

## FAQs – Apprenticeship under the Apprentices Act, 1961

### Q1. 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 workplace.

### Q2. Is Apprenticeship Training mandated under the Act?

Yes –

- All establishments having work force (regular and contract employees) of **30 or more** are **mandated** to undertake Apprenticeship Programs in a range from **2.5% -15%** of its workforce (including direct contractual employees) every year.
- For establishments having a workforce **between 4 - 29** this **is optional**.
- Establishments have a workforce of **3 or less** are **not permitted** to engage apprentices.

### Q3. Which kinds of industry covered under this program/mandate?

All sectors including manufacturing and service.

### Q4. What is National Apprenticeship Promotion Scheme?

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

### Q5. 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= 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.

#### **Q6. What are the objectives of NAPS?**

- To promote apprenticeship training in the country.
- To provide financial support to establishments to undertake apprenticeship programs in the following ways –
  - i) To support establishments, (especially MSMEs) to engage apprentices under the Apprentices Act and pay stipend to them as per prescribed rates wherein 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, (especially MSMEs)-who do not have inhouse 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 program. Basic training cost up to a limit of Rs. 7500/- per apprentice for a maximum of 500 hours is reimbursed to them (to be calculated @ Rs. 15/hour) /or to the Basic Training Provider engaged by them under NAPS by the Government of India.

#### **Q7. Who implements the Apprenticeship Program (including NAPS)?**

The Apprenticeship Program 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 Corporation [NSDC] responsible for apprenticeship training under "Optional Trades". For more details regarding Trades & Courses please visit apprenticeship portal <http://apprenticeshipindia.org>

#### **Q8. What is Basic Training?**

Basic training consists of theoretical and practical/ lab instructions segment of every Apprenticeship Program syllabi related to a particular trade post which on-the-job-training is imparted to the apprentice. 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 fresher apprentices for acquiring a reasonable ability to handle Instruments/Machineries/Equipment independently prior to being moved to Shop Floor/Work Area for practical / On-Job training.

**Note:** The establishment needs to pay the apprentice 50% of the prescribed stipend during basic training.

**Q9. What is the duration of Apprenticeship Training? Who all are exempt from Basic Training component?**

Training against each category is as follows: -

| <b>Eligibility of Apprenticeship Training</b>                                | <b>Basic Training Exempted</b> |
|--|--------------------------------|
| 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 ITI  | Yes                            |
| v. Pursuing Graduation / Diplomas  | Yes                            |
| vi. Fresh Apprentices  | No                             |

**Note: Exemption** only for those opting for Apprenticeship in a **qualification-based course**, as per each course's curriculum.

**Q10. What is the duration of BT?**

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

**Q11. 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 Centers like Polytechnic, Universities, Engineering & Management Colleges having good ranking.
- vii) Training Centers empaneled under State Govts & other Government of India schemes

Going forward such centers will need to meet the standards specified for Training Centers under the BTP guidelines available under the 'Acts & Guidelines' section on the apprenticeship portal). The standards are mentioned in the template in the Annexure section of the guidelines (page no.3; point no.7).

**Q12. What is On-the-job-training (OJT)?**

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

**Q13. What are the kinds 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 Government are referred to as “Designated Trades” and
- **Optional Trades:** The other trades 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”.

**Q14. What is a Designated Trade?**

Designated Trades are those 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 Government as a Designated Trade. At present there are 261 such notified courses. Details are available on the apprenticeship portal <https://apprenticeshipindia.org/>

**Q15. 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 programs and become industry ready.

**Q16. What courses are readily available to run under the Apprenticeship program?**

As on 18<sup>th</sup> May 2020, there are 261 Designated Trades and 336 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/courses/type/designated>
- Optional Trades: <https://apprenticeshipindia.org/courses/type/optional>

Besides, there are 2000 plus NSQF aligned Qualification Packs, 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 Program under Optional Trade. The establishment can create a new course in their login id & submit the curriculum online at [www.apprenticeshipindia.org](http://www.apprenticeshipindia.org) . List of such courses can be accessed through the link “List

of Existing QPs” under approved courses on landing page of the apprenticeship portal.

