



NATIONAL EMPLOYMENT SERVICE MANUAL

◆ VOLUME- III ◆

{ Appendixes- Copies of Act(s) & Rules }



**Government of India
Ministry of Labour & Employment
Directorate General of Employment & Training
New Delhi**

NESM

VOLUME-III

LIST OF APPENDICES

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**EMPLOYMENT EXCHANGES (COMPULSORY
NOTIFICATION OF VACANCIES) ACT, 1959.**

[Act 31 of 1959 as amended upto Act 4 of 1986]

{ 2nd September, 1959 }

1. **Short title, extent and commencement.**— (1) This Act may be called the Employment Exchanges (Compulsory Notification of Vacancies) Act,1959.
- (2) It extends to the whole of India [***]
- (3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States or for different areas of a State.

2. **Definitions.** – In this Act, unless the context otherwise requires--

(a) “ appropriate Government” means –

(1) in relation to –

(a) any establishment of any railway, major port, mine or oil-field, or

(b) any establishment owned, controlled or managed by –

(i) the Central Government or a department of the Central Government,

(ii) a company in which not less than fifty one percent of the share capital is held by the Central Government or partly by the Central Government and partly by one or more State Governments,

(iii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government,

the Central Government;

(2) in relation to any other establishment, the Government of the State in which that other establishment is situated;

(b) ‘employee’ means any person who is employed in an establishment to do any work for remuneration;

(c) “ employer” means any person who employs one or more other person to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

***1 Omitted by Act 51 of 1970

(d) “employment exchange” means any office or place established and maintained by the Government for the collection and furnishing of information, either by the keeping of registers or otherwise, respecting---

- (i) persons who seek to engage employees.**
- (ii) persons who seek employment, and**
- (iii) vacancies to which persons seeking employment, may be appointed ;**

(e) “establishment” means—

- (a) any office, or**
- (b) any place where any industry, trade, business or occupation is carried on;**

(f) “ establishment in public sector” means an establishment owned, controlled or managed by ---

- (1) the Government or a department of the Government**
- (2) a Government company as defined in Section 617 of the Companies Act,1956 (1 of 1956) ;**
- (3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;**
- (4) a local authority;**

(g) “ establishment in private sector” means an establishment which is not an establishment in public sector and where ordinarily twenty-five or more persons are employed to work for remuneration;

(h) “ prescribed” means prescribed by rules made under this Act;

(i) “unskilled office work” means work done in an establishment by any of the following categories of employees namely---

- (1) Daftri;**
- (2) Jamadar, orderly and peon;**
- (3) Dusting man or farash;**
- (4) Bundle or record lifter;**
- (5) Process server;**
- (6) Watchman;**
- (7) Sweeper;**
- (8) Any other employee doing any routine or unskilled work which the Central Government may, by notification in the Official Gazette, declare to be unskilled office work.**

3. Act not to apply in relation to certain vacancies.—(1) This act shall not apply in relation to vacancies, --

- (a) in any employment in agriculture (including horticulture) in any establishment in private sector other than employment as agricultural or farm machinery operatives;**
- (b) in any employment in domestic service;**
- (c) in any employment the total duration of which is less than three months;**
- (d) in any employment to do unskilled office work;**
- (e) in any employment connected with the staff of Parliament.**

(3) Unless the Central Government otherwise directs by notification in Official Gazette in this behalf, this Act shall not apply in relation to :

- (a) vacancies which are proposed to be filled through promotion or by absorption of surplus staff of any branch or department of the same establishment or on the result of any examination conducted or interview held by, or on the recommendation of, any independent agency, such as the Union or a State Public Service Commission and the like;**
- (b) vacancies in an employment which carries a remuneration of less than sixty rupees in a month.**

(4) Notification of vacancies to employment exchanges.---

- (1) After the commencement of this Act in any state or area thereof, the employer in every establishment in public sector in that state or area shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed.**
- (2) The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition.**
- (3) The manner in which the vacancies referred to sub-section (1) or sub-section (2) shall be notified to the employment exchanges and the particulars of employment in which such vacancies have occurred or are about to occur shall be such as may be prescribed.**
- (4) Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-section.**

5. Employers to furnish information and returns in prescribed form.---

- (1) After the commencement of this Act in any State or area thereof, the employers in every establishment in public sector in that State or area shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment, to such employment exchanges as may be prescribed.**
- (2) The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition.**
- (3) The form in which, and the intervals of time at which, such information or return shall be furnished and the particulars which they shall contain shall be such as may be prescribed.**

6. Right of access to records or documents.---

Such Officer of Government as may be prescribed in this behalf, or any person authorised by him in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns under Section 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under that section.

7. Penalties.--

- (1) If any employer fails to notify to the employment exchanges prescribed for the purpose any vacancy in contravention of sub-section (1) or sub-section (2) of section 4, he shall be punishable for the first offence with fine which may extend to five hundred rupees and for every subsequent offence with fine which may extend to one thousand rupees.**
- (2) If any person –**
 - (a) required to furnish any information or return-**
 - (i) refuses or neglects to furnish such information or returns, or**
 - (ii) furnishes or causes to be furnished any information or return which he knows to be false, or**
 - (iii) refuses to answer, or gives a false answer to, any question necessary for obtaining any information required to be furnished under Section 5, or**

(b) impedes the right of access to relevant records or documents or the right of entry conferred by Section 6, he shall be punishable for the first offence with fine which may extend to two hundred and fifty rupees and for every subsequent offence with fine which may extend to five hundred rupees.

8. Cognizance of offences-

No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, such officer of Government as may be prescribed in this behalf or any person authorised by that officer in writing.

9. Protection of action taken in good faith.-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10. Power to make rules.-

- (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-
 - (a) the employment exchange or exchanges to which, the form and manner in which, and the time within which, vacancies shall be notified, and the particulars of employments in which such vacancies have occurred or are about to occur;
 - (b) the form and manner in which and the intervals at which, information and returns required under Section 5 shall be furnished, and the particulars which they shall contain;
 - (c) the officers by whom and the manner in which the right of access to documents and the right of entry conferred by Section 6 may be exercised;
 - (d) any other matter which is to be, or may be, prescribed under this Act.

[(3)] Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be;

so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**Substituted by Act 4 of 1986 with effect from 15/5/86.
(Act. 4 : Delegated Legislation Provisions (Amendment) Act , 1985.**

EMPLOYMENT EXCHANGES (COMPULSORY NOTIFICATION OF VACANCIES) RULES 1960

***DIRECTORATE GENERAL OF RESETTLEMENT AND EMPLOYMENT NOTIFICATION
NO. G.S.R. 477, DATED THE 26TH APRIL, 1960.***

In exercise of powers conferred by Section 10 of the Employment Exchanges (Compulsory Notification of Vacancies) Act. 1959 (31 of 1959), the Central Government hereby makes the following Rules, the same having been previously published as required by Sub-section (1) of the said section, namely:

1. **Short title and commencement.-** (1) These rules may be called the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960.
(2) They shall come into force on 1st day of May, 1960.
2. **Definitions.-** In these Rules, unless the context otherwise requires,-
 - (1) “**Act.**” means the Employment Exchanges (Compulsory Notification of Vacancies) Act. 1959 (31 of 1959);
 - (2) “**Central Employment Exchange**” means any Employment Exchange established by the Government of India, Ministry of Labour and Employment;
 - (3) “**Director**” means the Officer-in-charge of the Directorate administering Employment Exchanges in a State or a Union Territory;
 - (4) “**Form**” means a form appended to these Rules;
 - (5) “**Local Employment Exchange**” means –
 - (a) in the whole of India except the Union Territory of Chandigarh that Employment Exchange (other than the Central Employment Exchange) notified in the official Gazette by the State Government or the Administration of the Union Territory as having jurisdiction over the area in which the establishments concerned are situated or over specified classes or categories of establishments concerned or vacancies; and
 - (b) in the Union Territory of Chandigarh that Employment Exchange established either by the Union Territory Administration of Chandigarh or by the State Government of Punjab or Haryana notified in that State’s respective Official Gazette as having jurisdiction over specified classes or categories of establishments or vacancies, provided that the employment exchanges established by the State Government of Punjab or Haryana shall not have jurisdiction over—
 - (i) The Public Sector offices/establishments other than those belonging to the respective States: and
 - (ii) Private Sector establishments.
6. “**Section**” means a Section of the Act.
3. **Employment Exchanges to which vacancies are to be notified –** (1) The following vacancies, namely-

- (a) vacancies in posts of Technical and Scientific nature carrying a basic pay of Rs. 1400/- or more per month occurring in establishments in respect of which the Central Government is the appropriate Government under the Act., and
(b) vacancies which an employer may desire to be circulated to the Employment Exchanges outside the State or Union Territory in which the establishment is situated.

shall be notified to such Central Employment Exchange as may be specified by the Central Government by notification in the Official Gazette, in this behalf.

- (2) Vacancies other than those specified in sub-rule (1) shall be notified to the local Employment Exchange concerned.

4. **Form and manner of notification of vacancies-** (1) The vacancies shall be notified in writing to the appropriate Employment Exchange on the following format, furnishing as many details as practicable, separately in respect of each type of vacancy:-

Requisition form to be used when calling for applicants from Employment Exchanges.

(Separate form to be used for each type of posts)

1. Name, address and Telephone No. _____
(if any) of the employer.
2. Name, designation and Telephone No. _____
(if any) of the indenting Officer.
3. Nature of vacancy:
 - (a) Designation of the post(s) to be filled _____
 - (b) Description of duties _____
 - (c) Qualifications required: _____

* For Priority
categories (Applicable
for Central Government
post only)

For others

- | | | |
|---------------------------------|-------|-------|
| (i) Essential | _____ | _____ |
| (ii) Desirable | _____ | _____ |
| (d) Age Limits, if any | _____ | |
| (e) Whether women are eligible. | _____ | |

4. Number of posts to be filled duration wise _____ Number of posts

Duration

- | | |
|---------------|-------|
| (a) Permanent | _____ |
| (b) Temporary | _____ |

(i)	less than 3 months	_____
(ii)	Between 3 months and one year	_____
(iii)	Likely to be continued beyond one year	_____

5. Whether there is any obligation for arrangement for giving preference to any category of persons such as Scheduled caste, Scheduled Tribe, Ex-serviceman and Physically Handicapped persons in filling up the vacancies and, if so, the number of vacancies to be filled by such categories of persons:-

Categories	Number of vacancies to be filled	
	Total	*By Priority candidates (Applicable for Central Government posts only)
(a) Scheduled Caste	_____	_____
(b) Scheduled Tribe	_____	_____
(c) Ex-Serviceman	_____	_____
(d) Physically Handicapped	_____	_____
(e) Others	_____	_____

6. Pay and Allowances _____

7. Place of work (Name of the town/village and district in which it is situated,) _____

8. Probable date by which the vacancy will be filled. _____

9. Particulars regarding interview/test of applicants:

(a) Date of interview/test _____

(b) Time of interview/test _____

(c) Place of interview/test _____

(d) Name, designation, address and Telephone No. (if any) of the Officer to whom applicants should report. _____

10. Any other relevant information. _____

Certified that while placing this demand, the instructions connected with the orders on communal representation in the services have been strictly followed with due regard to the roster maintained in accordance with these orders (to be given only by all the Central Government Offices/establishments/undertakings etc. on whom reservation orders are applicable).

Date:

Signature of the Head of Office

*[Delete if not applicable.]

(2) The vacancies shall be renotified in writing to the appropriate Employment Exchange if there is any change in the particulars already furnished to the Employment Exchange under sub-rule(1)]

5. **Time limit in the notification of vacancies :-**

(1) Vacancies, required to be notified to the Local Employment Exchange, shall be notified at least 15 days before the date on which applicants will be interviewed or tested where interviews or tests are held or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(2) Vacancies required to be notified to the Central Employment Exchange shall be notified giving at least 60 days time to the Central Employment Exchange from the date of receipt of the notification to the date of despatch of particulars or applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies notified.]

(3) An employer shall furnish to the concerned Employment Exchange, the results of selection with in 15 days from the date of selection.

6. **Submission of returns:-** An employer shall furnish to the local Employment Exchange quarterly returns in form ER-I and biennial returns in form ER-II Quarterly returns shall be furnished within 30 days of the due dates, namely, 31st March, 30th June, 30th September and 31st December, biennial returns shall be furnished within 30 days of the due date as notified in the Official Gazette.

7. **Officer for purposes of Section 6 :-** The Director is hereby prescribed as the officer who shall exercise the rights referred to in Section 6, or authorise any person in writing to exercise those rights.

8. **Prosecution under the Act :-** The Director of Employment of the State in which the establishment is located is hereby prescribed as the officer who may institute or sanction the institution of prosecution for an offence under the Act or authorise any person in writing to institute or sanction the institution of such prosecution.

FORM ER-I

Quarterly return to be submitted to the local Employment Exchange for the
quarter ended

The following information is required under the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960 to assist in evaluating trends in employment and for action to correct imbalances between labour supply and demand.

Name and address of the employer

Head Office

Whether }

Branch Office

Nature of business/principal activity

1. (a) Employment

Total number of persons including working proprietors/partners/commission agents/contingent paid and contractual workers on the pay rolls of the establishment excluding part-time workers and apprentices (The figures should include every person whose wage or salary is paid by the establishment).

	On the last working day of the previous quarter	On the last working day of the quarter under report
Men		
Women		
Total		

- (c) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5 per cent during the quarter.....

Note :- Establishments are reminded of their obligation under the Employment Exchanges (Compulsory Notification of Vacancies) Act for notifying to Employment Exchanges details of vacancies specified under the Act, before they are filled.

2. **Vacancies** : Vacancies carrying total emoluments of Rs. 60 or over per month and of over 3 month's duration.

- 2(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter.....

Number of vacancies which come within the purview of the Act				
Occurred	Notified		Filled	Source (describe the source from which filled)
	Local Employment Exchange	Central Employment Exchange		
1	2	3	4	5

- 2(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a) above...

3. **Manpower shortages**

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the posts	Number of unfilled vacancies/posts		
	essential qualif- ications prescribed	essential experience	experience not necessary
1	2	3	4

Please list any other occupations for which this establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

To

The Employment Exchange,

Note:- This return shall relate to quarter ending 31st March/30th June/30th September and 31st December and shall be rendered to the local Employment Exchange within 30 days after the end of the quarter concerned.

FORM ER-II

Occupational return to be submitted to the local Employment Exchange once in two years (on a date to be specified by notification in the Official Gazette)

{Vide the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960}

Name and address of the employer

Nature of business

(Please describe what the establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the establishment on (specified date).....
(This figure should include every person whose wage or salary is paid by the establishment.)
2. Occupational classification of all employees as given in Item I above. (Please give below the number of employees in each occupation separately.)

Occupation	Number of employees			
	Men	Women	Total	
Use exact terms such as engineer (Mechanical); teacher (domestic Science); Officer on Special Duty (Actuary); Assistant Director (Metallurgist); Scientific Assistant(Chemist) ; Research Officer(Economist);Instructor (Carpentry); Supervisor(Tailor); Fitter (Internal combustion engine) Inspector(Sanitary); Superintendent(Office) Apprentice (Electrician)				Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to Retirement, expansion or Re-organisation.
1	2	3	4	5
.....				
.....				
Total				

Dated

Signature of employer

To

The Employment Exchange
(Please fill in here the address of your local Employment Exchange)

Note:- Total of Column (4) under item 2 should correspond to the figure against item 1.

1. Subs. By G.S.R. 450 dt March 7, 1963.
- 2 Subs. by G.S.R 548 dt. 16.3.1968
- 3 Subs. by G.S.R.1718 dt. 18.11.1976 (1976 CCL-III)
- 4 Subs. By GSR No.236 dated 06.05.1'982
- 5 Subs. by G.S.R. 133 dt. 3.1.1985 (w.e.f. 2.2.1985)
- 6 Subs. by G.S.R 634 dt. 27.7.1987 (1987 CCL-III-780)

Apprentices Act, 1961

[Act No. 52 of 1961¹ as amended by Acts 52 of 1964², 25 of 1968³,
27 of 1973⁴, 41 of 1986⁵ and 4 of 1997⁶]

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CHAPTER II - Apprentices and their Training

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- 3-A. Reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades.
4. Contract of apprenticeship
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7. Termination of apprenticeship contract
8. Number of apprentices for a designated trade
9. Practical and basic training of apprentices
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11. Obligations of employers

-
1. The Act came into force on March 1, 1962 vide GSR 246, dated Feb. 12, 1962
 2. Published in Gazette of India, Pt. II, S.1, dated December 30, 1964.
 3. Published in Gazette of India, Pt. II, S.1, dated May 24, 1968 and came into force on August 15, 1968.
 4. Act 27 of 1973 came into force w.e.f. December 1, 1974 vide GSR 1293, dated November 1974
 5. Act 41 of 1986 came into force w.e.f. December 16, 1987 vide GSR 974(E), dated December 10, 1987

6. Act 4 of 1997 came into force w.e.f. January 8, 1997.
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37. Power to make rule
38. (Repealed)

THE SCHEDULE

*An Act to provide for the regulation and control of training of apprentices and for
[* * *] matters connected therewith.*

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:

Prefatory Note – The Act was introduced in the form of a bill on August 19, 1961. For Statement of Objects and Reasons, see Gazette of India, Extra., Part II, Section 2, dated August 19, 1961.

7. Omitted by Act 27 of 1973.

CHAPTER - I

PRELIMINARY

1. Short title, extent, commencement and application –

- (1) This Act may be called the Apprentices Act, 1961.
- (2) It extends to the whole of India. [* * *]⁸
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States.
- (4) The provisions of this Act shall not apply to –
 - (a) any area or to any industry in any area unless the Central Government by notification in the Official Gazette specifies that area or industry as an area or industry to which the said provisions shall apply with effect from such date as may be mentioned in the notification:
 - (b) ⁹[* * *]
 - (c) ¹⁰[any such special apprenticeship scheme for imparting training to apprentices as any be notified by the Central Government in the Official Gazette].

