# SCHEDULE V

# (See Rule 6)

1. **Obligations of Employer (both in the case of Major and Minor Trade Apprentices.**

(Under section II of the Apprentices Act,1961)

1. The employer shall make suitable arrangements in the workshop for imparting a course of practical training to the apprentice in accordance with the programme approved by the Central/State Apprenticeship Adviser and the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council.
2. Such of those employers as specified in sub-section (4) of section 9 shall make suitable arrangements to impart course of basic training to the apprentice in accordance with the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council, either in separate parts of the workshop building or in a separate building setup by the employer.
3. (Omitted vide GSR No. 502(E) dated 18th June, 2015)
4. (Omitted vide GSR No. 502(E) dated 18th June, 2015)
5. The employer shall pay stipend to the apprentice at the rate as specified from time to time under rule 11 of the Apprenticeship Rules 1992.
6. The stipend for a particular month shall be paid by the 10th day of the following month. No deduction shall be made from the stipend for the period during which the apprentice remains on casual or medical leave. Stipend shall, however not be paid for the period for which the apprentice remains on extraordinary leave.
7. The weekly hours of work of an apprentice while undergoing practical training shall be as follows:
8. The total number of hours per week shall be 42 to 48 hours (including the time spent on related instructions);
9. Apprentice during basic training shall ordinarily work for 42 hours per week including the time spent on related instruction;
10. Apprentice during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on related instructions;
11. 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 apprentice is undergoing apprenticeship training:

Provided, however, that short term apprentice may be engaged to work upto a limit of 4 hours per week.

1. No apprentice other than a short-term apprentice, shall be engaged on such training between the hours of 10 p.m. and 6 a.m. except with the prior approval of the apprenticeship Adviser who may give his approval if he is satisfied that it is in the interest of the training of the apprentice or in public interest.
2. Where the contract of apprenticeship is terminated on account of failure on the part of the employer to carry out the terms and conditions of the contract, he shall pay to the apprentice or his guardian (in the case of a minor) compensation in accordance with the rates as specified under rule 8 of the Apprenticeship Rules, 1992.
3. (Omitted vide GSR No. 502(E) dated 18th June, 2015)
4. The employer shall allow to the apprentice such holidays as are observed in the establishment.
5. If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, the employer shall pay to the apprentice compensation in accordance with the provisions of the Workmen Compensation Act, 1923, subject to the modifications specified in the Schedule to the Apprentices Act,1961.
6. **Obligations of Trade Apprentice (both in case of Major and Minor Trade Apprentices)**

(Under Section 12 of Apprentices Act.1961).

1. The apprentice shall abide by the rules and regulations of the establishment in all matters of conduct and discipline and carry out all lawful orders of the employer and superiors in the establishment.
2. The apprentice shall conduct himself as a trainee and not as a worker, learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled Craftsmen in his trade before the expiry of the period of training. Save as provided in the Apprentices Act. 1961 provisions of any law with respect to Labour will not be applicable to him.
3. The apprentice shall attend practical (basic and shop-floor training and related instructions) classes regularly.
4. The apprentice shall appear for periodical tests that may be conducted by the employer or other authorities concerned by the National Council for Vocational Training for award of a certificate of proficiency in the trade.
5. In the event of premature termination of contract of apprenticeship for failure on the part of the apprentice to carry out the terms and conditions of contract, the surety or the guardian may be bound to pay the employer such amount as may be determined by the Central/State Apprenticeship Adviser as and towards the cost of training in accordance with rates as specified under rule 8 of the Apprenticeship rules,1992.
6. Except in case of extreme urgency the apprentice shall submit applications for all leave except medical leave to the appropriate authority and obtain sanction before the leave is taken.
7. The apprentice, his/her guardian (in case of minor) declares that no other contract of apprenticeship subsists already between him and any other employer (in respect of minor apprentice, by the guardian) and undertake that he shall not enter into any other contract of apprenticeship with any other employer (in respect of minor apprentice, by the guardian) before the expiry or termination of the contract of apprenticeship.
8. The apprentice or his/her guardian (in case of minor) shall not enter into any other contract of apprenticeship with any other employer in respect of the apprentices mentioned in the first recital before the expiry or termination of the contract of apprenticeship.
9. The first six months of the period of apprenticeship training shall be treated as period on probation. Either party may make as application to the Central/State Apprenticeship Adviser for the earlier termination of contract and when such an application is made the party making the application shall send by post a copy thereof to the other party to the contract. The Central/State Apprenticeship Adviser after considering the contents of the application and objectives, if any, filed by the other party, may terminate the contract, if he is satisfied that the parties to the contract, if any, of them have or has failed to carry out the terms and conditions of the contract and that it is desirable in the interests of the parties or any of them to terminate the same.

Provided that the amount as stated in paras I(6) and II(5) of this schedule shall become payable by one party to the other accordingly as the failure is on the part of the employer or the apprentice: Provided further that no compensation shall be payable by the employer to the guardian of the apprentice if the employer to the guardian of the apprentice if the employer makes an application to the Central State Apprenticeship Adviser during the period the apprentice is on probation for the termination of the contract on the ground that the apprentice on the trade in which he has been engaged and that his guardian has refused to allow him to undergo apprenticeship training in another designated trade for which he is found suitable by the employer and if the Central/State Apprenticeship Adviser, after considering the contents of the application of the employer and the objections, if any, filed by the other party is satisfied that it is desirable in the interests of the parties or any of them to terminate the contract.

1. [[1]](#endnote-0)[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”;]

1. Any disagreement or dispute between the employer and the guardian of the apprentice arising out of the contract shall be referred to the Central/State Apprenticeship Adviser, for decision and any person aggrieved by the decision of the Central State Apprenticeship Adviser, may within 30 days from the date of communication to him of such decision, prefer as appeal against the decision to the Central/State Apprenticeship Council and such appeal shall be heard and determined by the Committee of that Council appointed for the purpose. The decision of such Committee shall be final.

1. Subs. vide GSR No. 502(E) dated 18th June, 2015 [↑](#endnote-ref-0)