**Q17. 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.

**Q18. 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 5<sup>th</sup> class pass (for Optional Trade), 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 2019** for more details – both can be found on the landing page of the apprenticeship portal - <https://apprenticeshipindia.org/>

**Q19. What is the procedure for registration of candidate on the apprenticeship portal? How can a candidate undergo apprenticeship training?**

- Candidate may access the apprenticeship portal and register him/ herself for an apprenticeship program in a sector/trade of his/her 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 online and send his/her acceptance
- Sign the contract of apprenticeship with the establishment & commence the apprenticeship program
- Candidate can go to “Get Started” option available on the portal and follow the instructional manual i.e. “Candidate User Manual”.

**Q20. 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>

**Q21. Is registration of contract of apprenticeship required?**

Online registration of contract of apprenticeship is **mandatory** for both Designated Trades & Optional Trades

**Q22. What is the procedure for online registration of contract of apprenticeship?**

- The establishment needs to register on the apprenticeship portal online; view the application of candidates online & notify apprenticeship opportunities online
- Candidate registers on the apprenticeship portal & applies for 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 online 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 online.
- In case of Designated Trades, this contract of apprenticeship is now reflected in the MIS account of approving authority and is registered/approved by him
- In case of Optional Trades, the apprenticeship contract will be uploaded on the portal site- <http://apprenticeshipindia.org>.
- Upon such registration/approval, the candidate gets the status of an apprentice.

**Q23. What categories of apprentice are covered under the Apprentice program?**

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

**Q24. 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 apprenticeship on the portal need to go through the basic training.

**Q25. 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 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).

**Q26. What are Short Term Training (STT) courses?**

STT courses are short term courses designed by National Council for Vocational Training (NCVT) under the scheme SDI – Skill Development Initiative or by NSDC or various State Governments & other Central Government agencies. Only those pass outs from 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.

**Q27. 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 MOUs with industries/employers where they want to send their trainees for on the job training.

**Q28. What are MES Courses?**

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

**Q29. What is the eligibility criteria for apprentices under the apprenticeship program?**

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 5<sup>th</sup> class pass
- Apprentice must be registered on the Apprenticeship portal.
- Apprentice must have an Aadhaar number / or a Unique Identification Number in the case of J & K and North-East candidates/apprentices.

**Q30. 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 30 or more are mandated to undertake Apprenticeship Programs in a range from 2.5% -15% of its workforce every year. For establishments having a workforce between 4 - 29 this is optional. Establishments having a workforce of 3 or less are not permitted to engage apprentices.

**Q31. 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 online for the apprenticeship program in case they opt for Optional Trades. In case they choose to operate Designated Trades, they would need to register on portal <http://www.apprenticeship.gov.in>

The two portals are to be 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.

The establishment/employer can go to the “Get Started” option available on the portal and follow “Establishment User Manual”.

**Q32. How many apprentices can be engaged by an industry/establishment?**

Establishment shall engage apprentices in a band of 2.5% to 15% of the total manpower strength of the establishment including contractual staff depending on their requirements. For instance, an establishment with total strength of 100 can engage a minimum of 3 apprentices and a maximum of 15 apprentices.

**Q33. What are the eligibility criteria for employers/ establishments to avail the benefits of NAPS?**

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 on the portal
- the Courses they operate under the apprenticeship program must be NSQF aligned.
- the assessments at the end of all such programs must be done jointly between the establishment and the NCVT (for Designated Trades) / the concerned Sector Skill council (in case of Optional trade).

**Q34. 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 online for engaging as apprentices
- Upon their acceptance of the offer, sign contract of apprenticeship with apprentice online
- Submit contract of apprenticeship on-line for approval/registration by respective Joint Apprenticeship Advisor/State Apprenticeship Adviser.



**Q35. What are other benefits for employers to engage apprentices under the Apprenticeship Training?**

Employers registered under the Apprentices Act, 1961 are exempted towards contribution of EPF and ESI for apprentices engaged by them. Financial support is available for them under NAPS as detailed in this document elsewhere in case they opt for NAPS & fulfill the conditions elaborated therein.

In addition, companies engaging apprentices can also undertake 'skill training' from their CSR funds over and above the requirement under the Apprentices Act.

**Q36. Who is Basic Training Provider?**

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

**Q37. 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 Centers like Polytechnic, Universities, Engineering & Management Colleges having good ranking.
- vii) Training Centers empaneled under State Govts & other Gol schemes

**Q38. How will the BTPs be selected for Optional Trades under Apprenticeship?**

BTPs will need to self-report requisite details of their organizations 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/> under the 'Get Started' section.

