

Apprentices (Rajasthan Amendment) Act, 2014

2 of 2015

CONTENTS

1. Short title, extent and commencement
2. Amendment of section 6, Central Act No. 52 of 1961
3. Amendment of section 7, Central Act No. 52 of 1961
4. Amendment of section 8, Central Act No. 52 of 1961
5. Amendment of section 9, Central Act No. 52 of 1961
6. Amendment of section 13, Central Act No. 52 of 1961
7. Amendment of section 14, Central Act No. 52 of 1961
8. Amendment of section 23, Central Act No. 52 of 1961

Apprentices (Rajasthan Amendment) Act, 2014

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An Act further to amend the Apprentices Act, 1961 in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Sixty-fifth Year of the Republic of India, as follows:-

1. Short title, extent and commencement :-

- (1) This Act may be called the Apprentices (Rajasthan Amendment) Act, 2014.
- (2) It shall extend to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Amendment of section 6, Central Act No. 52 of 1961 :-

In the Apprentices Act, 1961 (Central Act No. 52 of 1961), in its application to the State of Rajasthan, hereinafter referred to as the principal Act, for the existing clause (b) of section 6, the following shall be substituted, namely:-

"(b) in the case of other apprentices, the period of apprenticeship training shall be such as may be prescribed by State Apprenticeship Council;"

3. Amendment of section 7, Central Act No. 52 of 1961 :-

For the existing proviso to sub-section (3) of section 7 of the principal Act, the following shall be substituted, namely:-

"Provided that where a contract is terminated-

(a) for failure on the part of the employer to carry out the terms and conditions of the contract, the employer shall pay to the apprentice such compensation as may be determined by the State Apprenticeship Adviser;

(b) for such failure on the part of the apprentice, the apprentice shall refund to the employer as cost of training, such amount as may be determined by the State Apprenticeship Adviser."

4. Amendment of section 8, Central Act No. 52 of 1961 :-

For the existing section 8 of the principal Act, the following shall be substituted, namely:-

"8. Number of apprentices for a designated trade.-

(1) The State Government shall, after consulting the State Apprenticeship Council, by order notified in the Official Gazette, determine for each designated trade the ratio of trade apprentices to workers other than unskilled workers in that trade:

Provided that nothing contained in this sub-section shall be deemed to prevent any employer from engaging a number of trade apprentices in excess of the ratio determined under this sub-section.

(2) In determining the ratio under sub-section (1), the State Government shall have regard to the facilities available for apprenticeship training under this Act in the designated trade concerned as well as to the facilities that may have to be made available by an employer for the training of graduate or technician apprentices or technician (vocational) apprentices, if any, in pursuance of a notice issued to him under sub-section (3A) by the State Apprenticeship Adviser or such other person referred to in that sub-section.

(3) The State Apprenticeship Adviser may, by notice in writing, require an employer to engage such number of trade apprentices within the ratio determined by the State Government for any designated trade in his establishment, to undergo apprenticeship training in that trade and the employer shall comply with such requisition:

Provided that in making any requisition under this sub-section, the State Apprenticeship Adviser shall have regard to the facilities actually available in the establishment concerned:

Provided further that the State Apprenticeship Adviser may, on a representation made to him by an employer and keeping in view the more realistic employment potential, training facilities and other relevant factors, permit him to engage such number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than thirty percent of the number so arrived at, subject to the condition that the employer shall engage apprentices in other trades in excess in number equivalent to such shortfall.

(3A) The State Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the State Apprenticeship Adviser in writing in this behalf shall, having regard to-

(i) the number of managerial person (including technical and supervisory persons) employed in a designated trade;

(ii) the number of management trainees engaged in the establishment;

(iii) the totality of the training facilities available in a designated trade; and

(iv) such other factors as he may consider fit in the circumstances of the case; by notice in writing, require an employer to impart training to such number of graduate or technician apprentices or technician (vocational) apprentices in such trade in his establishment as may be specified in such notice and the employer shall comply with such requisition.