2. Definition -

In this Act, unless the context otherwise requires,-

¹¹[(a) "All India Council" means the All India Council of Technical Education established by the resolution of the Government of India in the former Ministry of Education No. F. 16-10/44-E-III, dated the 30th November, 1945;)]

¹²[(aa)]"apprentice" means a person who is undergoing apprenticeship training ¹³[* * *] in pursuance of a contract of apprenticeship;

8. Omitted by Act 25 of 1968.

9. Omitted by Act 27 of 1973.

10. Subs. by Act 27 of 1973.

11. The original clause (a) renumbered as clause (aa) and a clause (a) inserted by Act 27 of 1973.

12. The original clause (a) renumbered as clause (aa) and a clause (a) inserted by Act 27 of 1973.

13. Omitted by Act 27 of 1973

- ¹⁴[(aaa) "apprenticeship training" means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices;]
- (b) "Apprenticeship Adviser" means the Central Apprenticeship Adviser appointed under sub-section (1) of Section 26 or the State Apprenticeship Adviser appointed under sub-section (2) of that section;
- (c) "Apprenticeship Council" means the Central Apprenticeship Council or the State Apprenticeship Council established under sub-section (1) of Section 24;
- (d) "appropriate Government" means -
- (1) in relation to -
 - (a) the Central Apprenticeship Council, or
 - ¹⁵[(aa) the Regional Boards, or
 - (aaa) the practical training of graduate or technician apprentices or of technician (vocational) apprentices, or;]
 - (b) any establishment of any railway, major port, mine or oilfield, or
 - (c) any establishment owned, controlled or managed by -
 - (i) the Central Government or a department of Central Government,
 - (ii) a company in which not less than fifty-one per cent of the share capital is held by the Central Government on partly by that Government and partly by one or more State Governments,
 - (iii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government;
 - (2) in relation to -
 - (a) a State Apprenticeship Council, or
 - (b) any establishment other than an establishment specified in sub-clause (1) of this clause, the State Government;
- ¹⁶[(dd) "Board or State Council of Technical Education" means the Board or State Council of Technical Education established by the State Government;]
- (e) "designated trade" ¹⁷[means any trade or occupation or any subject field in engineering or technology [or any vocational course]¹⁸ which the Central Government, after consultation with the Central Apprenticeship Council, may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act;

14. Ins. by Act 27 of 1973.

15. Ins. by Act 27 of 1973 and subs. by Act 41 of 1986, S.2(w.e.f. 16-12-1987)

16. Ins. by Act 27 of 1973.

17. Subs. by Act 27 of 1973.

18. Ins. by Act 41 of 1986, S.2 (w.e.f. 16-12-1987).

- (f) "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;
- (g) "establishment" includes any place where any industry is carried on; ¹⁹[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];
- (h) "establishment in private sector" means an establishment which is not an establishment in public sector;
- (i) "establishment in private sector" means an establishment which is not led or managed by -
 - (1) the Government or a department of the Government;
 - (2) a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);
 - (3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;
 - (4) a local authority;
- ²⁰[(j) "graduate or technician apprentice" means an apprentice who holds, or is undergoing training in order that he may hold a degree or diploma in engineering or technology or equivalent qualification granted by any institution recognised by the Government and undergoes apprenticeship training in any such subject field in engineering or technology as may be prescribed;
- (k) "industry" means any industry or business in which any trade, occupation or subject field in engineering or technology [or any vocational course]²¹ may be specified as a designated trade;]
- (l) "National Council" means the National Council for Training in Vocational Trades established by the resolution of the Government of India in the Ministry of Labour (Directorate General of Resettlement and Employment) No. TR/E.P.- 24/56, dated the 21st August 1956 ²²[and re-named as the National Council for Vocational Training by the resolution of the Government of India in the Ministry of Labour (Directorate General of Employment and Training) No. DGET/12/21/80-TC, dated the 30th September, 1981;]

19. Ins. by Act 4 of 1997

20. Subs. by Act 27 of 1973.

21. Ins. by Act 41 of 1986, S.2 (w.e.f. 16-12-1987)

22. Ins. by Act 41 of 1986, S.2 (w.e.f. 16-12-1987)

- (m) "prescribed" means prescribed by the rules made under this Act;
- ²³[(mm)"Regional Board" means any board of Apprenticeship Training registered under the Societies Registration Act, 1860 (21 of 1860), at Bombay, Calcutta, Madras or Kanpur;]
- (n) "State" includes a Union Territory;
- (o) "State Council" means a State Council for Training in Vocational Trades established by the State Government;
- (p) "State Government" in relation to a Union Territory, means the Administrator thereof;
- ²⁴[(pp) "Technician (vocational) apprentice" means an apprentice who holds or is undergoing training in order that he may hold a certificate in vocational course involving two years of study after the completion of the secondary stage of school education recognised by the All-India Council and undergoes apprenticeship training in such subject field in any vocational course as may be prescribed;]
- ²⁵[(q) "trade apprentice" means an apprentice who undergoes apprenticeship training in any such trade or occupation as may be prescribed;]
- ²⁶[(r) "worker" means any persons who is employed for wages in any kind of work and who gets his wages directly from the employer but shall not include an apprentice referred to in clause(aa).]

23. Ins. by Act 27 of 1973.

24. Ins. by Act 41 of 1986, S.2 (w.e.f. 16-12-1987)

25. Ins. by Act 27 of 1973.

26. Ins. by Act 4 of 1997.

CHAPTER - II

APPRENTICES AND THEIR TRAINING

3. Qualifications for being engaged as an apprentice -

A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he-

- (a) is not less than fourteen years of age, and
- (b) satisfies such standards of education and physical fitness as may be prescribed:

Provided that different standards may be prescribed in relation to apprenticeship training in different designated trades ²⁷[and for different categories of apprentices].

²⁸[3-A. Reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades –

- (1) in every designated trade, training places shall be reserved by the employer for the Scheduled Castes and the Scheduled Tribes ²⁹[and where there is more than one designated trade in an establishment, such training places shall be reserved also on the basis of the total number of apprentices in all the designated trades in such establishment].
- (2) the number of training places to be reserved for the Scheduled Castes and the Scheduled Tribes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Scheduled Castes and the Scheduled Tribes in the State concerned.

Explanation- In this section, the expressions "Scheduled Castes" and "Scheduled Tribes" shall have the meanings as in clauses (24) and (25) of Article 366 of the Constitution].

³⁰[4. Contract of apprenticeship

- (1) No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such person or, if he is minor, his guardian has entered into a contract of apprenticeship with the employer.
- (2) The apprenticeship training shall be deemed to have commenced on the date on which the contract of apprenticeship has been entered into under sub-section (1).

27. Ins. by Act 27 of 1973.

28. Ins. by Act 27 of 1973.

29. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)

30. Subs. by Act 27 of 1973.

- (3) Every contract of apprenticeship may contain such terms and conditions as may be agreed to by the parties to the contract:

Provided that no such term or condition shall be inconsistent with any provision of this Act or any rule made thereunder.

- (4) Every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within such period as may be prescribed to the Apprenticeship Adviser for registration.
- (5) The Apprenticeship Adviser shall not register a contract of apprenticeship unless he is satisfied that the person described as an apprentice in the contract is qualified under this Act for being engaged as an apprentice to undergo apprenticeship training in the designated trade specified in the contract.
- (6) Where the Central Government, after consulting the Central Apprenticeship Council, makes any rule varying the terms and conditions of apprenticeship training of any category of apprentices undergoing such training, then, the terms and conditions of every contract of apprenticeship relating to that category of apprentices and subsisting immediately before the making of such rule shall be deemed to have been modified accordingly.]

5. Novation of contracts of apprenticeship -

Where an employer with whom a contract of apprenticeship has been entered into, is for any reason unable to fulfil his obligations under the contract and with the approval of the Apprenticeship Adviser it is agreed between the employer, the apprentice or his guardian and any other employer that the apprentice shall be engaged as apprentice under the other employer for the un-expired portion of the period of apprenticeship training, the agreement, on registration with the Apprenticeship Adviser, shall be deemed to be the contract of apprenticeship between the apprentice or his guardian and other employer, and on and from the date of such registration, the contract of apprenticeship with the first employer shall terminate and no obligation under the contract shall be enforceable at the instance of any party to the contract against the other party thereto.

6. Period of apprenticeship training -

The period of apprenticeship training, which shall be specified in the contract of apprenticeship, shall be as follows-

- (a) In the case of ³¹[trade apprentices] who, having undergone institutional training in a school or other institution recognised by the National Council, have passed the trade tests ³²[or examinations] conducted by ³³[that Council or by an institution recognised by that Council], the period of apprenticeship training shall be such as may be determined by that Council;

31. Subs. by Act 27 of 1973.

32. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)

33. Subs. by Act 27 of 1973.

- ³⁴[(aa) in case of trade apprentices who, having undergone institutional training in a school or other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the official gazette specify in this behalf, have passed the trade tests ³⁵[or examinations] conducted by that Board or State Council or authority, the period of apprenticeship training shall be such as may be prescribed;]
- (b) in the case of other ³⁶[trade apprentices], the period of apprenticeship training shall be such as may be prescribed;
- ³⁷[(c) in the case of graduate or technician apprentices, [technician (vocational) apprentices]³⁸ and the period of apprenticeship training shall be such as may be prescribed.]

7. Termination of apprenticeship contract -

- (1) The contract of apprenticeship shall terminate on the expiry of the period of apprenticeship training.
- (2) Either party to a contract of apprenticeship may make an application to the Apprenticeship Adviser for the termination of the contract, and when such application is made, shall send by post a copy thereto to the other party to the contract.
- (3) After considering the contents of the application and the objections, if any, filed by the other party, the Apprenticeship Adviser may, by order in writing, terminate the contract, if he is satisfied that the parties to the contract or any of them have or has failed to carry out the terms and conditions of the contract and it is desirable in the interests of the parties or any of them to terminate the same:
- ³⁹[(4) Notwithstanding anything contained in any other provision of this Act, where a contract of apprenticeship has been terminated by the Apprenticeship Adviser before the expiry of the period of apprenticeship training and a new contract of apprenticeship is being entered into with a employer, the Apprenticeship Adviser may, if he satisfied that the contract of apprenticeship with the previous employer could not be completed because of any lapse on the part of the previous employer, permit the period of apprenticeship training already undergone by the apprentice with his previous employer to be included in the period of apprenticeship training to be undertaken with the new employer.]

34. Ins. by Act 27 of 1973.

35. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)

36. Subs. by Act 27 of 1973.

37. Ins. by Act 27 of 1973.

38. Ins. by Act 41 of 1986.

39. Ins. by Act 4 of 1997.

- 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 prescribed;
 - (b) for such failure on the part of the apprentice, the apprentice or his guardian shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser.

8. Number of apprentices for a designated trade -

⁴⁰[(1) the Central Government shall, after consulting the Central Apprenticeship Council, by order notified in the Official Gazette, determine for each designated trade the ratio or 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 Central 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 [technician (vocational) apprentices]⁴¹, if any, in pursuance of any notice issued to him under sub-section (3-A) by the Central Apprenticeship Adviser or such other person as is referred to in that sub-section.
- 3) the Apprenticeship Adviser may, by notice in writing, require an employer to engage such number of trade apprentices within the ratio determined by the Central 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 Apprenticeship Adviser shall have regard to the facilities actually available in the establishment concerned.

40. Sub-Sections (1), (2), (3) and (3-A), subs. by Act 27 of 1973

41. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987).

⁴²[Provided further that the 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 a number of apprentices for a designated trade as is lesser than a number arrived at by the ratio for that trade, not being lesser than twenty per cent 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.]

- (3-A) the Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf shall, having regard to-
- (i) the number of managerial persons (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 [technician (vocational) apprentices]⁴³, 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 Central Government ⁴⁴[or in excess of the number specified in a notice issued under sub-section (3-A)] should, in the opinion of the appropriate Government be trained, the appropriate Government 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 Government concerned makes available such additional facilities and such additional financial assistance as are considered necessary by the Apprenticeship Adviser for the training of the additional number of apprentices.

42. Ins. by Act 4 of 1997.

43. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)

44. Ins. by Act 27 of 1973.

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

9. Practical and basic training of apprentices-

- (1) Every employer shall make suitable arrangements in his workshop for imparting a course of practical training to every apprentice engaged by him in accordance with the programme approved by the Apprenticeship Adviser.

- ⁴⁵[(2) The Central 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 be given all reasonable facilities for access to each such apprentice with a view to test his work and to ensure that the practical training is being imparted in accordance with the approved programme:

Provided that ⁴⁶[the State Apprenticeship Adviser or any other person not below the rank of an Apprenticeship Adviser authorised by the State Apprenticeship Adviser in writing in this behalf] shall also be given such facilities in respect of apprentices undergoing training in establishments in relation to which the appropriate Government is the State Government.

- ⁴⁷[(3) Such of the trade apprentices as have got undergone institutional training in a school or other institution recognised by the National Council or any other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, shall, before admission in the workshop for practical training, undergo a course of basic training.]

- (3) Where an employer employs in his establishment five hundred or more workers, the basic training shall be imparted to ⁴⁸[the trade apprentices] either in separate parts of the workshop building or in a separate building which shall be set up by the employer himself, but the appropriate Government may grant loans to the employer on easy terms and repayable by easy installments to meet the cost of the land, construction and equipment for such separate building.

45. Subs. by Act 27 of 1973.

46. Subs. by Act 27 of 1973.

47. Subs. by Act 27 of 1973.

48. Ins. by Act 27 of 1973.

- ⁴⁹[(4-A)Notwithstanding anything contained in sub-section (4), if the number of apprentices to be trained at any time in any establishment in which five hundred or more workers are employed, is less than twelve the employer in relation to such establishment may depute all or any of such apprentices to any Basic Training Centre or Industrial Training Institute for basic training in any designated trade, in either case, run by the Government.
- (4-B) Where an employer deputes any apprentice under sub-section (4-A), such employer shall pay to the Government the expenses incurred by the Government on such training, at such rate as may be specified by the Central Government.]
- (5) Where an employer employs in his establishment less than five hundred workers, the basic training shall be imparted to ⁵⁰[the trade apprentices] in training institutes set by the Government.
- (6) In any such training institute, which shall be located within the premises of the most suitable establishment in the locality or at any other convenient place ⁵¹[the trade apprentices]engaged by two or more employers may be imparted basic training.
- (7) ⁵²[In case of an apprentice other than a graduate or technician apprentice, [technician (vocational) apprentice]⁵³ the syllabus of], and the equipment to be utilised for, practical training including basic training shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.
- ⁵⁴(7-A) In case of graduate or technician apprentices [technician (vocational) apprentices]⁵⁵ the programme of apprenticeship training and the facilities required for such training in any subject field in engineering or technology [or vocational course]⁵⁶ shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.]
- (8) (a) Recurring costs (including the cost of stipends) incurred by an employer in connection with ⁵⁷[basic training]⁵⁸, imparted to trade apprentices other than those referred to in clauses (a) and (aa)] of Section 6 shall be borne-
- (i) If such employer employs ⁵⁹[two hundred and fifty] workers or more, by the employer;
- (ii) If such employer employs less than ⁶⁰[two hundred and fifty] workers, by the employer and the Government in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone; and

49. Ins. by Act 27 of 1973.
 50. Subs. by Act 27 of 1973.
 51. Subs. by Act 27 of 1973.
 52. Subs. by Act 27 of 1973.
 53. Ins. by Act 41 of 1986 (w.e.f.16-12-1987).
 54. Ins. by Act 27 of 1973.
 55. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)
 56. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)
 57. Subs. by Act 27 of 1973.
 58. Subs. by Act 4 of 1997.
 59. Subs. by Act 4 of 1997.
 60. Subs. by Act 4 of 1997.

- (b) recurring costs (including the cost of stipends), if any, incurred by an employer in connection with ⁶¹[practical training, including basic training, imparted to trade apprentices referred to in clauses (a) and (aa)] of Section 6 shall, in every case, be borne by the employer.
- ⁶²[(c) recurring costs (excluding the cost of stipends) incurred by an employer in connection with the practical training imparted to graduate or technician apprentices [technician (vocational) apprentices]⁶³ shall be borne by the employer and the cost of stipends shall be borne by the Central Government and the employer in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone.]

10. **Related instruction of apprentices-**

- (1) ⁶⁴[A trade apprentice] who is undergoing practical training in an establishment shall, during the period of practical training, be given a course of related instruction (which shall be appropriate to the trade) approved by the Central Government in consultation with the Central Apprenticeship Council, with a view to giving ⁶⁵[the trade apprentice] such theoretical knowledge as he needs in order to become fully qualified as a skilled craftsman.
- (2) Related instruction shall be imparted at the cost of the appropriate Government but the employer shall, when so required, afford all facilities for imparting such instruction.
- (3) Any time spend by ⁶⁶[a trade apprentice] in attending classes on related instruction shall be treated as part of his paid period of work.
- ⁶⁷[(4) In case of trade apprentices who, after having undergone a course of institutional training, have passed the trade tests conducted by the National Council or have passed the trade tests and examinations conducted by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, the related instruction may be given on such reduced or modified scale as may be prescribed.
- (5) Where any person has, during his course in technical institution, become a graduate or technician apprentice, ⁶⁸[technician (vocational) apprentice] and during his apprenticeship training he has to receive related instruction, then, the employer shall release such person from practical training to receive the related instruction in such institution, for such period as may be specified by the Central Apprenticeship Adviser or by any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf.]

61. Sub. by Act 27 of 1973.
 62. Ins. by Act 27 of 1973.
 63. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)
 64. Subs. by Act 27 of 1973.
 65. Subs. by Act 27 of 1973.
 66. Subs. by Act 27 of 1973.
 67. Ins. by Act 27 of 1973.
 68. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987).

11. Obligation of employers -

Without prejudice to the other provisions of this Act, every employer shall have the following obligations in relation to an apprentice, namely-

- (a) to provide the apprentice with the training in his trade in accordance with the provisions of this Act, and the rules made thereunder;
- (b) if the employer is not himself qualified in the trade, to ensure that a person ⁶⁹[who possesses the prescribed qualifications] is placed in charge of the training of the apprentice; [* * *]⁷⁰
- ⁷¹[(bb) to provide adequate instructional staff, possessing such qualifications as may be prescribed, for imparting practical and theoretical training and facilities for trade test of apprentices; and]
- (c) to carry out his obligations under the contract of apprenticeship.

12. Obligations of apprentices-

⁷²[(1) ⁷³[Every trade apprentice] undergoing apprenticeship training shall have the following obligations, namely:-

- (a) to learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled craftsman before the expiry of the period of training;
- (b) to attend practical and instructional classes regularly;
- (c) to carry out all lawful orders of his employer and superiors in the establishments; and
- (d) to carry out his obligations under the contract of apprenticeship.

⁷⁴[(2) Every graduate or technician apprentice [technician (vocational) apprentice]⁷⁵ undergoing apprenticeship training shall have the following obligations namely:-

- (a) to learn his subject field in engineering or technology [or vocational course]⁷⁶ conscientiously and diligently at his place of training;
- (b) to attend the practical and instructional classes regularly;
- (c) to carry out all lawful orders of his employers and superiors in the establishment;
- (d) to carry out his obligations under the contract of apprenticeship which shall include the maintenance of such records of his work as may be prescribed.]

69. Subs. by Act 27 of 1973.

70. Omitted by Act 4 of 1997

71. Ins. by Act 4 of 1997.

72. Original S.12 renumbered as sub-section (1) by Act 27 of 1973.

73. Subs. by Act 27 of 1973.

74. Ins. by Act 27 of 1973.

75. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)

76. Ins. by Act 41 of 1986 (w.e.f. 16-12-1987)

13. Payment of apprentices-

- (1) The employer shall pay to every apprentices during the period of apprenticeship training such stipend at a rate not less than the ⁷⁷[prescribed minimum, rate, or the rate which was being paid by the employer on 1st January, 1970 to the category of apprentices under which such apprentice falls, whichever is higher] 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.
- ⁷⁸(2) An apprentice shall not be paid by his employer on the basis of piece work nor shall he be required to take part in any output bonus or other incentive scheme.]

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, 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, that provisions of Chapter V of the Mines Act, 1952, shall apply in relation to the health and safety of the apprentices as if they were persons employed in the mine.

15. Hours of work, overtime, leave and holidays-

- (1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workshop shall be such as may be 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 as may be prescribed and to such holidays as are observed in the establishment in which he is undergoing training.

16. 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.

17. Conduct and discipline

In all matters of conduct and discipline, the apprentice shall be governed by the rules and regulations ⁷⁹[applicable to employees of the corresponding category] in the establishment in which the apprentice is undergoing training.

77. Subs. by Act 27 of 1973.

78. Sub. by Act 27 Of 1973.

79. Subs. by Act 27 of 1973.

18. Apprentices are trainees and not workers-

Save as otherwise provided in this Act,-

- (a) every apprentice undergoing apprenticeship training in a designated trade in an establishment shall be trainee and not a worker; and
- (b) the provisions of any law with respect to labour shall not apply to or in relation to such apprentice.