**Q39. What is the procedure for registration of BTP on the apprenticeship portal?**

- Please go to the 'Get Started' option available on the portal and follow the "BTP-TC User Manual".
- All centers registered as BTP under designated trade by the RDATs are deemed to be

approved as BTP for optional trade as well. Similarly, all NSTIs and ITIs (grading 2.5 or

above) will be deemed to be a BTP for optional trade for NCVT affiliated trades, subject to available spare capacity.

**Q40. What is the procedure for payment of reimbursement claims [stipend] to the employers?**

- I. Establishment pays a monthly stipend to each apprentice, in line with the provisions of the Apprentices rules. The establishment will be paying stipend to the apprentices each month, after adjusting unauthorized leaves.
- II. The establishment has two routes to stipend payment - 'Offline' or 'Online'. The offline method means that the establishment will use its own payment method and not the payment gateway available on the portal. Under the "online" option, the establishment gets the option to pay stipend through the apprenticeship portal by using the payment gateway. However, in both options payment of stipend has to go into the bank account of the apprentice.
- III. The stipend reimbursement amounts to 25% of prescribed stipend (refer Q.43) or to Rs.1500/month (per candidate) whichever is lower. The establishment is required to submit claim for stipend reimbursement at the end of each quarter. While establishments are required to pay stipend at prescribed rates on pro rata basis to those apprentices who drop-out during a quarter; reimbursements cannot be claimed for such apprentices.
- IV. If the establishment has chosen the 'offline' payment option (i.e. the establishment has paid stipend through their own payment method and not through the portal), they will have to submit certain documents (refer to SOP for NAPS Claims and reimbursement under "Notices and Advisories" on the portal). The claim will go through two levels of verification. The establishment will then be provided a random sample of candidates for whom they would need to produce a bank certificate, which will confirm stipend payment made to the apprentices. Once they successfully submit the bank certificate, the reimbursement amount will be sent to their bank account.
- V. In case the establishment had chosen the "online" stipend payment method (i.e. the establishment has paid stipend through their portal), they will not have to submit these support documents.
- VI. The establishments will be able to see the claim status by clicking on the link **(PFMS-know your payment)**
- VII. For more information refer to "Payment & Reimbursement User Manual" is available under "Get Started" on the landing page.

**Q41. 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.

**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 online to be conducted through the concerned SSC/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 will be generated electronically.

| <b>Area</b> | <b>Sub Area</b>               | <b>Agency</b>                |
|-------------|-------------------------------|------------------------------|
| Practical   | Practical Examination         | Employer (on the shop floor) |
| Theory      | Theory - (Online Examination) | Sector Skill Council (SSC)   |

**Q42. What are the key amendments made in the Apprentices Act, 1961 (amended in the year 2015) & Apprenticeship Rules, 1992 (amended in the year 2019)?**

The key amendments in Apprentices Act 1961 (amended in year 2014 & 2015) are as below:

- (i) 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.
- (ii) 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
- (iii) The scope has been extended to include non-engineering pass-outs. Outsourcing of basic training component of the Apprenticeship program (which can be about 20-25% of the entire duration of the program) has been permitted to an institute of the employer’s choice.
- (iv) Penalty in the form of fine has been provided for noncompliance of provisions of the Act- the provision for imprisonment has been removed
- (v) 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 online.
- (vi) Duration of Apprenticeship (including basic training) is between 6-24 months for Optional Trade and 6-36 months for Designated Trade at the discretion of an establishment.

Further, a few amendments were made in the Apprenticeship Rules 1992 on 25<sup>th</sup> September 2019. These are as below:

- (i) Band for apprenticeship engagement revised to 2.5%-15%. Additionally, 5% reserved for Fresher apprentices.
- (ii) The duration of apprenticeship training, including basic training, for optional trade brought at par with Designated Trades i.e., between 6-36 months at the discretion of an establishment.
- (iii) Establishments having a strength of 4-29 workers/employees permitted to engage apprentices (earlier this was permissible for only establishments with workforce between 6-39). It has been made mandatory for establishments having 30 or more workforce to engage apprentices (earlier this was mandatory for establishments with workforce of 40 or more).

