeship Adviser who shall give his approval if he is satisfied that it is in the interest of the training of the trade apprentice or in public interest.

(3) Graduate, Technician and Technician (Vocational) Apprentices shall work according to the normal hours of work of the department in the establishment to which they are attached for training.

The Apprenticeship Rules, 1992 provides as under:

2 (5B) "Optional trade apprentice" means an apprentice who is not undergoing apprenticeship training in a designated trade

Hence reading from the above, it can be inferred, Graduates and diploma holders can be allowed to work in night shifts in BPO kind of industry (where normal working hours includes night shift), and for all others, the Apprenticeship Advisor has been authorized to decide cases on merits.

Can an apprentice be deployed on overtime?

Section 15 (2) of the Apprentices Act, 1961 provides as under:

Hours of work, overtime, leave and holidays

[(1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workplace shall be as determined by the employer subject to the compliance with the training duration, if prescribed];

(2) 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.

3 [(3) An apprentice shall be entitled to such leave and holidays as are observed in the establishment in which he is undergoing training.

Clarification on Apprenticeship Quota for Companies with Contractual Employees

As per the provision of the Act, contractual employees should be on the roll of the companies which are going to engage apprentices

Clarification in regard to engaging apprentices by establishment

Clause 7B of Apprenticeship Rules 1992 (amended 2015): Number of apprentices for designated and optional trade reads as:-

(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*

Further Ministry of Skill Development & Entrepreneurship has vide letter no MSDE-1(1)/2018-AP(PMU) dated 2nd April 2019 stipulated that Industries/establishments can engage apprentice from any of the following category of apprentices, as per their respective requirement to fulfill the mandate of Apprentice Act 1961(amended 2014) and Apprenticeship Rule (amended 2015)

1. Trade apprentice
2. Graduate apprentice
3. Technician apprentice

4. Technician (vocational) apprentice
5. Optional trade apprentice

The sum of all total apprentices under various categories will qualify for compliance of provision of Section 7B (3) of Apprenticeship Rule (amended 2015). All establishment are accordingly required to post their Apprenticeship deployment plan on portal (while declaring the strength of manpower of the establishment) every quarter by the 15th of April, 15th of July, 15th of October and 15th January.