19. Records and returns-

- (1) Every employer shall maintain records of the progress of training of each apprentice undergoing apprenticeship training in his establishment in such form as may be prescribed.
- (2) Every such employer shall also furnish such information and return in such form, to such authorities and at such intervals as may be prescribed.

20. Settlement of disputes-

- (1) Any disagreement or dispute between an employer and an apprentice arising out of the contract to apprenticeship shall be referred to the Apprenticeship Adviser for decisions.
- (2) Any person aggrieved by the decision of the Apprenticeship Adviser under sub-section (1) may, within thirty days from the date of communication to him of such decision, prefer an appeal against the decision to the Apprenticeship Council and such appeal shall be heard and determined by a committee of that Council appointed for the purpose.
- (3) The decision of the Committee under subsection (2) and subject only to such decision, the decision of the Apprenticeship Adviser under subsection (1) shall be final.

21. Holding of test and grant of certificate and conclusion of training-

- (1) Every ⁸⁰[trade apprentice] who has completed the period of training shall appear for a test to be conducted by the National Council to determine his proficiency in the designated trade in which he has ⁸¹[undergone his apprenticeship training].
- (2) Every ⁸²[trade apprentice] who passes the test referred to in sub-section (1) shall be granted a certificate of proficiency in the trade by the National Council.
- ⁸³[(3) The progress in apprenticeship training of every graduate or technician apprentice shall be assessed by the employer from time to time.]
- ⁸⁴[(4) Every graduate or technician apprentice or technician (vocational) apprentice who completes his apprenticeship training to the satisfaction of the concerned Regional Board, shall be granted a certificate of proficiency by that Board.]
- ⁸⁵[(5) Every graduate or technician apprentice or technician (vocational) apprentice, who completes his apprenticeship training to the satisfaction of the concerned Regional Board, shall be granted a certificate of proficiency by that Board.]

22. Offer and acceptance of employment-

- (1) It shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed the 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.
- (2) Notwithstanding anything in sub-section (1), where there is a condition in a contract of apprenticeship that the apprentice shall, after the successful completion of the apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice, and the apprentice shall be bound to serve the employer in that capacity for such period and on such remuneration as may be specified in the contract.

Provided that where such period of remuneration is not, in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable, and the period or remuneration so revised shall be deemed to be the period of remuneration agreed to between the apprentice and the employer.

80. Subs. by Act 27 of 1973.
81. Subs. by act 27 of 1973.
82. Subs. by Act 27 of 1973.
83. Ins. by Act 27 of 1973.
84. Subs. by Act 41 of 1986.
85. Ins. by Act 41 of 1986 (w.e.f. 16-12-1986)

CHAPTER - III

AUTHORITIES

23. Authorities

(1) In addition to the Government, there shall be the following authorities under this Act, namely:-

- (a) The National Council,
- (b) The Central Apprenticeship Council,
- (c) The State Council,
- (d) The State Apprenticeship Council,
- ⁸⁶[(e) The All India Council,
- (f) The Regional Boards,
- (g) The Boards or State Council of Technical Education,]
- (h) The Central Apprenticeship Adviser, and
- (i) The State Apprenticeship Adviser.

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

⁸⁷[(2-A) Every Board or State Council of Technical Education and every Regional Board shall be affiliated to the Central Apprenticeship Council.]

(3) Each of the authorities specified in subsection (1) shall, in relation to apprenticeship training under this Act, perform such functions as are assigned to it by or under this Act or by the Government:

Provided that a State Council shall also perform such functions as are assigned to it by the National Council and the State Apprenticeship Council ⁸⁸[and the Board or State Council or Technical Education] shall also perform such functions as are assigned to it by the Central Apprenticeship Council.

86. Ins. by Act 27 of 1973.

87. Ins. by Act 27 of 1973.

88. Ins. by Act 27 of 1973.

24. Constitution of Councils-

- (1) The Central Government shall, by Notification in the Official Gazette, establish the Central Apprenticeship Council and the State Government shall, by notification in the Official Gazette, establish the State Apprenticeship Council.
- (2) The Central Apprenticeship Council shall consist of [a Chairman and a Vice Chairman]⁸⁹ and such number of other members as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette, from among the following categories of persons, namely-
 - (a) representatives of employees in establishment in the public and private sectors,
 - (b) representatives of the Central Government and of the State Government [* * *]⁹⁰,
 - (c) persons having special knowledge and experience on matters relating to ⁹¹[industry, labour and technical education, and]
 - ⁹²[(d) representatives of the All India Council and of the Regional Boards.]
- (3) The number of persons to be appointed as members of the Central Apprenticeship Council from each of the categories specified in sub-section (2), the term, of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as may be prescribed.
- (4) The State Apprenticeship Council shall consist of [a Chairman and a Vice Chairman]⁹³ and such number of other members as the State Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among the following categories or persons, namely:-
 - (a) representatives of employers in establishments in the public and private sectors,
 - (b) representatives of the Central Government and of the State Governments [* * *]⁹⁴,
 - (c) persons having special knowledge and experience on matters relating to ⁹⁵[industry, labour and technical education, and]
 - ⁹⁶[(d) representatives of the Board or of the State Council of Technical Education.]

89. Subs. by Act 27 of 1973.

90. Omitted by Act 27 of 1973.

91. Subs. by Act 27 of 1973.

92. Ins. by Act 27 of 1973.

93. Subs. by Act 27 of 1973.

94. Omitted by Act 27 of 1973.

95. Subs. by Act 27 of 1973.

96. Ins. by Act 27 of 1973.

- (5) The number of persons to be appointed as members of the State Apprenticeship Council from each of the categories specified in sub-section (4), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as the State Government may, by notification in the Official Gazette, determine.
- (6) The fees and allowances, if any, to be paid to [the Chairman and the Vice Chairman]⁹⁷ and the other members of the Central Apprenticeship Council, shall be such as may be determined by the Central Government and the fees and allowances if any, to be paid to [the Chairman and the Vice-Chairman]⁹⁸ and the other members of the State Apprenticeship Council shall be such as may be determined by the State Government.

25. Vacancies not to invalidate acts and proceedings-

No act done or proceeding taken by the National Council, the Central Apprenticeship Council, the State Council or the State Apprenticeship Council under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Council.

26. Apprenticeship Advisers-

- (1) The Central Government shall, by notification in the Official Gazette, appoint a suitable person as the Central Apprenticeship Adviser.
- (2) The State Government shall, by notification in the Official Gazette, appoint a suitable person as the State Apprenticeship Adviser.
- (3) The Central Apprenticeship Adviser shall be the Secretary to the Central Apprenticeship Council and the State Apprenticeship Adviser shall be the Secretary to the State Apprenticeship Council.

27. Deputy and Assistant Apprenticeship Advisers-

- (1) The Government ⁹⁹[may appoint suitable persons as Additional, Joint, Regional, Deputy and Assistant Apprenticeship Advisers] to assist the Apprenticeship Adviser in the performance of his functions.
- ¹⁰⁰[(2) Every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Advisers] to assist the Apprenticeship Advisor, perform such functions as may be assigned to him by the Apprenticeship Adviser.

97. Subs. by Act 27 of 1973.

98. Subs. by Act 27 of 1973.

99. Subs. by Act 27 of 1973.

100. Subs. by Act 27 of 1973.

28. Apprenticeship Advisers to be public servants

Every Apprenticeship Adviser and ¹⁰¹[every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Adviser] appointed under this Act, shall be deemed to be a public servant within the meaning of Section 21 of the India Penal Code (45 of 1860).

29. Powers of entry, Inspection, etc.-

(1) Subject to any rule made in this behalf the ¹⁰²[Central Apprenticeship Adviser, or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the Central Apprenticeship Adviser in writing in this behalf] may-

- (a) with such assistants, as he thinks fit, enter, inspect and examine any establishment or part thereof at any reasonable time;
- (b) examine any apprentice employed therein or require the production of any register, record or other documents maintained in pursuance of this Act and take on the spot or otherwise statements of any persons which he may consider necessary for carrying out the purposes of this Act;
- (c) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed in the establishment;
- (d) exercise such other powers as may be prescribed:

Provided that ¹⁰³[a State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the State Apprenticeship Adviser in writing in this behalf] may also exercise any of the powers specified in clause (a), (b), (c) or (d) of this sub-section in relation to establishments for which the appropriate Government is the State Government.

(2) Notwithstanding anything in sub-section (1), no person shall be compelled under this section to answer any question or make any statement which may tend directly or indirectly to incriminate him.

101. Subs. by Act 27 of 1973.

102. Subs. by Act 27 of 1973.

103. Subs. by Act 27 of 1973.

30. Offences and penalties -

- (1) If any employer-
- (a) engages as an apprentice a person who is not qualified for being so engaged, or
 - (b) fails to carry out the terms and conditions of a contract of apprenticeship or
 - (c) contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions,
- he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.
- (2) If any employer or any other person-
- (a) required to furnish any information or return-
 - (i) refuses or neglects to furnish such information or return, or
 - (ii) furnishes or causes to be furnished any information or return which is false and which is either knows or believes to be false or does not believe to be true, or
 - (iii) refuses to answer, or give a false answer to any question necessary for obtaining any information required to be furnished by him, or
 - (b) refuses or willfully neglects to afford ¹⁰⁴[the Central or the State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the central or the State Apprenticeship Adviser in writing in this behalf] any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act, or
 - (c) requires an apprentice to work overtime without the approval of the Apprenticeship Adviser, or
 - (d) employs an apprentice on any work which is not connected with his training, or
 - (e) makes payment to an apprentice on the basis of piece-work, or
 - (f) requires an apprentice to take part in any output bonus or incentive scheme.
- he shall be punishable with imprisonment for a term which may extend to six month or with fine or with both.

31. Penalty where no specific penalty is provided-

If any employer or any other person contravenes any provision of this Act for which no punishment is provided in section 30, he shall be punishable with fine ¹⁰⁵[which shall not be less than one thousand rupees but may extend to three thousand rupees.]

104. Subs. by Act 27 of 1973.

105. Subs. by Act 4 of 1997.

32. Offences by companies-

- (1) If the person committing an offence under this Act, is a company, every persons who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all the diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

33. Cognizance of offences-

No court shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint thereof in writing made by the Apprenticeship Adviser ¹⁰⁶[or the officer of the rank of Deputy Apprenticeship Adviser and above] within six months from the date on which the offence is alleged to have been committed.

34. Delegation of powers-

The appropriate Government, may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also-

- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification: and
- (b) where the appropriate Government is the State Government, by such officer or authority subordinate to the State Government, as may be specified in the notification.

106. Subs. by Act 4 of 1997.

35. Construction of reference-

- (1) Any reference in this Act or in the rules made thereunder to the Apprenticeship Council shall, unless the context otherwise requires, means in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Council and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government the State Apprenticeship Council.
- (2) Any reference in this Act or in the rules made thereunder to the Apprenticeship Adviser shall, unless the context otherwise requires-
 - (a) means in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Adviser and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Adviser;
 - (b) be deemed to include [an Additional, a Joint, a Regional, a Deputy or an Assistant Apprenticeship Adviser]¹⁰⁷ performing the functions of the Apprenticeship Adviser assigned to him under subsection (2) of Section 27.

36. Protection of action taken in good faith-

- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

107. Subs. by Act 27 of 1973.

37. Power to make rules-

- (1) The Central Government may, after consulting the Central Apprenticeship Council, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.
- (3) Every rule made under this section shall be laid as soon as may be after it is made before such House of Parliament while it is in session for a total period of thirty days which may be composed in one session ¹⁰⁸[or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rules or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule .

38. Repeal

[Repealed by Act 52 of 1964]

108. Sub. by Act 27 of 1973.

THE SCHEDULE

(See Section 16)

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

In the Workmen's Compensation Act, 1923-

- (1) in Section 2-
 - (a) for clause (e), substitute-
"(e) 'employer' means as employer as defined in the Apprentices Act, 1962, who has engaged one or more apprentices,"
 - (b) omit clause (k);
 - (c) for clause (m), substitute-
"(m) 'wages means the stipend payable to an apprentice under Section 13(1) of the Apprentices Act, 1961,";
 - (d) for clause (n), substitute-
"(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",
- (2) omit Section 12;
- (3) omit Section 15;
- (4) omit the proviso to Section 21(1);
- (5) omit the words " or a registered Trade Union" in Section 24;
- (6) omit clause (d) in Section 30(1);
- (7) omit clauses (vi), (xi), (xiii), (xvii), (xviii), (xx), (xxii), (xxiv), (xxv) and (xxvi) in Schedule II.

APPENDIX I(2)-b

APPRENTICESHIP RULES, 1992*

In exercise of the powers conferred by, subsection (1) of section 37 of the Apprentices Act, 1961 (52 of 1961) and after consulting the Central Apprenticeship Council, the Central Government hereby makes the following rules in supersession of the Apprenticeship Rules, 1962, except as respects things done or omitted to be done before such supersession, namely:-

1. Short title and commencement -

- (1) These rules may be called the Apprenticeship Rules, 1992.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions -

In these rules, unless the context otherwise requires:-

- (1) "Act" means the Apprentices Act, 1961 (52 of 1961);
- (2) "Diploma Holder" means a person who holds a diploma in engineering or technology or equivalent qualification granted by a State Board of Technical Education, or recognised by the State Government concerned or the Central Government.
- (3) "Engineering Graduate" means a person, who-
 - (a) holds a degree in engineering or technology granted by-
 - (i) a statutory University, or
 - (ii) an institution empowered to grant such degree by an Act of Parliament;
 - (b) has passed the graduateship examination of professional bodies recognised by the Central Government as equivalent to degree;
or
 - (c) holds the qualifications which exempt him from Sections A and B examinations of the Institution of Engineers (India).

* Vide GSR 188(E), dated 20th March 2001

- (4) "Vocational Certificate Holder" means a person who holds a certificate in a Vocational Course, involving two years of study after the completion of secondary stage of school education, recognized by the All India Council for Technical Education;
- (5) "National Classification of Occupations" means the National Classification of Occupations adopted by the Government of India, Ministry of Labour, Directorate General of Employment and Training;
- (6) "Registered Medical Practitioner" means a person whose name is entered in the register maintained under any law for the time being in force in any State regulating the registration of practitioners of medicine;
- (7) " Sandwich Course Student" means a student undergoing a Sandwich Course of studies at any of the technical institutions recognised for the purpose and leading to the award of degree or diploma in engineering or technology;
- (8) "Schedule" means the Schedule appended to these rules;
- (9) "Standard Industrial Classification" means the Standard Industrial Classification adopted by the Government of India, Ministry of Labour, Directorate General of Employment and Training;
- (10) All the words and expressions, not defined here in these rules, but defined in the Act, shall have the same meaning as given to them in the said Act.

3. Standard of Education -

- (1) A person shall be eligible for being engaged as a trade apprentice - if he satisfies the minimum educational qualifications as specified in Schedule-1.
- (2) A person shall be eligible for being engaged as a Graduate or Technician or Technician (Vocational) apprentice if he satisfies one of the minimum educational qualifications specified in Schedule-IA:

Provided that: -

- (a) no Engineering Graduate or Diploma Holder or Vocational Certificate holder who had training or job experience for a period one year or more, after the attainment of these qualifications shall be eligible for being engaged as an apprentice under the Act;

- (b) no Sandwich Course Student shall be eligible for being engaged as an apprentice under the Act after passing the final examination of the technical institution wherein such student is undergoing the course unless so approved by the Regional Central Apprenticeship Advisers;
- (c) a person who has been a Graduate or Technician or Technician (Vocational) apprentice under the Act and in whose case the contract of apprenticeship was terminated for any reason whatsoever shall not be eligible for being engaged as an apprentice again under the Act without the prior approval of the Apprenticeship Adviser.

4. **Standard of Physical Fitness -**

- (1) A person shall be eligible for being engaged as an apprentice if he satisfies the minimum standards of physical fitness specified in Schedule-II.

Provided that a person who has undergone institutional training in a school or other institution recognised by or affiliated to the National Council or the All India Council or a Statutory University or a State Board of Technical Education and has passed the examination or tests conducted by these bodies, or is undergoing institutional training in a school or institution so recognised or affiliated in order that he may require a degree or diploma in engineering or technology or certificate in vocational course or equivalent qualification shall, if he has already undergone medical examination in accordance with the rules for the admission to the school or institution, be deemed to have complied with the provisions of this rule.

*Provided further that the standards of fitness specified for item (4) relating to "EARS" and item (6) relating to "SPEECH" of schedule II shall not apply in the case of a person who is deaf or dumb or deaf and dumb for the following trades, namely:-

- (a) Building and Furniture Trades Group:
 - 1. Plumber
 - 2. Carpenter.
 - 3. Furniture and Cabinet Maker.
 - 4. Sports Goods Maker. (Wood)

* Inserted vide GSR 338, dated 15th September 1997

- (b) Draughtsmen and Surveyors Trades Group
 - 1. Draughtsman(Civil)
- (c) Printing Trades Group.
 - 1. Process Cameraman.
 - 2. Retoucher Lithographic.
 - 3. Engraver.
 - 4. Book Binder.
- (d) Hotel & Catering Trades Group
 - 1. Cook (General).
 - 2. Cook (Vegetarian).
 - 3. Baker and Confectioner.
- (e) Cutting and Tailoring Trades Group.
 - 1. Designer and Master Cutter.
 - 2. Tailor (Men)
 - 3. Tailor (Women)
 - 4. Tailor (General)
- (f) Agriculture Trades Group
 - 1. Horticulture Assistant.
- (g) Painting Trades Group
 - 1. Painter (General).
- * (h) Group No.1-Machine Shop Trades Group:
 - 1. Fitter
 - 2. Turner.
- (i) Group No. 3- Metal Working Trades Group:
 - 1. Sheet Metal Worker.
 - 2. Welder (Gas and Electric)
- (j) Group No.4- Electrical Trades Group
 - 1. Wireman.

* Inserted vide GSR 107, dated 27th May 1998

- (2) Without prejudice to the generality of the foregoing provision where a physically handicapped person registered at any Employment Exchange is declared, by either the medical board attached to Special Employment Exchanges. for the physically handicapped or the local Civil Surgeon (where such Medical Board has not been constituted) to be physically fit for being engaged as an apprentice in any of the designated trades under the Apprentices Act, 1961, he may be engaged as an apprentice in that trade.

5. Reservation of Training Places:-

In respect of each of the states specified in column (2) of the Schedule-IIA training places shall be reserved by the employer for the Schedule Castes and Scheduled Tribes in every designated trade so that the ratio of the apprentices belonging to the Scheduled Castes and Scheduled Tribes to the total number of apprentices in such designated trade or trades shall be specified in columns (3) and (4) of the said Schedule (and where there is more than one designated trade in an establishment such training places shall be reserved also on the basis of total number of apprentices in all designated trades in such establishments).

Provided that when the prescribed number of persons belonging either to the Scheduled Castes or to the Scheduled Tribes are not available, the training places so reserved for them may be filled by persons belonging to the Scheduled Tribes or as the case may be, to the Scheduled Caste and if the prescribed training places can not be filled even in the above given manner, then the training places so lying unfilled may be filled by persons not belonging to the Scheduled Castes or the Scheduled Tribes.