- (iv) The minimum rate of stipend payable to apprentices per month has been delinked from minimum wages schedule and fixed based on educational qualification of the apprentice (Refer Q.43).

**Q43. What is the minimum stipend to be paid to an apprentice?**

As per the Apprenticeship Rules (amended 2019), the stipend to be paid to an apprentice is as below: -

| Serial number | Category  | Prescribed minimum amount of stipend (Rs.) |
|---------------|---|--|
| (1)           | (2)   | (3)  |
| (i)           | School pass-outs (class 5 <sup>th</sup> - class 9 <sup>th</sup> )   | 5000 per month                             |
| (ii)          | School pass-outs (class 10 <sup>th</sup> )  | 6000 per month                             |
| (iii)         | School pass-outs (class 12 <sup>th</sup> )  | 7000 per month                             |
| (iv)          | National or State Certificate holder  | 7000 per month                             |
| (v)           | Technician (vocational) apprentice or Vocational Certificate holder or Sandwich Course (Students from Diploma Institutions) | 7000 per month                             |
| (vi)          | Technician apprentices or diploma holder in any stream or sandwich course (students from degree institutions)               | 8000 per month                             |
| (vii)         | Graduate apprentices or degree apprentices or degree in any stream  | 9000 per month                             |

(1A) In the case of Skill Certificate Holder, stipend payable per month shall be as per his/her educational qualification as mentioned in the table above.

(1AA) During the second year of apprenticeship training, there shall be an increase of 10 per cent. in the prescribed minimum stipend amount and further 15 per cent increase in the prescribed minimum stipend amount during the third year of apprenticeship training.

(1AAA) In the case of National or State Certificate holder, the period of training already undergone by him or her in a school or other institution recognized by the National Council or State Council, shall be taken into account for the purpose of determining the minimum payable rate of stipend.

(1AAAA) In the case of Fresher apprentice, during Basic Training for a period up to three months, the stipend amount to be paid by the establishment shall be 50 Per cent. of the prescribed stipend. Further, in case of simultaneous Basic Training (BT) and On-the-Job Training, full amount of the stipend is to be paid.

#### **Q44. 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.

#### **Q45. 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.

#### **Q46. 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.

#### **Q47. How the Apprenticeship Curriculum is approved and uploaded under Optional Trades?**

The following table explains the approval process of Apprenticeship curriculum under Optional trade: -

| 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 not NSQF aligned | NAPS benefit to avail | Option 1:<br>Create Apprenticeship embedded curriculum, submit to NSDC<br><br>Option 2:<br>Get QP aligned to NSQF first and then create Apprenticeship curriculum and submit to NSC | Option 1:<br>Place in Technical Approval Committee of NSDC and then NSQC of NSDA for NSQF alignment<br><br>Option 2:<br>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   |

**Q48. 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.



**Q49. 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 minimum requirement under the Apprentices Act.

For more details, please refer to the CSR notification- [https://naps-cdn.s3.ap-south-1.amazonaws.com/CSR\\_funds\\_utilization\\_under\\_Apprenticeship\\_Act.pdf](https://naps-cdn.s3.ap-south-1.amazonaws.com/CSR_funds_utilization_under_Apprenticeship_Act.pdf)

**Q50. 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 sections 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 establishment .... Or*
- *whose services are temporarily lent or let on hire to the principal employer ...*
- **[and includes any person employed for wages on any work ....or any person engaged as apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961).**

**Q51. Are apprentices allowed to be engaged in night shift?**

Rule 12 C sub rule (2) of Apprenticeship (amendment) Rule 2019 which regulates

**Apprenticeship Optional Trades provides as under:**

An establishment can engage apprentices of age 18 and above in normal working hours of the establishment (including night shifts). Apprentices under the age of 18 shall be engaged in such training between the hours of 8.00 am and 6.00 pm. Any relaxation in the same shall be approved by the Apprenticeship Adviser, on case to case basis.