Explanation.- In this sub-section the expression "management trainee" means a person who is engaged by an employer for undergoing a course of training in the establishment of the employer (not being apprenticeship training under this Act) subject to the condition that on successful completion of such training, such person shall be employed by the employer on a regular basis.

(4) Several employers may join together for the purpose of providing practical training to the apprentices under them by moving them between their respective establishments.

(5) Where, having regard to the public interest, a number of apprentices in excess of the ratio determined by the State Government or in excess of the number specified in a notice issued under sub-section (3A) should in the opinion of the State Government be trained, the State Apprenticeship Adviser may require employers to train the additional number of apprentices.

(6) Every employer to whom such requisition as aforesaid is made, shall comply with the requisition if the State Government concerned

makes available such additional facilities and such additional financial assistance as are considered necessary by the State Apprenticeship Adviser for the training of the additional number of apprentices.

(7) Any employer not satisfied with the decision of the State Apprenticeship Adviser under sub-section (6), may make a reference to the State Apprenticeship Council and such reference shall be decided by a Committee thereof appointed by the State Apprenticeship Council for the purpose and the decision of that Committee shall be final."

5. Amendment of section 9, Central Act No. 52 of 1961 :-

In section 9 of the principal Act,-

(i) for the existing sub-section (1), the following shall be substituted, namely:-

"(1) Every employer shall, make suitable arrangements in his establishment or, outsource the same to a suitable third party training provider for imparting a course of practical training to every apprentice engaged by it in accordance with the programme approved by the State Apprenticeship Adviser."; and

(ii) for the existing sub-clauses (i) and (ii) of clause (a) of sub-section (8), the following shall be substituted, namely:-

"(i) if such employer employs two hundred and fifty workers or more, by the employer and the Government in equal shares up to such a limit as may be laid down by the State Government and such amount shall be reimbursed by the State Government in each case of completion of successful training by the apprentice;

(ii) if such employer employs less than two hundred and fifty workers, by the State Government alone and such amount up to such a limit as may be laid down by the State Government shall be reimbursed by the State Government, and beyond that limit by the employer in each case of completion of successful training by the apprentice; and"

6. Amendment of section 13, Central Act No. 52 of 1961 :-

For the existing section 13 of the principal Act, the following shall be substituted, namely:-

"13. Payment to apprentices.-

The employer shall pay to every apprentice during the period of apprenticeship training such stipend at a rate not less than the minimum wages notified by State Government under the Minimum

Wages Act, 1948 (Central Act No. 11 of 1948) for unskilled worker category, as may be specified in the contract of apprenticeship and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed."

7. Amendment of section 14, Central Act No. 52 of 1961 :-

For the existing section 14 of the principal Act, the following shall be substituted, namely:-

"14. Health, safety and welfare of apprentices.-

Where any apprentices are undergoing training in a factory, the provisions of Chapters III, IV and V of the Factories Act, 1948 (Central Act No. 63 of 1948), shall apply in relation to the health, safety and welfare of the apprentices as if they were workers within the meaning of that Act and when any apprentices are undergoing training in a mine, the provisions of Chapter V of the Mines Act, 1952 (Central Act No. 35 of 1952), shall apply in relation to the health, safety and welfare of the apprentices as if they were persons employed in the mine and when any apprentices are undergoing training in a shop or commercial establishment, the provisions of the Rajasthan Shops and Commercial Establishments Act, 1958 (Act No. 31 of 1958), shall apply in relation to the health, safety and welfare of the apprentices as if they were persons employed in the shop or establishment."

8. Amendment of section 23, Central Act No. 52 of 1961 :-

For the existing sub-section (2) of section 23 of the principal Act, the following shall be substituted, namely:-

"(2) Every State Council may be affiliated to the National Council and every State Apprenticeship Council may be affiliated to the Central Apprenticeship Council."