6. Registration of Contract of Apprenticeship :-

- (1) Every employer shall send to the Apprenticeship Adviser the contract of apprenticeship for registration within three months of the date on which it was signed.
- (2)(a) The Central Government may specify, model contract forms for the following categories of apprentices:-
- (i) Trade Apprentices:
 - (ii) Graduate, Technician and Technician (Vocational) Apprentices:
- (b) The model contract form as may be specified by the Central Government with such variation as the circumstances of each case may require, be used for the respective purposes therein mentioned.

- (3) The obligation of the employer and that of the trade apprentice shall be as specified in Schedule-V. The terms and conditions in respect of graduate, technician and technician (vocational) apprentices shall be as specified in Schedule-VI.

7. Period of Apprenticeship Training -

- (1) The period of apprenticeship training in the case of trade apprentices referred to in clause (b) of Section 6 of the Act shall be as specified in schedule-I.
- (2)(a) Where a trade apprentice is unable to complete the full apprenticeship course within the periods prescribed in sub-rule (1) or to take the final test owing to illness or other circumstances beyond his control, the establishment concerned shall extend the period of his apprenticeship until he completes the full apprenticeship course and the next test is held if so required by the Apprenticeship Adviser, Similar extension of the period of training may also be allowed in the case of those trade apprentices who having completed the course, fail in the final test. A trade apprentice who fails in the second test shall not be allowed any extension of the period of training.
- (b) (i) Where a trade apprentice is unable to complete the period of apprenticeship training due to strike or lockout or layoff in an establishment where he is undergoing training and is not instrumental for the same, the period of his apprenticeship training shall be extended for a period equal to the period of strike or lockout or layoff, as the case may be, and he shall be paid stipend during the period of such strike or lockout or layoff or for a maximum period of six months, which ever is less;
- (ii) If the strike or lockout or layoff is likely to continue for a longer period, the employer shall follow the procedure for novation of contract of apprenticeship of a trade apprentice referred to in clause (i) with the other employer as specified in section 5 of the Act.
- (3) In the case of trade apprentices other than those covered by clause (a) of section 6 of the Act, the first six months of the period of training shall be treated as period of probation.
- (4)(a) The period of apprenticeship training in the case of Engineering Graduates, Diploma holders and Vocational Certificate holders shall be one year.
- (b) In the case of Sandwich Course Students, the period of practical training they undergo as part of apprenticeship course of studies shall be the period of apprenticeship training.

- (c) Where a Graduate/Technician/Technician (Vocational) Apprentice is unable to complete the period of Apprenticeship Training due to strike/lockout/ layoff in as establishment where he is undergoing training and is not instrumental in the same, the period of his Apprenticeship Training would be extended equal to the period of strike/ lockout/ layoff and he shall be paid stipend during the period of such strike/ lock out / layoff or for a maximum period of six months whichever is less.
- (d) If the strike/lock out/ lay off is likely to continue for a longer period, the employer shall follow the procedure for novation of contract of apprenticeship for the apprentices referred to in clause (c) with the other employer as specified in section 5 of the Act.

8* Compensation for termination of apprenticeship:

Where the contract of apprenticeship is terminated through failure on the part of any employer in carrying out the terms and conditions thereof, such employer shall be liable to pay the apprentice compensation of an amount equivalent to his three months last drawn stipend.

9. Qualifications of persons placed in charge of the training of apprentices:-

A person placed in charge of the training of apprentices by the employer shall possess the qualifications specified in Schedule IV to these rules.

The person so appointed shall be of the appropriate level commensurate with the number of seats located for apprenticeship training and size of the establishment.

9 a Staffing pattern and qualifications of instructional staff for practical and basic training of apprentices**

Staffing pattern and qualifications of instructional staff for imparting practical and basic training to apprentices shall be as specified in Schedule IV A

* Substituted vide GSR 404, dated 25th November 1997

** Inserted vide GSR 190(E), dated 26th Feb.1999

10. Maintenance of record of work by apprentices:-

Every Graduate or Technician or Technician (Vocational) Apprentice shall maintain a daily record of the work done by him relating to the apprenticeship training in the form of a workshop or laboratory note book.

11. Payment of stipend to apprentices:-

(1)* The minimum rate of stipend payable to trade apprentices shall be as follows, namely:-

- | | | |
|----|------------------------------------|--------------------|
| a. | During the First Year of Training | Rs.820/-per month. |
| b. | During the Second year of Training | Rs.940/-per month. |
| c. | During the Third year of Training | Rs.1090/-per month |
| d. | During the Fourth year of Training | Rs.1230/-per month |

Provided that in the case of trade apprentices referred to in clause (a) of section 6 of the Act, the period of training already undergone by them in a school or other institution recognised by the National Council, shall be taken into account for the purpose of determining the rate of stipend payable.

* Substituted by GSR 249(E), dated 9th April 2001

(2)* The minimum rates of stipend payable to Graduate, Technician and Technician (Vocational) Apprentices shall be as follows namely:-

- | | | |
|----|--|---------------------|
| a. | Engineering graduates
(for post-institutional training) | Rs. 1970/-per month |
| b. | Sandwich course
(Students from Degree institutions) | Rs.1400/-per month. |
| c. | Diploma holders
(for post-institutional training) | Rs.1400/-per month |
| d. | Sandwich course
(Students from Diploma institutions) | Rs.1140/-per month. |
| e. | Vocational Certificate holder. | Rs.1090/-per month. |

- (3) The stipend for a particular month shall be paid by the tenth day of the following month.
- (4) No deduction shall be made from the stipend for the period during which an apprentice remains on casual leave or medical leave. Stipend shall, however, not be paid for the period for which an apprentice remains on extraordinary leave.
- (5) Notwithstanding anything contained in this rule, where an establishment has a system of deferred payment whereby only a portion of the stipend is paid to the apprentice every month and the balance is paid to the apprentice on the completion of training such establishment shall be free to continue such system provided that the minimum amount paid to the apprentices every month shall not be less than the monthly stipend prescribed under these rules and no deduction is made from the said accumulated amount on any account. Establishments which do not already have such a system shall be free to institute a system on the same conditions.
- (6) The continuance of payment of stipend to an apprentice shall be subject to the work and conduct of the apprentice being satisfactory.
- (7) Where the work and conduct of the apprentice is not satisfactory, the employer shall report the matter to the Apprenticeship Adviser and with his consent may stop the continuance of payment of stipend to the apprentices.

* Substituted vide GSR 375(E), dated 18th May, 2001

Provided that the stipend of an apprentice shall not be stopped without intimating him the grounds thereof and giving him an opportunity of representing against the action proposed.

- (8) On report being made by the employer under sub-rule (7) the Apprenticeship Adviser shall give his decision thereon within thirty days of the receipt of the report and where the Apprenticeship Adviser does not communicate to the employer refusal to consent to the stopping of the payment of stipend within the period of thirty days, it shall be deemed that he has consented to the stopping of the stipend

12. **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.

13. Grant of leave to apprentices:-

- (1) In establishments where proper leave rules do not exist or the total leave of different types admissible to their workers is less than thirty seven days in a year, the apprentice shall be entitled to the following kinds of leave and subject to the conditions specified under each kind of leave.
 - (a) Casual leave:-
 - (i) Casual leave shall be admissible for a maximum period of twelve days in a year.
 - (ii) Any holiday intervening during the period of casual leave shall not be counted for the purpose of the limit of twelve days.
 - (iii) Casual leave not utilised during any year shall stand lapsed at the end of the year.
 - (iv) Casual leave shall not be combined with medical leave. If casual leave is preceded or followed by medical leave, the entire leave taken shall be treated either as medical or casual leave, provided that it shall not be allowed to exceed the maximum period prescribed in respect of medical or casual leave, as the case may be.
 - (v) Except in case of extreme urgency applications for such leave shall be made to the appropriate authority and sanction obtained prior to availing of leave.
 - (b) Medical leave.
 - (i) Medical leave up to fifteen days for each year of training may be granted to the apprentice who is unable to attend duty owing to illness. The unused leave shall be allowed to accumulate upto a maximum of forty days.
 - (ii) Any holiday intervening during the period of medical leave shall be treated as medical leave and accounted for in the limits prescribed under clause(i) above.
 - (iii) The employer may call upon the apprentice to produce a medical certificate from a registered medical practitioner in support of his medical leave. A Medical certificate shall, however, be necessary if the leave exceeds six days.
 - (iv) It shall be open to the employer to arrange a special medical examination of an apprentice if he has reason to believe that the apprentice is not really ill or the illness is not of such a nature as to prevent attendance.

- (v)* A female apprentice with one surviving child may be granted maternity leave for a period of 90 days from the date of its commencement without payment of stipend and the apprenticeship training period shall be extended accordingly. The monthly stipend shall be paid to the apprentice during such extended period.

(c) Extraordinary leave:-

- (i) Extraordinary leave upto a maximum of ten days or more in a year may be granted to the apprentice, after he has exhausted the entire casual & medical leave, if the employer is satisfied with the genuineness of the grounds on which the leave is applied for.
- (2) In establishments where proper leave rules exist for workers, the leave to apprentices shall be granted by the employers in accordance with those rules.

Provided that in the case of trade apprentices grant of such leave shall be subject to the following conditions, namely:-

- (a) That every apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 200 days in a year out of which one sixth, namely 33 days shall be devoted to related instructions and 167 days to practical training.
- (b) That every apprentice engaged in an establishment which works for $5\frac{1}{2}$ days or six days in a week shall put in minimum attendance of 240 days in a year, out of which one sixth, namely 40 days shall be devoted to related instructions and 200 days to practical training.

* Inserted vide GSR 293, dated 10th July, 1997

- (c) an apprentice who for any reason is not able to undergo training for the period specified in clause (a) or clause (b) shall be given an opportunity to make up for the shortfall in the following year and shall be eligible to take the test conducted by the National Council:-
 - (i) If he is engaged in an establishment referred to in clause (a) only if he has completed the period of training and has put in minimum attendance of 600 days or 800 days accordingly as the period of training is three years or four years;
 - (ii) if he is engaged in an establishment referred to in clause (b) only if he has completed the period of training and has put in a minimum attendance of 720 days or 960 days accordingly as the period of training is three years or four years.
- (3) If the trade apprentice is not able to put in the minimum period of attendance specified in clause (c) of the proviso to sub-rule (2) during the period of training for circumstances beyond his control and the employer is satisfied with the ground for shortfall in attendance and certifies that the apprentice has otherwise completed the full apprenticeship course he shall be considered as having completed the full period of training and shall be eligible to take the test conducted by the National Council.
- (4) If a trade apprentice is not able to put in the minimum period of apprenticeship specified in clause (c) of the proviso to sub-rule (2) during the period of training and has not completed the full apprenticeship course he shall not be considered as having completed the full period of training and the employer shall, under sub-rule (2) of rule 7, extend his period of training until he completes the full apprenticeship course and the next test is held.

14. Record and returns:-

- (1) Establishments referred to in items (b) and (c) of sub-clause (1) of clause (d) of section 2 of the Act shall submit returns as hereinafter provided to the respective Regional Director.
- (2) Establishments referred to in item (b) of sub-clause (2) of clause (d) of Section 2 of the Act shall submit returns as hereinunder provided to the respective State Apprenticeship Adviser.

- (3) Within seven days from the date a trade apprentice joins an establishment, the employer shall prepare the return in form Apprenticeship – 4 in Schedule-III in duplicate and shall submit one return to the Regional Director or State Apprenticeship Adviser as the case may be, and the other to the Principal or Head of the Institute where Basic Training or Related Instructions shall be imparted.
- (4) As soon as a trade apprentice joins the establishment, the employer shall prepare an index card (Envelope) in Form Apprenticeship -I in Schedule-III in duplicate and shall submit one of the cards to the Regional Director or State Apprenticeship Adviser, as the case may be, within a period of fifteen days of the date of registration of the contract of apprenticeship and retain the other one with him.
- (5) (a) Every employer shall maintain a record of Basic Training or Practical Training and Related Instructions in Form Apprenticeship-IA in Schedule-III, Information regarding Basic Training or Practical Training shall be based on the syllabus approved by the Central Apprenticeship Council and operations actually performed by the trade apprentice during the half year under review, every employer shall send a copy of this report to the Regional Director or the State Apprenticeship Adviser, as the case may be, at the end of every half year, and the said report shall be kept inside form Apprenticeship-I.
- (b) In case where the Basic Training is given to the Trade Apprentices at an institute set up by the Government, reports during the period of such training, giving the required information shall be furnished to the establishment by the Head of the Institute concerned in form Apprenticeship-IA in duplicate.
- (c) The details relating to "Trade Theory" "Workshops Calculation and Science" "Engineering Drawing " and "Social Studies " shall be entered periodically in form Apprenticeship-IA, in Schedule-III by the establishments on the basis of half yearly report which is furnished by the authorities imparting relating instructions in Apprenticeship-I (Supplementary).
- (6) At the end of each half year every establishment shall in respect of trade apprentices receiving training in the establishment submit a report in form Apprenticeship-2 in Schedule-III to the Regional Director or the State Apprenticeship Adviser, as the case may be, according to the table below alongwith the relevant half yearly report in form Apprenticeship - IA in Schedule-III.

TABLE

<u>Report for period ending</u>	<u>Date by which to be sent</u>
March	15th April
September	15th October

- (7)(a) Every employer shall during the months of November and May, submit to the Regional Director or the State Apprenticeship Adviser, as the case may be, the particulars of such trade apprentices who satisfy the minimum conditions of eligibility to appear in the ensuing trade test in March or September and the particulars so submitted shall be in form Apprenticeship-3 in Schedule-III.
- (b) Having scrutinised the eligibility of such trade apprentices, the Regional Director or the State Apprenticeship Adviser, as the case may be, shall inform the employer the programme of the trade test and name of the trade testing centre.
- (c) After receiving the information under clause (b) the employer shall furnish the progress reports in Apprenticeship-I and Apprenticeship-IA in Schedule-III of the eligible trade apprentices to the trade testing officer in advance and not later than seven days before the commencement of the trade test.
- (8) Every employer shall maintain a register of attendance of the trade apprentices undergoing apprenticeship training in his establishment and action taken for irregular and unauthorised absence shall be recorded in the said register at the end of each month.
- (9) On a Graduate or Technician or Technician (Vocational) apprentice joining an establishment, the employer shall prepare index cards in Form Apprenticeship-5 set out in Schedule-III with complete bio-data and retain one card with himself and forward within ten days from the date of the engagement of the apprentice, one card to each of the following authorities, namely:-
- (i) The Central Apprenticeship Adviser:
 - (ii) The Director, Regional Board of Apprenticeship Training concerned; and
 - (iii) In the case of Sandwich course student, the technical Institution concerned.
- (10) Every employer shall maintain a record of the work done and the studies undertaken by the graduate, technician and technician (Vocational) apprentices engaged in his establishment, for each quarter and at the end of each quarter shall send a report in Form Apprenticeship-6 set out in Schedule-III to the Director, Regional Board of Apprenticeship Training concerned.

*Schedule I
[See Rule 3(1) and Rule 7 (1)]

Sl. No.	Designated Trades	N.C.O. Code No.	Ratio of App. to worker other than unskilled workers	Period of App. training	Relevant ITI trades/ App. trades	Rebate allowed in App. Trg.	Essential/Desirable Educational Qualifications
1.	2.	3.	4.	5.	6.	7.	8

Group No.1 - Machine shop trades group:

1.	Fitter	842.10 842.15	1:7	3 years	1. Fitter (+Shipwright Steel)	2 years	Passed 10th class Examination under 10+2 system of education or its equivalent.
					2. Millwright Maintenance Mechanic	1 year	
					3. Tool and Die-Maker	1 year	
					4. Maint.Mech. (Textile Machinery)	1 year	
					5. Mech. (Dairy- Maintenance	1 year	

1.	2.	3.	4.	5.	6.	7.	8
					6. Fitter Structural 7. Boiler Atttdt. 8. Moter Mech. Body Builder 9. Millwright (Rolling Mills 10. Mech. Mining 11. Rigger (Engg. & Chemical Industries 12. Maint. Mech. (Leather Machinery)	1 year. 1 year 1 year 1 year 1 year 1 year.	
2.	Turner	835.15	1:7	3 years	Turner	2 years	Pass in 10th class under 10+2 system of education or its equivalent
3.	Machinist	835.10	1:7	3 years	Machinist	2 years	Pass in 10th class under 10+2 system of education or its equivalent.
4.	Machinist (Grinder)	836.10 836.35 836.25 836.30 836.40 836.55	1:7	3 years	1. Machinist (Grinder) 2. Turner 3. Machinist	2 years 1 year 1 year	Passed 10th class with Science and Maths under 10 + 2 system of education or its equivalent.

1.	2.	3.	4.	5.	6.	7.	8
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Group No.2 - Foundry Trades Group:

1.	Pattern Maker	819.20	1:7	3 years	Pattern Maker	2 years	Passed 8th class Examination under 10+2 system of Education or its equivalent
2.	Foundryman	726.10	1:7	3 years	Foundryman Moulder	1 year 1 year	Passed 10th class examination under 10+2 system of education or its equivalent.

Group No.3 Metal Working Trades Group:

1.	Forger and Heat Treater	723.80 726.90 831.10 831.30 831.50	1:7	3 years	Forger and Heat Treater	1 year	Passed 10th class examination under 10+2 system of education or its equivalent.
2.	Sheet Metal Worker	837.10	1:7	3 years	Sheet Metal Worker	1 year	- do -

1.	2.	3.	4.	5.	6.	7.	8
3.	Welder (Gas and Electric)	872.10 872.20	1:7	2 years	Welder (Gas and electric)	1 year	Passed 10 th class examination under 10+2 system of education or its equivalent
4.	Motor Vehicle Body Builder	815.10	1:7	2 years	1. Forger and Heat Treater 2. Sheet Metal worker 3. Welder (Gas & Arc)	1 year 1 year 1 year.	Passed 10 th class examination under 10+2 system of education or its equivalent.

Group No.4 - Electrical Trades Group :

1.	Electrician	851.10 851.30	1:7	3 years	Electrician	2 years	Passed 10th class Examination under 10+2 system with science as one of the subject or its equivalent.
2.	Lineman	857.10	1:7	3 years	Wireman Electrician	1 year 1 year	Passed 8th class examination under 10+2 system of education or its equivalent.

1.	2.	3.	4.	5.	6.	7.	8
3.	Wireman	855.10	1:7	3 years	Wireman	2 years	8 th class pass from recognised school or its equivalent.
4.	Auto Electrician	855.30	1:7	2 years	1. Mechanic (M.V.) 2. Electrician 3. Electronics (Mechanic)	1 year 1 year 1 year	Passed 10th class Examination under 10+2 system with science as one of the subject or its equivalent.
5.	Electrician Aircraft	855.20	1:10	4 years	Electrician	2 years	Passed 10th class Examination under 10+2 system of education with Science and Maths as subject or equivalent.
6.	Winder (Armature)	859.50	1:7	3 years	Electrician	2 years	- do-
7.	Cable Jointer	857.30	1:2	3 years	Wireman	1 year	Passed 10th class examination under 10+2 system of education with science as a subject or its equivalent

1.	2.	3.	4.	5.	6.	7.	8
8.	Electrician (Mines)	851.15	1:10	3 years	Electrician	2 years	Passed 10th class examination under 10+2 system of education with Science (Physics and Chemistry) as one of subject or its equivalent.