**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) An establishment can engage apprentices of age eighteen and above in normal working hours of the establishment. Apprentices under the age of eighteen shall be engaged in such training between the hours of 8.00 am and 6.00 pm. Any relaxation in the same shall be approved by the Apprenticeship Adviser, on case to case basis (as per Apprenticeship (amended) Rules, 2019).*

*(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.*

**Q52. 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) 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 regarding engaging apprentices by establishment**

**Clause 7B of Apprenticeship Rules 1992 (amended in 2015 & 2019): Number of apprentices**

**for designated and optional trade reads as: -**

*(1) The employers having four or more workers shall only be eligible to engage apprentices and engagement of apprentices by establishment having number of workers not exceeding thirty shall not be obligatory.*

*(2) The strength of workers shall be calculated on the basis of average strength in the preceding 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*

*As per Apprenticeship (amended) Rules, 2019*

*In the principal rules, in rule 7B,- (i) for sub-rule (1), the following sub-rule shall be substituted, namely:-*

*“(1) The employers having four or more workers shall only be eligible to engage apprentices and engagement of apprentices by establishment having thirty or more number of workers shall be obligatory.”; (ii) for sub-rule (3) and (4), the following sub-rules shall respectively be substituted, namely:-*

*“(3) Within a financial year, each establishment shall engage apprentices in a band of 2.5 per cent. to 15 per cent. of the total strength of the establishment including contractual staff, subject to a minimum of 5 per cent. of the total to be reserved for fresher apprentices and skill certificate holder apprentices.*

*“(4) In no month, number of apprentices should be less than 2 per cent. of the total strength of the establishment and more than 18 per cent. of the total strength of the establishment subject to the condition that he shall fulfill apprentice months corresponding to minimum 2.5 per cent. obligation in a financial year.’*

Further Ministry of Skill Development & Entrepreneurship has vide letter no MSDE-1(1)/2018-AP(PMU) dated 2<sup>nd</sup> 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 15<sup>th</sup> of April, 15<sup>th</sup> of July, 15<sup>th</sup> of October and 15<sup>th</sup> January.

### **Q53. Whether Apprentices are covered under Workmen's Compensation Act, 1923 or not?**

On perusal of the Apprenticeship Act and Rules – there are specific provisions namely section 16 of the Act and Sch. 5 (I)(7) of the Rules (reproduced below) which clearly state that if personal injury is caused to an apprentice, by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid,

so far as may be, in accordance with the provisions of the Workmen's Compensation Act, 1923.

**Section 16 of Apprenticeship Act / Employer's liability for compensation for injury** - If personal injury is caused to an apprentice, by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid, so far as may be, in accordance with the provisions of the Workmen's Compensation Act, 1923, subject to the modifications specified in the Schedule\*.

**Schedule 5 (I)(7) of Apprenticeship Rules 1992** – 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.

\*MODIFICATIONS IN THE WORKMEN'S COMPENSATION ACT, 1923, IN ITS APPLICATION TO APPRENTICES UNDER THE APPRENTICES ACT, 1961

In Section 2-

- (a) Section 2(e) - '**employer**' means as employer as defined in the Apprentices Act, 1962, who has engaged one or more apprentices,"
- (b) Section 2(n) - '**workman**' means any persons who is engaged as an apprentice as defined in the Apprentices Act, 1961, and who in the course of his apprenticeship training is employed in any such capacity as is specified in Schedule II"

Thus, basis the modifications in the Schedule, workmen compensation Act is applicable in case of an Establishment-Apprentice relationship. However, please also note that the workman's compensation act is applicable to "workmen as specified in Schedule II of the Workmen's Compensation Act, 1923, and primarily covers workmen employed in factories, mines, plantations, mechanically propelled vehicles, construction works, and certain other hazardous occupations in any capacity as is specified in Schedule II of the Workmen's Compensation Act, 1923

Thus, while workman's compensation act may not be applicable to services sector per se, it must be examined in the light of schedule II of the Act, to see if the industry/ sector is covered. A simple rule of thumb would be that if workman's compensation act applied to the employees of that company, it would apply to the apprentice too. Please also note that insurance for workman's compensation also exists at nominal premiums and it is recommended that insurance be taken by industries to which the Act applies.

## **Powers delegated to a Joint Apprenticeship Advisor (JAA)**

### **Joint Apprenticeship Advisor**

#### **1. Appointment:**

As per section 27 of the Apprenticeship Act ("Act") the Government may appoint suitable persons as Joint Apprenticeship Advisor ("JAA") to assist the Apprenticeship Advisor in performance of his/her function.

#### **2. Functions that may be performed by the Joint Apprenticeship Advisor**

The JAA primarily performs such functions as assigned to him by the Apprenticeship Advisor (s.27(2)) of the Act.