9.	Electroplater	728.10	1:7	3 years	Electroplater	2 years	-do-
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Group No.5 Building And Furniture Trade Group

1.	Carpenter	811.10 811.20	1:7	3 years	Carpenter	1 year	-do-
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2.	Plumber	871.10	1:2	3 years	Plumber	1 year	Passed 8 th class examination under 10+2 system of education or its equivalent.
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3.	Mason (Building Constructor)	951.20	1:7	1 year	Building Constructor	1 year	-do-
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4.	Furniture and Cabinet Maker	812.10 812.20	1:7	3 years	Carpenter	1 year	Passed 8th class examination under 10+2 system of education with science as subject or its equivalent. Desirable: Passed 10 th class examination under 10+2 system of education with science as one of the subject or its equivalent.
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5.	Sports Goods Maker (Wood)	819.70	1:5	2 years	Sports Goods Maker (Wood)	1 year	Passed 8th class examination under 10+2 system of education or its equivalent.
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Group No.6 - Maintenance Trade Group:

1.	Mechanic Machine Tool Maintenance	845.50	1:7	4 years	1. Millwright Maintenance Mechanic 2. Mechanic Machine Tool Maintenance	2 years 3 years	Passed 10th class examination under 10+2 system of education with Science and Maths as subject or its equivalent.
2.	Mechanic Maintenance (Textile Machinery)	845.63	1:7	3 years	Fitter	1 year	Passed 10th class examination under 10+2 system of education with Science (Physics and Chemistry) as subject or its equivalent
3.	Mechanic Maintenance (Chemical Plant)	845.53	1:7	3 years	Mechanic Maintenance (Chemical Plant)	2 years	Passed 10th class examination under 10+2 system of education with Science Maths. as subjects or its equivalent.
4.	Mechanic (Dairy Maintenance)	845.55	1:7	3 years	1. Fitter 2. Tool & Die Maker 3. Ref. and Air-Conditioning Mechanic	1 year	-do-

5.	Mechanic Sewing Machine	945.82	1:4	1 year	Fitter	6 months	Passed 10th class examination under 10+2 system of education or its equivalent.
6.	Mechanic (Mining Machinery)	845.60	1:10	3 years	Fitter	1 year	Passed 10 th class examination with Science (Physics and Chem.) as subject under 10+2 system or its equivalent.
7.	Material Handling Equipment Mechanic-cum Operator	973.35 973.40 973.70 974.45, 974.55 979.20, 977.90	1:3	3 years including 2 years Basic Trg.	Millwright Maintenance Mechanic	2 years	Passed 10th Class examination of 10+2 system or its equivalent.

Group No.7 - Precision Machining Trades Group

1.	Tool and Die-Maker (Dies & Moulds)	833.10 833.40	1:2	4 years	1. Tool and Die-Maker (Dies & Moulds)	3 years	Passed 10th class examination under 10+2 system of education with science and Mathematics as subject or its equivalent.
					2. Fitter	1 year	
					3. Turner	1 year	
					4. Machinist	1 year	
					5. Machinist (Grinder)	1 year	
					6. Tool & Die-Maker (Press Tools, Jigs & Fixtures)	18 months	
					7. Tool and Die Maker	2 Years	

2.	Tool and Die-Maker (Press Tools, Jigs & Fixture)	833.10 833.40	1:2	4 Years	1. Tool and Die Maker (Press Tools, Jigs & Fixtures) 2. Fitter 3. Turner 4. Machinist 5. Machinist (Grinder) 6. Tool and Die Maker 7. Tool and Die Maker (Dies & Moulds)	3 years 1 year 1 year 1 Year 1 year 2 years 18 months	Passed 10 th class examination under 10+2 system of education with Science and Mathematics as subject or its equivalent.
3.	Plastic Mould Maker	833.40 901.30	1:7	4 years	1. Tool and Die-Maker 2. Fitter	3 years 1 year	-do-

Group No.8 - Instrument Trades Group

1.	Instrument Mechanic	841.15	1:3	3 years	Instrument Mechanic	2 years	Pass 10 th class examination under 10+2 system of education with science as one of the subject or its equivalent.
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2.	Mechanic (Instrument Aircraft)	841.15	1:10	4 year	Instrument Mechanic	2 years	Passed 10th class examination under 10+2 system of education with Science and Mathematics as subject or its equivalent.
3.	Mechanic Watch and Clock	841.10	1:3	3 years	Mechanic Watch and clock	2 years	Passed 10th class examination under 10+2 system of education or its equivalent.

Group No.9 - Refrigeration and Air-Conditioning Trades Group

1.	Refrigeration and Air- Conditioning Mechanic	845.70	1:3	3 years	Refri. and Air- Conditioning Mechanic	2 years	Passed 10th class examination with Science (Physics and Chemistry) and Mathematics under the 10 + 2 system of education or its equivalent.
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Group No.10 - Heat Engines Trades Group

1.	Mechanic (Motor Vehicle)	753.27	1:4	3 years	Mechanic (Motor Vehicle)	2 years	Passed 10th class examination or its equivalent.
2.	Mechanic (Diesel)	845.13	1:4	3 years	Mechanic (Diesel)	1 year	Passed 10th class examination or its equivalent

3.	Tractor Mechanic	845.20	1:3	3 years	1. Tractor Mechanic 2. Farm Mechanic Machinery 3. Mechanic Agriculture Machinery	1 year 1 year	Passed the 10 th class examination or its equivalent. Desirable: Passed 10th class under the 10+2 system with Science as one of the subjects or its equivalent.
4.	Mechanic (Earth Moving Machinery)	845.23	1:1	4 years	1. Mechanic (Tractor) 2. Mechanic (Agricultural Machinery)	1 year	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	Mechanic (Marine Diesel)	845.14	1:5	3 years	Mechanic Diesel	1 year	Passed 8th class examination or its equivalent.
6.	Driver-cum-Fitter	843.50 986.55	1:15	3 years	Mechanic (Motor Vehicle)	1 year	Essential: Passed 2 Standard below SSLC or passed 8th class examination or its equivalent under 10+2 system of education. Desirable: Passed 10th class examination under 10+2 system of education or its equivalent.

7.	Auto Mechanic (Two Wheeler/ Three Wheeler)	843.20 843.30 843.50 843.60	1:4	2 years	Mechanic (Motor Vehicle)	1 year	Passed 8th class examination or its equivalent.
8.	Construction Machinery Mechanic Cum Operator	843.30 843.40 843.50 973.30 973.35 973.50 973.55 973.65 973.70 974.10 974.17 974.45, 974.70	1:1	3 years including 2 years Basic Trg.	Mechanic (Motor Vehicle)	2 years	Passed 10th Class examination of 10+2 system or its equivalent.

Group No.11 - Draughtsmen and Surveyor Trades Group

1.	Draughtsman (Civil)	030.20	1:10	3 years	Draughtsman (Civil)	2 years	Passed in 10th class Examination under 10+2 system with Science and Mathematics as subjects.
2.	Draughtsman (Mechanic)	030.40	1:10	3 years	Draughtsman (Mech.)	2 years	- do -

3.	Surveyor	028.10 037.10 037.20	1:14	3 years	Surveyor	2 years	Passed in 10 th class examination under 10+2 system with Science and Mathematics as subjects.
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Group No.12 - Construction Trades Group

1.	Fitter Structural	874.65	1:7	3 years	Fitter	1 year	-do-
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Group No.13 - Power Plant Trades Group

1.	Boiler Attendant	962.20	1:2	3 years	Fitter	6 months	Passed in 10 th class under 10+2 system of education with Physics, Chemistry and Mathematics or its equivalent.
2.	Steam Turbine cum Auxiliary Plant Operator	961.30	1:4	3 years	--	--	Passed 10th class examination under 10+2 system of education or its equivalent.
3.	Switch Board Attendant	961.50	1:4	3 years	Steam Turbine cum Auxiliary Plant Operator	6 months	Passed 10th class examination under 10+2 system of education with Science or its equivalent.

Group No.14 - Printing Group of Trades

(i) Type Setting Group:

1.	Lino Operator	922.10	1:15	3 years	Hand Compositor	1 year	Passed 10 th class examination under 10+2 system with proficiency in English and any regional language or its equivalent.
2.	Mono Keyboard Operator	922.20	1:15	3 years	Hand Compositor	1 year	
3.	Mono Castor Operator	922.30	1:15	2 years	Hand Compositor	1 year	

(ii) Photo Mechanic Group:

1.	Process Cameraman	926.10	1:5	3 years	-	-	Passed 10th class examination with Physics and Chemistry as subject under 10+2 system of education or its equivalent.
2.	Retoucher Lithographic	925.10	1:4	3 years	-	-	- do -
3.	Engraver	926.50	1:7	3 years	-	-	- do -

(iii) Binding Group:

1.	Book Binder	927.10	1:5	2 years	Book Binder	1 year	Passed 8th class examination under 10+2 system of education or its equivalent.
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(iv) Litho Offset Group:

1.	Plate Maker (Lithographic)	926.40	1:3	2 years	-	-	Passed 10th class examination under 10+2 system of education with Physics and Chemistry as subjects or its equivalent.
2.	Offset Machine Minder	923.50 923.60	1:2	3 years	-	-	Passed 10th class examination under 10+2 system of education with Physics and Chemistry as subjects or its equivalent.

Group No.15 - Hotel and Catering Trades Group

1.	Apprentice Food Production (General)	520.20	1:5	3 years	1. Cook (Vegetarian) 2. Craftsman Food Production (General) 3. Craftsman Food Production (Vegetarian)	1 year 1 year 1 year	Passed Matriculation or its equivalent or 10th class under 10+2 system of education.
2.	Apprentices Food Production (Vegetarian)	520.20	1:5	2 years	Craftsman Food Production (Vegetarian)	1 year	- do -
3.	Steward	521.40	1:5	2 years	Steward		Passed in Matriculation examination or its equivalent or 10th class under 10+2 system.
4.	Baker and Confectioner	777.10	1:5	2 years	Baker and Confectioner	1 year	Passed 10th class examination under 10+2 system of education or its equivalent.
5.	House Keeper	510.10	1:5	1 year and 6 months.	-	-	Passed matriculate or 10th class examination under 10+2 system of education.

6.	Hotel Clerk or Receptionist or Front Office Asstt.	352.10	1:5	2 years	-	-	Passed in Matriculation examination or its equivalent or the 10 th class under 10+2 system.
7.	Fruit and Vegetable Processor	775.90	1:10	2 years	Preservation of Fruit and Vegetables	1 year	Passed in 10 th class examination under 10+2 system of education or its equivalent with Science as one of the subjects.

Group No.16 - Textile Trades Group

1.	Weaver	755.50	1:50	6 months	-	-	Essential - Passed 8th class under 10+2+3 system of education or two class below matriculation examination or its equivalent. Desirable-Passed 10th class examination under 10+2 system of education or its equivalent.
2.	Doffer-cum- Piecer	752.65 752.40	1:50	6 months	-	-	Essential - Passed 8th class or its equivalent.

3.	Tenter(Drawing/ Speed/Fly Frames)	752.10 752.15 752.20	1:25	6 months	-	-	Passed 8 th class or its equivalent.
4.	Winder (Textile)	752.70	1:50	6 months	-	-	- do -
5.	Knitter (Hosiery)	757.10 757.15 757.20 757.25 757.30	1:4	1 & 1/2 yrs.	-	-	Passed 10th class examination under 10+2 system of education or its equivalent.
6.	Printing Textile	758.30 758.32 758.34	1:10	6 months	-	-	Passed 8th class or its equivalent under 10+2 system of education.
7.	Creel Boy- cum-Warper	753.40 753.50	1:5	6 months	-	-	Passed matriculate or 10th class examination under 10+2 system of education or its equivalent.

Group No.17 - Mining Trades Group

1.	Sirdar (Colliery)	710.50	1:4	3 years	-	-	Passed 10th class examination under 10+2 system of education with Science (Physics and Chemistry) as subject or its equivalent.
2.	Shotfirer/ Blaster (Mines)	714.10	1:7	2 years	-	-	Passed 10th class examination under 10+2 system of education or its equivalent.
3.	Mate (Mines)	710.40 715.90	1:10	3 years	-	-	Passed 10th under 10+2 system with Science (Physics and Chemistry) as one of the subjects or its equivalent.

Group No.18 - Chemical Trades Group

1.	Attendant Operator(C.P.)	1:10	3 years (for 10 th pass)	Attendant Operator (C.P.)	2 years (for 10 th Pass)	Passed 10th under 10+2 system with Science (Physics and Chemistry) and Maths as subjects or its equivalent
	733.10, 722.10, 733.15, 733.20 733.40, 733.45 733.50,733.70 733.90, 734.10, 734.15 734.25, 739.20, 739.55 741.15, 741.20, 741.30, 741.10 741.60, 741.70, 742.10 742.20, 742.30 742.40 742.60, 742.90, 743.10 743.30, 743.40, 744.10 744.20, 744.30, 744.40 744.50, 745.10, 749.30 749.34, 749.42 773.50 749.62, 749.64, 749.68 749.72, 749.74, 749.76 749.80, 749.82, 749.84 749.86 749.88 773.13. 773.23, 773.40 773.45,773.50 773.57, 773.60, 773.65,773.80 775.30, 775.35, 775.40 775.45, 775.65, 776.20 776.50, 893.10 893.20, 893.33 902.10, 902.20, 902.30 902.50, 903.10 903.20		1 & ½ years (for B.Sc. pass)		6 months (for B.Sc. pass)	or Passed B.Sc with Physics & Chemistry as subjects.

2.	Instrument Mechanic (C.P.)	841.20 841.70 851.20	1:3	3 years (for 10th Pass)	Instrument Mechanic (Chemical Plant)	2 years (for 10th Pass)	Passed 10th under 10+2 system with Science (Physics and Chemistry) and Maths as subjects or its equivalent.
				1 & 1/2 years (for B.Sc.Pass)		6 months (for B.Sc. Pass)	Passed B.Sc. with Physics and Chemistry as subjects.
3.	Laboratory Assistant (C.P.)	010.30 034.10 034.30 034.50 035.10 083.10	1:4	3 years (for 10th Pass)	Laboratory (Assistant) B.Sc	2 years (for 10th Pass)	- do -
				1 & 1/2 Years (for B.Sc. Pass)		3 months (for B.Sc. Pass).	
4	Fibre Reinforced Plastic Processor	901.15 901.20, 901.25 901.30, 901.35 901.40, 901.45 901.50, 901.55	1:5	2 years	Plastic process Operator	1 year	Passed 10th class examination under 10+2 system or its equivalent.

5.	Plastic Processing Operator	901.20 901.25 901.30, 901.35 901.40, 901.45 901.50, 901.55 901.60, 901.65	1:5	2 years	-do-	1 year	Passed 10 th class examination under 10+2 system or its equivalent.
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Group No. 19 - Cutting and Tailoring Trades Group

1.	Designer and Master Cutter	794.40 794.60	1:5	2 years	Cutting and Tailoring	1 year	Passed 10th under 10+2 system or its equivalent.
2.	Tailor (Men)	791.30 791.40 791.50	1:4	1& 1/2 yrs.	Cutting & Tailoring	1 year	Passed 8th class examination or its equivalent.
3.	Tailor (Women)	791.20	1:4	1& 1/2 yrs.	- do -	1 year	- do -
4.	Tailor (General)	791.10 791.90	1:5	2 years	- do -	1 year	- do -
5.	Dress Maker	781.20	1:7	2 years including one year Basic Training	1. Dress Making 2. Cutting & Tailoring	1 year 1 year	Passed 10 th class examination under 10+2 system of education or its equivalent.
6.	Embroidery & Needle Worker	795.40 795.60	1: 7	2 years including one year Basic Training	Embroidery & Needle Worker	1 year	Passed 10 th class examination under 10+2 system of education or its equivalent.

Group No.20 - Agriculture Trades Group

1.	Mechanic (Agricultural Machinery)	345.20	1:7	3 years	1. Farm Mechanic 2. Tractor Mechanic	2 years 1 year	Passed 10th class examination under 10+2 system of education or its equivalent.
2.	Horticulture Assistant	053.20	1:7	2 years	-	-	-do-
3.	Stockman (Dairy)	082.10 082.20	1:7	2 years	-	-	Passed 10th class examination under 10+2 system of education with Science or its equivalent.
4.	Attendant Operator (Dairy)	776.10 776.20, 776.30, 776.40 776.50 776.60 776.70 776.90	1:7	3 years	-	-	Passed 10th class examination under 10+2 system of education with Science and Mathematics or its equivalent.
5.	Pump Operator Cum Mechanic	845.57	1:4	2 years	1. Pump Mechanic 2. Pump Operator Cum Mechanic	1 year 1 year	Passed 10th under 10+2 system of education with Science or its equivalent

Group No.21 - Leather Crafts Trades Group

1.	Sports Goods Maker (Leather)	809.90	1:5	2 years	Sports Goods Maker (Leather)	1 year	Passed 10th class examination under 10+2 system or its equivalent.
2.	Leather Goods Maker	809.10 809.20, 809.30 809.40	1:7	2 years	Manufacturer of suitcase and other leather Goods	1 year	Passed 8th class examination under 10+2 system or 2 class below Matriculation examination or its equivalent.
3.	Footwear Maker	801.10	1:4	2 years	Manufacture of Footwear	1 year	Passed in 8th examination under 10+2+3 or 2 class below Matriculation examination or its equivalent.
4.	Finished Leather Maker	761.00	1:3	2 years	-	-	- do -
5.	Maintenance Mechanic for Leather Machinery	845.50	1:3	3 years	Fitter	1 year	Passed 10th under 10+2 system with Science (Physics and Chemistry) and Maths as subjects or its equivalent.

6.	Upholsterer	796.10	1:5	2 years	1. Upholsterer 2. Leather Goods Maker	1 year 1 year	Pass in 8th class examination under 10+2 system of education or 2 classes below Matriculation examination or its equivalent.
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Group No.22 - Ship Building Trades Group

1.	Shipwright (Steel)	816.20	1:7	3 years	Fitter	1 year	Essential - Passed 10th under 10+2 system of education or equivalent. Desirable - Passed SSLC with Science (Physics and Chemistry) and Maths. or its equivalent or passed 10th class under 10+2 system with Science and Mathematics as subjects.
2.	Pipe Fitter	871.20	1:7	3 years	Plumber	1 year	Passed 10th under 10+2 system with Science (Physics and Chemistry) and Mathematics or its equivalent.
3.	Rigger	972.10	1:7	3 years	-	-	Passed the 8th class examination under 10+2 system or its equivalent.
4.	Gas Cutter	872.40	1:7	2 years	Welder (Gas and Electrical)	1 year	-do-

5.	Shipwright (Wood)	816.70	1:7	3 years	Carpenter	1 year	Essential-Passed 10th class examination under 10+2 system of education or its equivalent. Desirable-Passed 10th under 10+2 with Science (Physics and Chemistry) and Mathematics or its equivalent.
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Group No.23 - Electronics Trades Group

1.	Mechanic Radio and Radar Aircraft	852.30 854.50 854.60	1:10	4 years	1. Mechanic Radio and T.V. 2. Electronics Mechanic	2 years 2 years	Passed 10th under 10 + 2 system with Science (Physics and Chemistry) and Mathematics or its equivalent.
2 .	Electronics Mechanic	852.20	1:5	3 years	1. Electronics Mechanic 2. Mechanic (Radio and T.V.)	2 years 2 years	Passed 10th class examination under 10+2 system in Mathematics, Physics & Chemistry or its equivalent.
3.	Mechanic Television (Video)	854.20	1:7	3 years	1. Electronics Mechanic 2. Mechanic Radio and T.V.	2 years 2 years	Passed Matriculation under 10+2 system with Mathematics and Science or its equivalent.

Group No.24 - Photography Trades Group

1.	Photographer	173.10	1:4	2 years	Photographer	1 year	Passed 10th under 10+2 system with Science (Physics and Chemistry) as one of the subjects or its equivalent.
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Group No.25 - Iron and Steel Trades Group

1.	Brick Layer (Refractory)	951.30	1:10	3 years	Mason (Building Constructor)	1 year	- do -
2.	Furnace Operator (Steel Industry)	721.55 721.60	1:15	2 years	-	-	Passed 10th under 10+2 system with Science (Physics and Chemistry) and Mathematics or its equivalent.
3.	Steel Melting Hand	723.15 723.20 723.30	1:15	2 years	-	-	-do-
4.	Crane Operator (Overhead Steel Industry)	973.45	1:15	2 years	-	-	-do-

Group No.26 - Beautician Trades Group

1.	Beautician	560.30	1:3	2 years	-	-	Essential - Passed Matriculation examination or its equivalent or 10th class under 10+2 system with Biology as one of the subjects. Desirable - Passed Higher Secondary or Pre-University Course or plus 2 of 10+2 system with Biology as one of the subjects.
2.	Hair Dresser	560.10 560.20	1:2	2 years	-	-	-do -
3.	Health and Slimming Assistant	089.50	1:3	2 years	-	-	- do -
4.	Hair and Skin Carer	560.10 560.30	1:10	2 years	Hair and Skin Care	1 year	Passed in 10 th class with Science under 10+2 system of education or its equivalent.

Group No.27 - Glass and Ceramic Trades Group

1.	Ceramic Moulder	892.25	1:4	2 years	-	-
2.	Ceramic Caster	891.20	1:4	2 years	-	-
3.	Ceramic Kiln Operator	893.30	1:4	2 years	-	-
4.	Ceramic Press Operator	892.60	1:4	2 years	-	-
5.	Ceramic Decorator	895.30	1:4	2 years	-	-
6.	Moulder (Refractory)	892.65	1:4	2 years	-	-

Passed 8th class of 10+2 system of education or 2 standard below or its equivalent.

7.	Enamel Glazer	895.50	1:4	2 years	-	-	Passed 10th class examination under 10+2 system with Science as subject or its equivalent.
8.	Insulator Maker/ Machine Operator (Ceramic)	899.44 899.45	1:7	3 years	-	-	-do-
9.	Optical Worker	891.48	1:7	3 years	1. Machinist 2. Millwright Maint. Mechanic 3. Turner 4. Fitter 5. Machinist (Grinder)	1 year 1 year 1 year 1 year 1 year	Passed 10th class under 10+2 system of education or its equivalent.

Group No.28 - Painting Trades Group

1.	Painter (General)	932.10	1:7	3 years	Painter (General)	2 years	Passed 8th class or its equivalent.
2.	Painter (Marine)	931.20	1:7	2 years	Painter (General)	1 year	Passed 8th class examination under 10+2 system preferably with Maths. and Science or Two standard below

Group No.29 - Computer Trades Group

1.	Data Preparation & Computer Software	103.10 103.20	1:5	2 years	Data Preparation and Computer Software	1 year	Passed 12th class examination under 10 + 2 system of education with Science/Commerce as subjects or its equivalent (other things being equal, preference will be given to candidates with higher qualification).
2.	Desk Top Publishing Operator	922.65	1:4	2 years	Desk Top Publishing Operator	1 year	Essential: (1) Passed Class XII under 10+2 system. (ii) Typing speed of 30 words per minutes in English. Desirable: Typing speed of 30 words per minute in any one of the languages specified in the Eighth Schedule to the Constitution of India.
3.	Programming & Systems Administrations Assistant	103.70 103.80	1:5	1 year	---	---	National Trade Certificate issued by National Council for Vocational Training in "Computer Operator and Programming Assistant" trade.

Group No. 30- Hi- Tech Trades:

1.	Advanced Attendant Operator (Process)	730.20 740.10, 740.90, 770.90 900.10, 730.90 740.20, 770.40 890.20	1:7	1 year & 6 months	-	-	Passed B.Sc with Physics & Chemistry as compulsory and Mathematics as desirable subject.
2.	Operator cum Mechanic Pollution control Equipment	039.10, 039.90	1:5	2 Years			Passed Higher Secondary Examination with Physics, Chemistry and Biology under (10+2) system of Education or its equivalent.
3.	Mechanic Medical equipment for Hospitals and Occupational Health Centre	086.10 088.10 089.90, 090.90	1:5	2 Years			Passed Higher Secondary examination under (10+2) system of education with Physics, Chemistry and Biology.

Group No.31. Multi Skill Group Trades

1.	Mechanic Industrial Electronics	852.10, 852.20	1:7	3 years	-	nil	Passed 10+2 with Physics, Chemistry and Mathematics.
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2.	Mechanic Advanced Machine Tool Maintenance	845.10 845.13, 845.16 845.20, 845.23, 845.26 845.30, 845.35, 845.37 845.40, 845.43, 845.47 845.50, 845.53, 845.55 845.57, 845.60, 845.63 845.65, 845.70,	1:5	3 years	-	nil	Passed 10+2 with Physics, Chemistry and Mathematics.
3.	Operator Advanced Machine Tool	835.10, 835.15, 835.25, 835.30, 835.40, 835.45, 835.90.	1:7	3 years	- nil-		-do-
4.	Power Electrician.	851.10 851.20, 851.30	1:10	4 years.	Electrician	2 years	Passed 10th class with Science as one of the subjects or its equivalent.
5.	Operator Cum Mechanic (Power Plant)	842.10, 842.15 842.20, 842.65	1:10	4 years (Combine strength including basic Training of Mechanic and Operator of Power Plant)	Mill-wright Maintenance Mechanic & or Fitter.	2 years	Passed 10 th class examination class examination under 10+2 system of education with Science and Mathematics.

* Substituted vide GSR 123, dated 24th June, 1998 and further amended vide GSR 39, 40, 41 dated 18th January 1999, GSR 51 dated 11th Feb. 1999, GSR 58 dated 12th Feb. 1999, GSR 260 dated 6th August 1999, GSR 391 dated 22nd November 1999 and last amended vide GSR 626 dated 16th November 2001.

SCHEDULE-IA
(See rule 3(2))

Category of Apprentices	Minimum Educational Qualification
1.	2.
1. Graduate Apprentices	(a) A degree in engineering or technology granted by a statutory University. (b) A degree in engineering or technology granted by an institution empowered to grant such degrees by an Act of Parliament. (c) Graduate examination of professional bodies recognised by the Central Government as equivalent to a degree. (d) A sandwich course student who is undergoing training in order that he may hold a degree in engineering or technology as mentioned at (a) and (b) above.
2. Technician Apprentices	(a) A diploma in engineering or Technology granted by a State Council or Board of Technical Educational established by a State Government. (b) A diploma in engineering or technology granted by a University. (c) A diploma in engineering or technology granted by an Institute recognised by the State Government or Central Government as equivalent to (a) and (b) above. (d) A sandwich course student who is undergoing training in order that he may hold a diploma mentioned in (a), (b)& (c) above.
3. Technician (Vocational) Apprentices	(a) A certificate in vocational Course involving two years of study after the completion of the secondary stage of school education recognised by the All India Council for Technical education. (b) A sandwich course student who is undergoing training in order that he may hold a certificate mentioned in (a) above

SCHEDULE-II (See rule 4)

Standard of physical fitness for training

- (1) A candidate should be free evidence of any contagious or infectious disease. He should not be suffering from any disease which is likely to be aggravated by service or is likely to render him unfit for service or endanger the health of the public. He should also be free from evidence of tuberculosis in any form, active or healed.

- (2) Height, Weight And Chest

Candidates should satisfy the following minimum standards, namely:-

HEIGHT: 137 centimeters; Weight:25.4 Kilogram; Chest expansion should not be less than 3.8 centimeters irrespective of size of chest:

Provide that where a candidate does not satisfy the said minimum standards but is certified in writing by a Medical Officer not below the rank of an Assistant Surgeon (Gazetted), to be physically fit for being engaged as an apprentice in a particular trade under the Apprentices Act,1961, he may be engaged as an apprentice in that trade.

- (3) EYES

There should be no evidence of any morbid condition of either eye of the lids of either eye which may be liable to risk of aggracation of recurrence.

Standard of Vision

- (A) Visual acuity: *Candidates having vision in one eye shall eligible to undergo apprenticeship training except in the following seventeen trades, namely :-

- | | |
|------------------------------------|-----------------------------------|
| (1) Electrician Aircraft | (2) Watch and Clock Mechanic |
| (3) Driver cum Fitter | (4) Surveyor |
| (5) Process Cameraman | (6) Sirdar |
| (7) Rigger(Engg. & Chem. Industry) | (8) Shortfirer/Blaster(Mines) |
| (9) Mate(Mines) | (10) Mech. Radio & Radar Aircraft |
| (11) Ceramic Moduler | (12) Ceramic Caster |
| (13) Ceramic Kiln Operator | (14) Ceramic Press Operator |
| (15) Ceramic Modeller | (16) Ceramic Decorator |
| (17) Optical worker | |

* Substituted vide GSR 221 dated 21st April 1993

(b) Colour vision: Not required

(4) EARS

Hearing must be good in both ears and there should be no sign of suppurative disease. No hearing aid shall be permitted.

(5) SKIN

There should be no evidence of acute or chronic skin disease or chronic ulceration.

(6) SPEECH:

Speech should preferably be without impediment.

(7) ALIMENTARY SYSTEM:

1. Candidates should have sufficient number of natural teeth (in healthy state) for mastication.
2. Spleen should not be palpably enlarged and there should be no evidence of tenderness in the splenic area.
3. Liver should not be palpable or tender.
4. There should be no oral sepsis.
5. There should be no sugar in the urine.
6. Candidates should not be suffering from haemorrhoids, fissures in and testis anal hernia or bubonocoele or ischio-rectal abscess or hydrocele.

(8) CARDIO VASCULAR SYSTEM:

1. Blood pressure should not exceed 85 diastolic and 140 systolic.
2. Candidates with low blood pressure (i.e. systolic below 100) should be rejected.
3. There should be no sign of any cardiovascular disease.

(9) RESPIRATORY SYSTEM:

Candidates should be free from all diseases of respiratory system. There should be no deformity of chest which may cause impediment to breathing.

(10) GENITO URINARY SYSTEM

There should be no evidence of genito urinary disease or any abnormality.

(11) SKELETAL SYSTEM:

1. The function of all limbs should be within normal limits.
2. There should be no evidence of serious deformity of the spinal column or of the extremities.

(12) NERVOUS SYSTEM:

There should be no evidence of any disease of nervous system or of any mental disease.

(13) GLANDULAR SYSTEM:

There should be no evidence of tuberculosis or other disease of the glandular system including the endocrine glands.

SCHEDULE-IIA
(See rule 5)

SL. NO.	NAME OF STATE	RATIO OF SCHEDULED CASTE APPRENTICES TO THE TOTAL APPRENTICES	RATIO OF SCHEDULED TRIBES APPRENTICES TO THE TOTAL APPRENTICES
1.	Andhra Pradesh	1:8	1:20
2.	Assam	1:17	1:9
3.	Bihar	1:7	1:11
4.	Gujarat	1:14	1:7
5.	Haryana	1:5	1:20
6.	Himachal Pradesh	1:5	1:20
7.	Jammu & Kashmir	1:12	1:20
8.	Karnataka	1:8	1:20
9.	Kerala	1:11	1:20
10.	Madhya Pradesh	1:8	1:5
11.	Maharashtra	1:17	1:17
12.	Manipur	1:50	1:3
13.	Meghalaya	1:10	1:2
14.	Nagaland	-	1:2
15.	Orissa	1:7	1:4
16.	Punjab	1:4	1:20
17.	Rajasthan	1:6	1:8
18.	Tamilnadu	1:6	1:20
19.	Uttar Pradesh	1:5	1:20
20.	Tripura	1:8	1:3
21.	West Bengal	1:5	1:17
22.	Andman.& Nicobar Islands	-	1:6
23.	Arunachal Pradesh	-	1:2
24.	Chandigarh	1:8	1:20
25.	Dadar & Nagar Haveli	1:50	1:2
26.	Delhi	1:6	1:13
27.	Goa,Daman & Diu	1:50	1:20
28.	Lakshadweep	-	1:2
29.	Mizoram	-	1:2
30.	Pondicherry	1:6	1:30

VERTICAL FORMS & SCHEDULES

SCHEDULE-III

(See rule 14)

FORM APPRENTICESHIP -I

Front Side

PERSONAL DETAILS(Envelope Size 23 cms x 15 cms)

Name and address of the establishment

Registration No. and date of execution of contract of Apprentice	Designated Trade	Date/Year of Birth	Whether belongs SC/ST	Photo of Apprentice (passport size)
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Period of training as per contract	Date of commencement of training	Date of completion of training	Date of completion, if period of training extended
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Name and address of apprentices	Name and address of Father/Guardian	<u>Details of previous training, if any</u> Name of Industrial Training Institute/Centre
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Educational qualifications at entry

Designated Trade			
Examination passed	Name of School/Institute	Date	Remarks
Period of Training From To Examination passed from National Council for Training School in Vocational Trade- 1year/2years.			

Basic Training imparted at	Related Instruction imparted at	Signature of Apprentice
		Signature of Training Officer

Back Side

(I, II & III to be completed by the employer before submitting it to the Trade Testing Officer)

I.	Total No. of days of attendance during the entire period of apprenticeship training	II.	Consolidated assessment of half yearly report (APP-IA) during the entire period of apprenticeship training.
	i) Practical days out of.....		Subject % of Sessional Marks
	ii) Related Instruction....days out of....		Trade Theory
	iii) Total.....days out of.....		W.Cal & Science
			Engg. Drawing
			Social Studies
			Practical (Basic Training and Shop Training)
III.	Conduct during apprenticeship	IV.	Exemptions obtained by failed candidates in the NCVT Trade Test with Date/Dates

	Subject	Minimum marks required for exemption	Exemption obtained with marks	
			I chance Date	II chance Date
Signature of Training Officer	Practical (including sessional work)		280	
	Trade theory (including sessional work)		72	
	Workshop Calculation and (including sessional work)		36	
	Engineering Drawing (including sessional work)		42	

APPRENTICESHIP-I **(Supplementary)**

Report on Related Instruction for the half year ending.....

From: Name and address of Industrial Training Institute

To: Name and Address of the Establishment for which Related Instruction of Apprentices is being carried out.....

Sl. No.	Name of Apprentices	Registration No.	Designated Trades	Work Cal. & Science	Engg. Drg.	Trade Theory	Social Study	Attendance in days	
								----- Actual	Possible
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

Note :

- A-Average,
AA-Above 70%

BA-Below Average
A-50% to 69%

AA-Above Average
BA-Below 50%
- In case Basic Training is imparted at the ITI., Form Apprenticeship-IA of such apprentices, completed upto March/September may be attached with this report, in duplicate.

FORM APPRENTICESHIP – IA

To be kept inside Form Apprenticeship-I

Record of Practical Training & Related Instruction

Name of Establishment

Report for the half year ending.....

Name of apprentice.....

Registration No.

Designated Trade

Name of the ITI for R.I., if the same is not imparted in the establishment.....

Serial number of operation
as per prescribed list

Name of Operation

Months in which operations performed during
the half year

1 2. 3. 4. 5. 6.

GRADING			ATTENDANCE IN DAYS		
Trade Theory	W.Cal. & Science	Engg. Drawing	Social Studies	Practical	Related Instruction
			Actual Possible	Actual Possible	
Grading	Related Instruction	Practical	Signature of Apprentice		Signature of Training officer
AA	Above 70%	Above 80%			
A	50 to 60%	60 to 70%			
BA	Below 50%	Below 60%			

Note :

Operations performed during half year should be indicated by putting a tick mark in the month column in which performed.

FORM APPRENTICESHIP – 2

Name & address of the establishment

Report for the half year ending _____

(Name of the Manager/Director) _____

(Name & Designation of the Incharge Officer of Trg. _____

Name of Industry _____
& Standard Industrial Classification Code No.
(Minor)

Telex & Telephone No.
Telegraphic Address

Name of product _____

Total number of workers _____

Sl. no.	Designated Trade	Number of workers other than unskilled workers	Number of apprentices to be engaged	No. of apprentice under training				Remarks/ Reasons for shortfall if any
				Fresher under Basic trg.	Fresher under Shop trg.	Ex-ITI	Total	
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.								
2.								
3.								
4.								
etc.								

*Apprentices joined during half year	*Apprentices completed training during half year	*Apprentices whose contracts terminated during half year
10.	11.	12.
1. 2. 3. 4. etc.		
Number of apprentice under training		
Arrangement of Related Instructions on		
(i) Day Release Basis (ii) Block Release Basis (iii) Any other Basis		
Total number of Apprentices Scheduled Castes Apprentices Scheduled Tribes Apprentices Physically Handicapped Apprentices Women Apprentices		

Apprentices under column 5 above are undergoing Basic
Training at _____
(Name of the Basic Training Centre)

Apprentices under column 8 above are undergoing
Related Instructions at own establishments
in trades at Sl. Nos.

at ITI _____

in Trades at Sl. Nos. _____

Dated :

Signature of Employer

FORM APPRENTICESHIP – 3 (HALF YEARLY)

NOTIFICATION OF DUE COMPLETION

Name of Establishment _____

The apprentices whose particulars are given below are due to complete their period of training on dates shown against each in accordance with the provisions of the Apprentices Act, 1961.

They are being sponsored to appear in the All India Trade Test to be held in March/Sept.

Sl. No.	Name of the apprentice & his father's name	Registration number	Designated trade	Date of commencement of training	Date of completion
1.	2.	3.	4.	5.	6.

Attendance(Likely) on the date of completion training		Maximum possible attendance i.e. total working days of the establishment	Conduct(Very good/ Good/Satisfactory)	Remarks
Practical	Related Instruction			
7.	8.	9.	10.	11.

Progress record of these apprentices in Form APP-I and APP-IA will be submitted to the Trade Testing Officer for evaluation of sessional marks at the time of Trade Test.

Apprentices who also complete their period of training in March/September, but whose candidature has been with held, due to other conditions of eligibility not being fulfilled, are given below, with the reasons therefor. These apprentices have been informed accordingly.*

Signature of Employer

* In case the period of apprenticeship of these apprentices is being extended under Rule 7(2) of the Apprenticeship Rules, 1992, same may be indicated.

FORM APPRENTICESHIP – 4 (Half Yearly)

Name and Address of the Establishment _____

The apprentices whose name and particulars are noted below have been engaged for undergoing apprenticeship training under the Apprentices Act, 1961 at this Establishment during February/August, 19 . They are qualified to be engaged as apprentices and satisfy the minimum requirements as laid down under the rules.

Sl. No.	Name of Apprentice	Educational Qualification	If Ex-ITI boy particulars of trade and ITI		Name of corresponding designated trade joined	Date of joining	Remarks
			Name of ITI	Period of Trg.			
				From To			

N.B. : The contracts of apprenticeships in respect of the above mentioned apprentices are in the process of execution and will be forwarded within one month.

Signature of Employer/Trg. Officer
(Name and Designation)

To

1. The State Apprenticeship Adviser or the Regional Director
2. The Principal, Industrial Training Institute where Basic Training/Related Instructions is proposed to be imparted to the apprentice. The apprentices marked(*) will be released on Day/Block release basis for Related Instruction at your Institution.