The Act and the Rules under the Act specifically mention certain tasks/powers of the JAA, that may be carried out by the JAA- **when authorized by the Apprenticeship Advisor to do so.** Please see some tasks/powers below:

- a. Enter, inspect and examine any establishment or part thereof for a reasonable time (S.29(2)(a))
- b. Examine any apprentice employed therein, and require any registrar, record, document maintained in pursuance of the Act, to be produced, record statement of any persons therein, as required for the purposes of the Act (S.29(2)(b))
- c. Make an examination or inquiry to ascertain if provisions of the Act and Rules framed thereunder are followed. (S.29(2)(c))
- d. Have reasonable facilities for access to apprentices who are undergoing practical training to test their work and ensure practical training is being imparted in accordance with the approved program (S.9(2))
- e. Specify the period for which an employer may release an apprentice to receive related instruction in specific institution. The Section also mentions that to do so the Assistant Advisor will need to be specifically authorized in writing (s.10(5))

### **3. Duties of the Apprenticeship Advisor**

Please also see below some of the powers, responsibilities and functions of the Apprenticeship Advisor. The Apprenticeship Advisor may need the assistance of the JAA in carrying out any of the duties below:

- a. Communicate any objection to the Apprenticeship Contract to the employer within 15 days of its receipt (S.4(4A)) and register the contract of apprenticeship within 30 days of its receipt (S.4(4B))
- b. Approve any novation of the contract of apprenticeship with employer (S.5)
- c. Approve termination of contract of Apprenticeship, and decision on consequences resulting from the same (S. 7)
- d. Granting approval for overtime work (s.15)
- e. Settle disputes arising between employer and apprentice out of the Apprenticeship Contract (s. 20)
- f. Ensuring remuneration paid to apprentice is reasonable (s. 22)

### **Q. 54 Can an Establishment pay more than the stipend amount to the apprentices**

As per Apprenticeship Rules 1992 (amended upto 2019) minimum rate of stipend has been fixed as per educational/ technical qualification. Employers are free to pay higher rates of stipend. The reimbursement under NAPS would however be limited to the 25% of the prescribed stipend amount (as per Apprenticeship Rules amended on 2019) or Rs 1500/- whichever is minimum, per month per trainee.

### **Q 55. Can an Establishment pay ESI/PF to apprentices under Apprentices Act, 1961?**

1. Apprenticeship training is covered under the "Apprentices Act, 1961"(last amended in 2014) and Apprenticeship Rules (last amended upto 2019) and as per this Act, all the establishments having work force of 30 or more (including contract employees) are mandated to engage apprentices in a range from 2.5% -15% of their total workforce, every year.

2. As per section 18 of the Apprentices Act,1961, every apprentice undergoing apprenticeship training in designated/optional trade in an establishment shall be trainee and not a worker, and the provision of any law with respect to labour shall not apply to or in relation to such apprentice.

3. Besides the provision of "Provident Fund and Miscellaneous Provision Act, 1952" and "State Insurance Act", 1948 also clarifies apprentices appointed under Apprentices Act 1961 are not workers as under:

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



**stipulates as under:-**

- “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), ....

**Section 2(9) in The Employees' State Insurance Act, 1948 stipulates as under:-**

- “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 establishment or
- Whose services are temporarily lent or let on hire to the principal employer ...
- Includes any person employed for wages on any work .... or any person engaged as apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961),

4. The “Apprentices Act 1961 (amended upto 2014) do not prohibit any employers to pay PF benefit to apprentices, they are free to pay if “Provident Fund and Miscellaneous Provision Act, 1952” permit so.

5. in this context, the clarification given by ESIC website (<https://www.esic.nic.in/attachments/files/faq.pdf>) is as under:

**5.1 The Persons who are not be counted for coverage of a factory under ESIC Act, 1948**

- A proprietor or a partner whether drawing salary or not
- A contractor lending the services of his employees;
- **An apprentice engaged under the Apprentices Act, 1961;**
- Persons employed on contract for service, e.g. legal, technical, tax consultants etc;

**5.2 The persons to be covered as “Employees” under ESIC Act, 1948?**

- Under Section 2(9) Any person employed for wages in or in connection with the work of a covered factory or establishment, and
- Directly employed by the Principal employer, on any work of the Factory or establishment within the premises or elsewhere, or in any part, department or branch dealing with administration, purchase of raw materials, sale or distribution of the products of the factory or establishment.
- Employees of the immediate employer
- Employed in the premises on any work of the factory or establishment;
- Employed outside the premises on any work of the factory or establishment under the supervision of the Principal employer or his agent;
- Employees lent or let on hire to the principal employer on any work of the factory, or employees/ professional on contract of service.
- Paid Directors of a company.
- Exclusions: (1) **An Apprentice engaged under the Apprentices Act 1961** and (2) An employee drawing wages above the ceiling for coverage prescribed by the Central Government. Employees/ Professionals rendering services for contract for service.