FORM APPRENTICESHIP - 5

To be submitted within ten days from the date of engagement of apprentices - applicable only to Graduate or Technician or Technician(Vocational) apprentices.

Please state whether the apprentice is a student of Sandwich course.

Yes/No

Personal Details

Name & Address of Establishment

Nature of Industry and Standard Industrial
Classification Code No.

Registration No. & Date of
contract of apprenticeship

Subject field in engineering/technology/
vocational course

Date of commencement
of training

Name & address of apprentice		Name & address of guardian		Photo of apprentice passport size	
<u>Educational qualification at entry</u>					
Date & year of birth		Examination passed		Name of Institution	
				Date of passing	
				Remarks	
Period of training					
Date of completion of training					
Rate of stipend to be paid					

APPRENTICESHIP - 6

RECORD OF PROGRESS OF APPRENTICE :

(To be submitted once in a quarter in respect of graduate or technician or technician(vocational) apprentices)

Name Registration No.

Subject field in Engineering or Technology or Vocational

course..... under training at

Date of commencement.....

Area of Training during the quarter

Progress report for quarter to

(i) Aptitude for training

(ii) Performance during the quarter

(iii) Shortcomings, if any

(iv) Reaction of trainee to corrective action at (iii) above

(v) Assessment

Excellent/Above Average/Average/Below Average

(Strike out those not applicable)

Signature of Officer/Executive Incharge of Training

Remarks

Signature of Manager of the Industry/Establishment

SCHEDULE-IV
(See Rule 9)

1. In case of Trade Apprentices:-
 - (a) Must possess a degree or diploma in engineering or technology or equivalent qualification recognised by Government of India.
 - (b) National Apprenticeship Certificate with minimum five years experience.
2. In the case of Graduate Apprentices:

Must hold a degree in engineering or technology or equivalent qualification as recognised by the Government of India.
3. In the case of Technician and Technician (Vocational) Apprentices:-

Must hold degree or diploma in engineering or certificate in Vocational courses or equivalent qualification recognised by the Government of India.
4. The person placed in over all charge of training of apprentices may be assisted by such number, as is considered necessary, of shop floor or workshop personnel who have practical know how to guide the apprentices. It is desirable that the person in charge should have industrial experience.
5. Desirable qualification in the case of 1,2 and 3 above :

Training in Central Staff Training and Research Institute/Technical Teacher Training Institute/Central Training Institute.

***SCHEDULE IV A**
(See rule 9 A)

I STAFFING PATTERN

(a) BASIC TRAINING CENTRE

- | | | |
|----|--|---------------------------|
| 1. | One Trade Instructor | for every 16 apprentices |
| 2. | One Drawing Instructor | for every 150 apprentices |
| 3. | One Instructor
(W/Shop Calculation and Science) | for every 150 apprentices |
| 4. | One Social Study Instructor | for every 400 apprentices |

(b) SHOP FLOOR TRAINING INCLUDING RELATED INSTRUCTIONS

- | | | |
|----|--|---------------------------|
| 1. | One Trade Instructor | for every 40 apprentices |
| 2. | One Drawing Instructor | for every 150 apprentices |
| 3. | One Instructor for
(W/Shop Calculation and Science) | every 150 apprentices |

II QUALIFICATIONS OF INSTRUCTIONAL STAFF FOR BASIC TRAINING CENTRE AND SHOP FLOOR TRAINING INCLUDING RELATED INSTRUCTIONS.

TRADE INSTRUCTOR/ DRAWING INSTRUCTOR/ WORKSHOP CALCULATION AND SCIENCE INSTRUCTOR

- Essential:
- | | | |
|-----|------|--|
| (a) | (i) | Passed 10th standard |
| | (ii) | Passed National Apprenticeship Certificate Examination in relevant trade with five years experience in industry. |

OR

- | | |
|-----|--|
| (b) | Diploma in Engineering/Technology in appropriate branch with three years experience. |
|-----|--|

Desirable : Passed Instructor Training Course in relevant trade from any of the Advanced Training Institute or Central Training Institute for Instructors under the Directorate General of Employment and Training, Ministry of Labour.

* Inserted vide GSR 190(E) dated 26th Feb. 1999

SCHEDULE-V
(See Rule 6)

I. 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.(a) Such of those employer as specified in sub-section (4) of section 9 shall take 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 set up by the employer.
- (b) Such of the employer as specified in sub-section (5) of section 9 shall make suitable arrangements in a training institute set up by the Government for imparting a course of basic training to the trade apprentice in accordance with the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council.
3. The employer shall release the apprentice for receiving related instructions as required by section 10 of the Apprentices Act, 1961, treating any time spent in attending such classes as part of his paid period of work.
- 4.(a) The employer shall pay stipend to the apprentice at the rate as specified from time to time under rule II of the Apprenticeship Rules 1992.
- (b) 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.
- 5.(a) The weekly hours of work of an apprentice while undergoing practical training shall be as follows :
 - (i) The total number of hours per week shall be 42 to 48 hours (including the time spent on related instructions);
 - (ii) Apprentice during basic training shall ordinarily work for 42 hours per week including the time spent on related instruction;

- (iii) Apprentice during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on related instructions;
- (iv) 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: 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 48 hours per week.

- (b) 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.
- (6). 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.
- (7) The employer shall allow leave to the apprentice as under:-
 - (i) Casual leave for a maximum period of 12 days in a year. Any holidays intervening during the period of casual leave shall not be counted for the purpose of the limit of 12 days. Casual leave not used during any year shall stand lapsed at the end of the year.
 - (ii) Medical leave upto 15 days for each year of training shall be granted to the apprentice who is unable to attend duty owing to illness. The unused leave may be allowed to accumulate upto a maximum of 40 days. Any holidays intervening during the period of medical leave shall be treated as medical leave. The employer may call upon the apprentice to produce a medical certificate from a registered medical practitioner, as defined in the Apprenticeship Rules, 1992, in support of his medical leave. A medical certificate shall, however, be necessary if the leave exceeds 6 days. It shall be open to the employer to arrange a special medical examination of the apprentice if he has reason to believe that the apprentice is not really ill or the illness is not of such a nature as to prevent his attendance.

- (iii) Casual leave shall not be combined with medical leave. If casual leave is preceded or followed by medical leave, the entire leave taken shall be treated as either medical or casual leave, provided that it shall not be allowed to exceed the maximum period prescribed in respect of medical or casual leave, as the case may be.
- (iv) Extraordinary leave upto a maximum of 10 days or more in a year may be granted to the apprentice, after he has taken the entire medical or casual leave if the employer is satisfied with the genuineness of the grounds on which the leave is applied for.
- (v)(a) The apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 200 days in a year on training, out of which one-sixth, namely, 33 days shall be devoted to related instructions and 167 days to practical training:
- (b) The apprentice engaged in an establishment, which works for $5\frac{1}{2}$ days or 6 days in a week shall put in a minimum attendance of 240 days in a year on training, out of which one-sixth, namely 40 days shall be devoted to related instructions and 200 days to practical training.
- (vi) The apprentice, who for any reason is not able to undergo training for the periods specified in sub-clause shall be given an opportunity to make up for the shortfall in the following year and shall be eligible to take the test conducted by the National Council :-
 - (a) only if he has completed the period of training and has put in a minimum attendance of 600 days or 800 days accordingly as the period of training is three years or four years, as the case may be, in an establishment which works for 5 days in a week.

OR

- (b) only if he has completed the period of training and has put in a minimum attendance of 720 days or 960 days accordingly as the period of training is three years or four years as the case may be, in an establishment which works for $5\frac{1}{2}$ days or 6 days in a week.

- (vii) If the apprentice is not able to put in the minimum period of attendance specified in sub-clause (v) during the period of training for circumstances beyond his control and the employer is satisfied with the grounds for shortfall in attendance and certifies that the apprentice has otherwise completed the full apprenticeship course, he shall be considered as having completed the full period of training and shall be eligible to take the test conducted by the National Council;
- (viii) If the apprentice is not able to put in the minimum period of attendance specified in sub-clause(vi) during the period of training and has completed the full apprenticeship course, he shall not be considered as having completed the full period of training and the employer shall under sub-rule (2) of rule 7 extend his period of training unless he completes full apprenticeship course and the next test is held.
- (8) The employer shall allow to the apprentice such holidays as are observed in the establishment.
- (9) 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.

II. 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 an 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 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.

- (10) 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.
- (11) 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 an 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.

SCHEDULE VI
(See rule 6)

TERMS AND CONDITIONS OF THE CONTRACT OF APPRENTICESHIP
FOR GRADUATE TECHNICIAN AND TECHNICIAN (VOCATIONAL)
APPRENTICES.

1. The period of training shall be one year (in the case of Sandwich students, the period of training shall be stipulated in the curriculum).
2. It shall not be obligatory on the part of the employer to offer any employment to the apprentice on completion of period of apprenticeship training in his establishment nor shall it be obligatory on the part of the apprentice to accept an employment under the employer.

Note:- If, however, there is a condition in the contract of Apprenticeship that the apprentice shall, after the successful completion of training serve the employer, the employer shall, on such completion be bound to offer suitable employment to the apprentice and the apprentice shall be bound to serve the employer in that capacity for such period and for such remuneration as may be specified in the contract subject to the approval of the Central Apprenticeship Advisor.

3. Every apprentice undergoing apprenticeship training in an establishment shall be a trainee and not a worker and as such the provisions of any law with respect to Labour shall not apply to or in relation to such apprentice.
- 4 (i) The apprentices shall abide by the rules and regulations of the establishment in all matters of conduct and discipline and safety and carry out all lawful orders of the employer and superiors in the establishment.
- (ii) The apprentice shall learn his subject field conscientiously and diligently and attend to practical and instructional classes regularly.
- (iii) The apprentice shall maintain a record of his work during the period of his apprenticeship training in a proforma approved by the Apprenticeship Adviser.
- (iv) Where the contract of apprenticeship is terminated for failure on the part of the apprentice to carry out the terms of contract, the apprentice shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser. In such event, the apprentices shall not be entitled to enter into another contract of Apprenticeship under the Act with any other employer.

- (v) The contract of apprenticeship can be terminated without compensation payable to the apprentices:-
 - (a) If he/she secures gainful employment (on production of copy of the appointment order); and
 - (b) If he/she is unable to continue training on medical grounds (on production of a certificate to this effect from a Medical Officer not below the rank of Civil Surgeon).
- (vi) For breach of contract by the employer, the employer shall pay compensation to the apprentice in accordance with rates specified under rule 8 of these rules.
- (vii) Continuance of payment of stipend shall depend on satisfactory performance of the apprentice during the training period.
- 5(i) The employer shall make suitable arrangement in his establishment for imparting a course of apprenticeship training to the apprentice in accordance with the provisions of the Act and rules made thereunder and with the approval of the respective Regional central Apprenticeship Adviser.
- (ii) Every employer is required to formulate a "Training Programme" for the training of Graduate/Technician (Vocational) Apprentices and get it approved by the respective Regional Central Apprenticeship Adviser.
- (iii) The employer will arrange for a suitable person to be placed in charge of training of apprentices as laid down under the Act and the rules made thereunder.
- 6(i) A Graduate, Technician and Technician (Vocational) Apprentice shall work according to the normal hours of work of the department in the establishment to which he/she is attached for training. They will be eligible for 12 days of Casual Leave and 15 days of Medical Leave with payment of stipend. Extraordinary Leave upto 10 days with or without payment of stipend may be granted at the discretion of the establishment.
- (ii) The stipend for a particular month shall be paid before the 10th day of the following month.

/COPY/

**PWD ACT, 1995
THE PERSONS WITH DISABILITIES
(EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL
PARTICIPATION) ACT, 1995**

**PUBLISHED IN PART II, SECTION 1 OF THE
EXTRAORDINARY GAZETTE OF INDIA**

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)**

New Delhi, the 1st January, 1996/Pausa 11, 1917 (Saka)

The following Act of Parliament received the assent of the President on the 1st January, 1996, and is hereby published for general information:- No.1 OF 1996

[1st January 1996]

An Act to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region.

WHEREAS the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-2002 convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5th December, 1992, adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region;

AND WHEREAS India is a signatory to the said Proclamation; AND WHEREAS it is considered necessary to implement the Proclamation aforesaid.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:-

- ☐ Chapter I Preliminary
- ☐ Chapter II The Central Coordination Committee
- ☐ Chapter III The State Coordination Committee
- ☐ Chapter IV Prevention And Early Detection Of Disabilities
- ☐ Chapter V Education
- ☐ Chapter VI Employment
- ☐ Chapter VII Affirmative Action
- ☐ Chapter VIII Non - Discrimination
- ☐ Chapter IX Research And Manpower Development
- ☐ Chapter X Recognition Of Institutions For Persons With Disabilities
- ☐ Chapter XI Institution For Persons With Severe Disabilities
- ☐ Chapter XII The Chief Commissioner And Commissioners For Persons With Disabilities
- ☐ Chapter XIII Social Security
- ☐ Chapter XIV Miscellaneous

K. L. MOHANPURIA
Secy. to the Govt. of India

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,-

(a) "Appropriate Government" means,-

(i) In relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government ;

(ii) In relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority., other than a Cantonment Board, the State Government;

(iii) In respect of the Central Co-ordination Committee and the Central Executive Committee, the Central Government;

(iv) In respect of the State Co-ordination Committee and the State Executive Committee, the State Government;

(b) "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:-

(i) Total absence of sight. or

(ii) Visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or

(iii) Limitation of the field of vision subtending an angle of 20 degree or worse;

(c) "Central Co-ordination Committee" means the Central Co-ordination Committee constituted under sub-section (1) of section 3;

(d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;

(e) "Cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;

(f) "Chief Commissioner" means the Chief Commissioner appointed under subsection (1) of section 57;

(g) "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;

(h) "Competent authority" means the authority appointed under section 50;

(i) "Disability" means-

(i) Blindness;

(ii) Low vision;

(iii) Leprosy-cured;

(iv) Hearing impairment;

(v) Loco motor disability;

(vi) Mental retardation;

(vii) Mental illness;

(j) "Employer" means,-

(i) In relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and

(ii) In relation to an establishment, the chief executive officer of that establishment;

(k) "Establishment" means a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of 'the Companies Act, 1956 and includes Departments of a Government;

(l) "Hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies;

(m) "Institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "Leprosy cured person" means any person who has been cured of leprosy but is suffering from-

(i) Loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) Manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly;

(o) "Loco motor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "Medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;

(q) "Mental illness" means any mental disorder other than mental retardation;

- (r) "Mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence;
- (s) "Notification" means a notification published in the Official Gazette;
- (t) "Person with disability" means a person suffering from not less than forty per cent. of any disability as certified by a medical authority;
- (u) "Person with low vision" means a person with impairment of visual functioning even after treatment of standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
- (v) "Prescribed" means prescribed by rules made under this Act;
- (w) "Rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;
- (x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting-
- (i) Persons who seek to engage employees from amongst the persons suffering from disabilities;
- (ii) Persons with disability who seek employment;
- (iii) Vacancies to which person with disability seeking employment may be appointed;
- (y) "State Co-ordination Committee" means the State Co-ordination Committee constituted under sub-section (1) of section 13;
- (z) "State Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19.

CHAPTER II

THE CENTRAL COORDINATION COMMITTEE

3. (1) The Central Government shall by notification constitute a body to be known as the Central Co-ordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Co-ordination Committee shall consist of-

- (a) The Minister in charge of the Department of Welfare in the Central Government, Chairperson, ex officio;
- (b) The Minister of State in-charge of the Department of Welfare in the Central Government, Vice-Chairperson, ex officio;
- (c) Secretaries to the Government of India in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, ex officio;

- (d) Chief Commissioner, Member, ex officio;
- (e) Chairman Railway Board, Member, ex officio;
- (f) Director-General of Labour, Employment and Training, Member, ex officio;
- (g) Director, National Council for Educational Research and Training, Member, ex officio;
- (h) Three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;
- (I) Three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;

(j) Directors of the-

- (i) National Institute for the Visually Handicapped, Dehradun;
 - (ii) National Institute for the Mentally Handicapped, Secundrabad;
 - (iii) National Institute for the Orthopaedically Handicapped, Calcutta;
 - (iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai,
- Members, ex officio;

(k) Four Members to be nominated by the Central Government by rotation to represent the States and the Union territories in such manner as may be prescribed by the Central Government:

Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union territory;

(l) Five persons as far as practicable, being persons with disabilities, to represent non-governmental Organizations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members:

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(m) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex officio.

(3) The office of the Member of the Central Co-ordination Committee shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

4. (1) Save as otherwise provided by or under this Act a Member of Central Co-ordination Committee nominated under clause (i) or clause (l) of sub-section (2) of section 3 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an ex officio Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (l) of subsection (2) of section 3, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (i) or clause (l) of subsection (2) of section 3 may at any time resign his office by writing under his hand, addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the Central Co-ordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

- (6) A Member nominated under clause (i) or clause (l) of subsection (2) of section 3 shall be eligible for renomination.
- (7) Members nominated under clause (i) and clause (l) of sub-section (2) of section 3 shall receive such allowances as may be prescribed by the Central Government.
- 5. (1)** No person shall be a Member of the Central Coordination Committee, who-
- (a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
 - (b) is of unsound mind and stands so declared by a competent court, or
 - (c) is or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or
 - (d) is or at any time has been convicted of an offence under this Act, or
 - (e) has so abused in the opinion of the Central Government his position as a Member as to render his continuance in the Central Coordination Committee detrimental to the interests of the general public.
- (2)** No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.
- (3)** Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 4, a Member who has been removed under this section shall not be, eligible for renomination as a Member.
- 6.** If a Member of the Central Coordination Committee becomes subject to any of the disqualifications specified in section 5, his seat shall become vacant.
- 7.** The Central Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.
- 8. (1)** subject to the provisions of this Act, the function of the Central Coordination Committee shall be to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.
- (2)** In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely:-
- (a) review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental Organizations which are dealing with matters relating to persons with disabilities;
 - (b) develop a national policy to address issues faced by persons with disabilities;
 - (c) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;
 - (d) Take up the cause of persons with disabilities with the concerned authorities and the international organizations with a view, to provide for schemes and projects for the disabled in the national plans and other programmes and policies evolved by the international agencies;
 - (e) review in consultation with the donor agencies their funding policies from the perspective of their impact on persons with disabilities;
 - (f) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;
 - (g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(h) to perform such other functions as may be prescribed by the Central Government.

9. (1) The Central Government shall constitute a Committee to be known as the Central Executive Committee to perform the functions assigned to it under this Act.

(2) the Central Executive Committee shall consist of-

(a) the Secretary to the Government of India in the Ministry of Welfare, Chairperson, ex officio;

(b) the Chief Commissioner, Member, ex officio;

(c) the Director-General for Health Services, Member, ex officio;

(d) the Director-General, Employment and Training, Member, ex officio;

(e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel Public Grievances and Pension, Urban Affairs and Employment, Science and Technology, Members, ex officio;

(f) the Financial Advisor, Ministry of Welfare in the Central Government, Member, ex officio;

(g) advisor (Tariff) Railway Board, Member, ex officio;

(h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union territories in such manner as may be prescribed by the Central Government;

(i) one person to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;

(j) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members:

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member-Secretary, ex officio.

(3) Members nominated under clause (i) and clause (j) of sub-section (2) shall receive such allowances as may be prescribed by the Central Government.

(4) A Member nominated under clause (i) or clause (j) of sub-section (2) may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

10. (1) The Central Executive Committee shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee.