**6. As per the above, the apprentices can not be covered for benefits under the ESIC Act. Therefore, an establishment needs to explore other available govt/non govt. health insurance and pension schemes to ensure the health cover for apprentices which is the responsibility of the establishment under the Apprenticeship Act/Rules.**

7. In case an establishment opts to register an apprentice under the EPF, they need to ensure the following:

- That the net stipend disbursed to the apprentice after adjusting the deduction made on account of EPF contribution should not be less than the prescribed amount and
- The EPF account w.r.t an apprentice is newly opened. This is to ensure that an establishment is not engaging a person as an apprentice who has formally been a worker in any establishment.

8. Alternatively an establishment may explore other available govt/non govt. workmen's compensation insurance schemes to ensure the safety cover for apprentices which is the responsibility of the establishment under the Apprenticeship Act/Rules.

**Q 56. For skill certified candidates, whether education qualification of apprentices will be considered or the education qualification stipulated in the curriculum will be considered for payment of minimum stipend amount ?**

In the principal rules of Apprenticeship Rules, 2019 in rule 11,-

(i) for sub-rule (1), the following sub-rules shall be substituted, namely:-

“(1) The minimum rate of stipend payable to apprentices per month shall be as per the qualifications stipulated in the curriculum. The minimum rate of stipend payable to apprentices per month shall be follows, namely:-

| SI no | Category  | Prescribed minimum amount of stipend |
|-------|---|--------------------------------------|
| (1)   | (2)   | (3)                                  |
| (i)   | School pass-outs (Class 5 <sup>th</sup> – Class 9 <sup>th</sup> )   | ₹5,000/- per month                   |
| (ii)  | School pass-outs (Class 10 <sup>th</sup> )  | ₹6,000/- per month                   |
| (iii) | School pass-outs (Class 12 <sup>th</sup> )  | ₹7,000/- per month                   |
| (iv)  | National or State Certificate holder  | ₹7,000/- per month                   |
| (v)   | Technician (vocational) apprentice or Vocational Certificate holder or Sandwich Course (Students from Diploma Institutions) | ₹7,000/- per month                   |
| (vi)  | Technician apprentices or diploma holder in any stream or sandwich course (students from degree institutions)               | ₹8,000/- per month                   |
| (vii) | Graduate Apprentices / Degree Apprentices / Degree in any stream  | ₹9,000/- per month                   |

In view of the above, it is clarified that

**“The minimum rate of stipend payable to the skill certified apprentices per month shall be the education qualification stipulated in the curriculum”**

**Q 57. Can a staffing/manpower outsourcing company place its apprentices on the shop floor of other establishment(s)?**

The MSDE has clarified on this issue as under:-

Industry/an establishment falling under the ambit of the Apprenticeship Act/Rules can engage apprentices upto 15% of its staff strength & deploy on its shop floor/office premises.

Similarly staffing companies/Third party contractor falling under the ambit of the Apprenticeship Act/Rules can engage apprentices upto 15% of its staff strength & deploy on its shop floor/office premises or on the shop floor/office premises of any other establishment/s.

However as per the provision of Apprentices Act 1961 ( amended upto 2014) Apprenticeship Rules 1992( amended upto 2019) the number of apprentices on the shop floor/office premises of an establishment at any given point of time should not exceed 18% of total manpower of the establishment concerned.

Hence staffing companies/ Third party contractor are permitted to deploy its apprentices on the shop floor /office premises of any other establishment/s, provided such establishment/s concerned do not have more than 18% apprentices on its shop floor/office premises from either of the two sources at any given point of time.

Establishments are advised to keep proper records of apprentices on its shop floor/office premises at all points of time whether engaged by it or by staffing companies/ Third party contractor.