(2) Without prejudice to the provisions of sub-section (1), the Central Executive Committee shall also perform such other functions as may be delegated to it by the Central Coordination Committee.

11. The Central Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

12. (1) The Central Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the Central Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Central Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the Central Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee, and shall not be a member for any other purpose.

(3) A person associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the Central Government

CHAPTER III THE STATE COORDINATION COMMITTEE

13. (1) Every State Government shall, by notification, constitute a body to be known as the State Coordination Committee to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) the State Coordination Committee shall consist of-

(a) The Minister in-charge of the Department of Social Welfare in the State Government, Chairperson, ex officio;

(b) the Minister of State in-charge of the Department of Social Welfare, if any, Vice-Chairperson, ex officio;

(c) Secretaries to the State Government in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Public Enterprises, by whatever name called, Members, ex officio;

(d) Secretary of any other Department, which the State Government considers necessary, Member, ex officio;

(e) Chairman Bureau of Public Enterprises (by whatever name called) Member, ex officio;

(f) Five persons, as far as practicable, being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members:

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(g) Three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;

(h) Three persons to be nominated by that State Government to represent agriculture, industry or trade or any other interest, which in the opinion of State Government ought to be represented, Members, ex officio;

(i) The Commissioner, Member, ex officio;

(j) Secretary to the State Government dealing with the welfare of the handicapped, Member-Secretary, ex officio.

(3) Notwithstanding anything contained in this section, no State Coordination Committee shall be constituted for a Union territory and in relation to a Union territory; the Central Coordination

Committee shall exercise the functions and perform the functions of a State Coordination Committee for the Union territory:

Provided that in relation to a Union Territory, the Central Coordination Committee may delegate all or any of its powers and functions under as this sub-section to such person or body of persons as the Central Government may specify.

14. (1) Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under clause (f) or clause (h) of subsection (2) of section 13 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an ex officio Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The State Government may, if it thinks fit, remove any Member nominated under clause (f) or clause (h) of sub-section (2) of section 13, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (f) or clause (h) of sub-section (2) of section 13 may at any time, resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the State Coordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(6) A Member nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall be eligible for renomination.

(7) Members nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall receive such allowances as may be prescribed by the State Government.

15. (1) No person shall be a Member of the State Coordination Committee, who--

(a) is, or at any time, has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is or has been convicted of an offence which in the opinion of the State Government involves moral turpitude, or

(d) is or at any time has been convicted of an offence under this Act or

(e) has so abused, in the opinion of the State Government, his position as a member as to render his continuance in the State Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 14, a Member who has been removed under this section shall not be eligible for renomination as a Member.

16. If a Member of the State Coordination Committee becomes subject to any of the disqualifications specified in section 15, his seat shall become vacant.

17. The State Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

18. (1) Subject to the provisions of this Act, the function of the State Coordination Committee shall be to serve as the state focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely.-

(a) review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental Organizations which are dealing with matters relating to persons with disabilities;

(b) develop a State policy to address issues faced by persons with disabilities;

(c) advise the State Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(d) review, in consultation with the donor agencies, their funding from the perspective of their impact on persons with disabilities;

(e) take such other steps to ensure barrier free environment in pupil's places. Work places, public utilities, schools and other institutions;

(f) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(g) to perform such other functions as may be prescribed by the State Government

19. (1) The State Government shall constitute a committee to be known as the State Executive Committee to perform the functions assigned to it under this Act.

(2) The State Executive Committee shall consist of-

(a) The Secretary, Department of Social Welfare, Chairperson, ex officio;

(b) The Commissioner, Member, ex officio;

(c) Nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel Public Grievances, Urban Affairs, Labour and Employment, Science and Technology, Members, ex officio;

(d) One person to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented. Member;

(e) Five persons, as far as practicable being persons with disabilities, to represent non-governmental organizations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members:

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) Joint Secretary dealing with the disability division in the Department of Welfare, Member-Secretary, ex officio.

(3) Members nominated under clause (d) and clause (e) of sub-section (2) shall receive such allowances as may be prescribed by the State Government.

(4) A Member nominated under clause (d) or clause (e) may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

20. (1) The State Executive Committee shall be the executive body of the State Coordination Committee and shall be responsible for carrying out the decisions of the State Coordination Committee.

(2) Without prejudice to the provisions of sub-section (1), the State Executive Committee shall also perform such other functions as may be delegated to it by the State Coordination Committee.

21. The State Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

22. (1) The State Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the State Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the State Executive Committee under sub-section (1) for any purpose shall have the right to take part in the discussions of the State Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee, and shall not be a member for any other purpose.

(3) A person associated with the said Committee under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the State Government.

23. In the performance of its functions under this Act,-

(a) The Central Coordination Committee shall be bound by such directions in writing, as the Central Government may give to it; and

(b) The State Coordination Committee shall be bound by such directions in writing, as the Central Coordination Committee or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Government for its decision.

24. No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees

CHAPTER IV

PREVENTATION AND EARLY DETECTION OF DISABILITIES

25. Within the limits of their economic capacity and development, the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall-

- (a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;
- (b) promote various methods of preventing disabilities;
- (c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- (d) provide facilities for training to the staff at the primary health centers;
- (e) sponsor or cause to be sponsored awareness campaigns and disseminated or cause to be disseminated information for general hygiene, health and sanitation;
- (f) take measures for pre-natal, parental and post-natal care of mother and child;
- (g) educate the public through the pre-schools, schools, primary health Centers, village level workers and anganwadi workers;
- (h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted.

CHAPTER V EDUCATION

26. The appropriate Governments and the local authorities shall-

- (a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
- (b) endeavor to promote the integration of students with disabilities in the normal schools;
- (c) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
- (d) endeavor to equip the special schools for children with disabilities with vocational training facilities.

27. The appropriate Governments and the local authorities shall by notification make schemes for-

- (a) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis;
- (b) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;

- (c) imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;
- (d) imparting education through open schools or open universities;
- (e) conducting class and discussions through interactive electronic or other media;
- (f) providing every child with disability, free of cost special books and equipments needed for his education.

28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

29. The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

30. Without prejudice to the foregoing provisions, (the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for-

- (a) transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools.
- (b) the removal of architectural barriers from schools, colleges or other institution, imparting vocational and professional training;
- (c) The supply of books, uniforms and other materials to children with disabilities attending school.
- (d) the grant of scholarship to students with disabilities..
- (e) setting up of appropriate fora for the redressal of grievances of parents; regarding the placement of their children with disabilities;
- (f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
- (g) restructuring of curriculum for the benefit of children with disabilities;
- (h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

31. All educational institutions shall provide or cause to be provided amanuensis to blind students and students with low vision.

CHAPTER VI EMPLOYMENT

32. Appropriate Governments shall--

- (a) identify posts, in the establishments, which can be reserved for the persons with disability;
- (b) at periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

33. Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent, for persons or class of persons with disability of which one per cent, each shall be reserved for persons suffering from-

(i) blindness or low vision;

(ii) bearing impairment;

(iii) loco motor disability or cerebral palsy, in the posts identified for each disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

34. (1) The appropriate Government may, by notification, require that from such date as may be specified, by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.

(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.

35. Any person authorized by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment, and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

36. Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

37. (1) Every employer shall maintain such record in relation to the person with disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate Government.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorized in this behalf by general or special order by the appropriate Government.

38. (1) The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for-

(a) the training and welfare of persons with disabilities;

(b) the relaxation of upper age limit;

- (c) regulating the employment;
- (d) health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed;
- (e) the manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and
- (f) constituting the authority responsible for the administration of the scheme.

39. All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seats for persons with disabilities.

40. The appropriate Governments and local authorities shall reserve not less than three per cent. in all poverty alleviation schemes for the benefit of persons with disabilities.

41. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent, of their work force is composed of persons with disabilities.

CHAPTER VII AFFIRMATIVE ACTION

42. The appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.

43. The appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for-

- (a) house;
- (b) setting up business;
- (c) setting up of special recreation centers;
- (d) establishment of special schools;
- (e) establishment of research centers;
- (f) establishment of factories by entrepreneurs with disabilities.

CHAPTER VIII NON-DISCRIMINATION

44. Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to-

- (a) Adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;
- (b) Adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.

45. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for-

- (a) installation of auditory signals at red lights in the public roads for the benefit of persons with visually handicap;
- (b) causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;
- (c) engraving on the surface of the zebra crossing for the blind or for persons with low vision;
- (d) engraving on the edges of railway platforms for the blind or for persons with low vision;
- (e) devising appropriate symbols of disability;
- (f) warning signals at appropriate places.

46. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for-

- (a) ramps in public buildings;
- (b) adaptation of toilets for wheel chair uses;
- (c) braille symbols and auditory signals in elevators or lifts;
- (d) ramps in hospitals, primary health centers and other medical care and rehabilitation institutions.

47. (1) No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service;

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits.

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

CHAPTER IX

RESEARCH AND MANPOWER DEVELOPMENT

48. The appropriate Governments and local authorities shall promote and sponsor research, inter alia, in the following areas-

- (a) prevention of disability;
- (b) rehabilitation including community based rehabilitation;
- (c) development of assistive devices including their psychosocial aspects;

(d) job identification;

(e) on site modifications in offices and factories.

49. The appropriate Governments shall provide financial assistance to universities, other institutions of higher learning, professional bodies and non-governmental research units or institutions, for undertaking research for special education, rehabilitation and manpower development.

CHAPTER X

RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

50. The State Government shall appoint any authority, as it deems fit to be a competent authority for the purposes of this Act.

51. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for such certificate under this section within the said period of six months, till the disposal of such application.

52. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.

(4) A certificate of registration granted under this section,-

(a) shall, unless revoked under section 53, remain in force for such period as may be prescribed by the State Government.

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.

(6) The certificate of registration shall be displayed by the institution in a conspicuous place.

53. (1) The competent authority may, if it has reasonable cause to believe that the holder of the certificate of registration granted under sub-section (2) of section 52 has -

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.

(2) Where a certificate in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation;

Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be-

(a) restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution, which holds a certificate of registration, which is revoked, under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

54. (1) Any person aggrieved by the order of the competent authority, refusing to grant a certificate or revoking a certificate may, within such period as may be prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation.

(2) The order of the State Government on such appeal shall be final.

55. Nothing contained in this Chapter shall apply, to an institution for persons with disabilities established or maintained by the Central Government or State Government.

CHAPTER XI

INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

56. (1) The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.

(2) Where, the appropriate Government is of opinion that any institution other than an institution, established under sub-section (1), is fit for the rehabilitation of the persons with severe

disabilities, the Government may recognize such institution as an institution for persons with severe disabilities for the purposes of this Act:

Provided that no institution shall be recognized under this section unless such institution has complied with the requirements of this Act and the rules made there under.

(3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed by the appropriate Government.

(4) For the purposes of this section "person with severe disability" means a person with eighty per cent. or more of one or more disabilities.

CHAPTER XII

THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

57. (1) The Central Government may, by notification appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.

(2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner shall be such as may be prescribed by the Central Government.

(4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence of the Chief Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the Central Government.

58. The Chief commissioner shall ---

- (a) coordinate the work of the Commissioners;
- (b) monitor the utilization of funds disbursed by the Central Government;
- (c) take steps to safeguard the rights and facilities made available to Persons with disabilities;
- (d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

59. Without prejudice to the provisions of section 58 the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to --

- (a) deprivation of rights of persons with disabilities.
- (b) non-implementation of laws, rules, byelaws, regulations. Executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the

welfare and protection of rights of persons with disabilities. And take up the matter with the appropriate authorities.

60. (1) Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.

(2) A person shall not be qualified for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension gratuity and other retirement benefits) of the Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of the Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such as may be prescribed by the State Government.

61. The Commissioner within the State shall-

(a) coordinate with the departments of the State Government for the programmes and schemes, for the benefit of persons with disabilities;

(b) monitor the utilization of funds disbursed by the State Government;

(c) take steps to safeguard the rights and facilities made available to persons with disabilities.

(d) submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to---

(a) deprivation of rights of persons with disabilities;

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

63.(1) The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner and Commissioners shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner, the Commissioner, the competent authority, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

64. (1) The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.

65. (1) The Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.

(2) The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

CHAPTER XIII

SOCIAL SECURITY

66. (1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.

(2) For purposes of sub-section (1), the appropriate Governments and local authorities shall grant financial assistance to non-governmental organizations.

(3) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organizations working for the cause of persons with disabilities.

67(1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.

(2) Notwithstanding anything contained in this section, the appropriate Government may instead of framing an insurance scheme frame an alternative security scheme for its employees with disabilities.

68. The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

CHAPTER XIV

MISCELLANEOUS

69. Whoever fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.

70. The Chief Commissioner, the Commissioners and other officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

71. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

72. The provisions of this Act, or the rules made there under shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit of persons with disabilities.

73. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) the manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;

(b) allowances, which members shall receive under subsection (7) of section 4;

(c) rules of procedure, which the Central Coordination Committee shall observe in regard to the transaction of business in its meetings under section 7;

(d) such other functions, which the Central Coordination Committee may perform under clause (h) of sub-section (2) of section 8;

(e) the manner in which a State Government or a Union Territory shall be chosen under clause (h) of sub-section (2) of section 9;

(f) the allowances which the Members shall receive under sub-section (3) of section 9;

(g) rules of procedure which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;

(h) the manner and purposes for which a person may be associated under sub-section (I) of section 12;

(i) fees and allowances which a person associated with the Central Executive Committee shall received under sub-section (3) of section 12;

(j) allowances which members shall received under sub-section (7) of section 14;

(k) rules of procedure which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;

(l) such other functions which a State Coordination Committee may perform under clause (g) of sub-section (2) of section 18;

(m) the allowances which Members shall receive under sub-section (3) of section 19;

(n) rules of procedure which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;

(o) the manner and purposes for which a person may be associated under sub-section (1) of section 22;

(p) fees and allowances which a person associated with the State Executive Committee may receive under sub-section (3) of Section 22;

(q) information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section (1) of section 34;

(r) the form and the manner in which record shall be maintained by an employer under sub-section (1) of section 37;

(s) the form and manner in which an application shall be made under sub-section (1) of section 52;

(t) the manner in which an order of refusal shall be communicated under sub-section (2) of section 52;

(u) facilities or standards required to be provided or maintained under sub-section (3) of section 52;

(v) the period for which a certificate of registration shall be valid under clause (a) of sub-section (4) of section 52;

(w) the form in which and conditions subject to which a certificate of registration shall be granted under clause (c) of sub-section (4) of section 52;

(x) period within which an appeal shall lie under sub-section (1) of section 54;

(y) the manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section (3) of section 56;

(z) the salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section (3) of section 57;

(za) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 57;

(zb) intervals at which the Chief Commissioner shall report to the Central Government under clause (d) of section 58;

(zc) the salary, allowances and other terms and conditions of service of the Commissioner under sub-section (3) of section 60;

(zd) the salary, allowances and other conditions of service of officers and employees under sub-section (6) of section 60;

(ze) intervals within which the Commissioner shall report to the State Government under clause (d) of section 61;

(zf) the form and time in which annual report shall be prepared under sub-section (1) of section 64;

(zg) the form and time in which annual report shall be prepared under sub-section (1) of section 65;

(zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under the provision to section 33, proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, notification or scheme, both Houses agree that the rule, notification or scheme should not be made, the rule, notification or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or scheme, as the case may be.

(4) Every notification made by the State Government under the proviso to section 33 proviso to sub-section (2) of section 47, every scheme made by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House before that House.

74. In section 12 of the Legal Services Authorities Act 1987, for clause (d), the following clause shall be substituted, namely:-

(d) a person with disability as defined in clause (i) of section 2 of the "Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995."

**MINISTRY OF WELFARE
NOTIFICATION
New Delhi, the 31st December, 1996**

S.O. 908(E).-In exercise of the powers conferred by sub-section (1) and (2) of sections 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), the Central Government hereby make the following rules, namely :-

CHAPTER I- Preliminary

1. Short Title and Commencement :- (1) These rules may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Rules, 1996.

(2) They shall come into force on date of their Publication in the Official Gazette.

2. Definitions :- In these rules unless the context otherwise requires :-

(a) "Act" means the persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Act, 1995 (1 of 1996);

(b) "Chairperson" means a Chairperson appointed under the Act,

(c) "Vice-Chairperson" means a Vice-Chairperson appointed under the Act;

(d) "Member" means a Member appointed under the Act;

(e) "Member-Secretary" means a Member-Secretary appointed under the Act;

(f) "Special Employment Exchange" means special Employment Exchange, special cell in normal employment exchange and such employment exchanges which are notified Special Employment Exchanges by notification in the Official Gazette.

(g) "Year" means the financial year commencing on the first day of April.

CHAPTER 11- Guidelines for evaluation and assessment of various disabilities

3. The general guidance for evaluation and assessment of various disabilities issued by the Government of India in the Ministry of Welfare vide No. 4-2/83-HW.III dated the 6th August, 1986 and as may be amended from time to time, shall be followed for evaluation of various disabilities specified in section 2 (b), (e), (l), (n), (o), (q), (r), (t), and (u) of the Act.

4. Authorities to give Disability Certificate.- (1) A Disability Certificate shall be issued by a Medical Board duly constituted by the Central and the State Government.

(2) The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing Locomotor/ Visual including low vision hearing and speech disability, mental retardation and leprosy cured, as the case may be.

5. (1) **The Medical Board** shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability.

(2) The Medical Board shall indicate the period of validity in the certificate, in cases where there is any chance of variation in the degree of disability.

(3) No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard.

(4) On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit.

6. The Certificate issued by the Medical Board under rule 5 shall make a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Government or Non Governmental Organisations, subject to such conditions as the Central or the State Government may impose.

CHAPTER III- The Central Coordination Committee

7. Nomination of State Government representatives by rotation.- The Central Government shall nominate four members-three from the state and one from the Union Territories under clause (k) of sub-section (2) of section 3 of the Act, by rotation, in such a manner so as to cover all the four regions of the country, every year.

8. Membership Roll.-The Member-Secretary shall keep a record of names of members and their addresses.

9. Change of Address.-If a member changes his address, he shall notify his new address to the Member- Secretary, who shall thereupon enter his new address, in the official records (but if he fails to notify his new address, the address in the official records shall for all purposes be treated as his correct address.) .

10. Daily and Travelling Allowances.- (1) Non-official members of the Central Coordination Committee, resident in Delhi, shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Coordination Committee.

(2) Non-official members of the Central Coordination Committee, not resident in Delhi, shall be paid daily and travelling allowances for each day of the actual meetings at the highest rates admissible to a Grade I Officer of the Central Government.

Provided that in case of a Member of Parliament who is also a member of the Central Coordination Committee, the said daily and travelling allowance shall be paid at the rates admissible to him as member of Parliament, when the Parliament is not in session

and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

(3) An official member of the Central Coordination Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

11. Notice of Meetings.- (1) The meetings of the Central Coordination Committee shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, upon the written request of not less than ten members of the Central Coordination Committee, call a special meeting of the Committee.

(3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson may, in the circumstances of the case think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairperson, in his discretion, permits him to do so.

(6) (a) The Central Coordination Committee may adjourn its meetings from day to day or to any particular day.

(b) Where a meeting of the Central Coordination Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the Central Coordination Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.

12. Presiding Officer.-The Chairperson shall preside at every meeting of the Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside at that meeting.

13. Quorum.- (1) One-third of the total members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.

(5) (a) Where a meeting of the Central Coordination Committee is adjourned under sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the Central Coordination Committee is adjourned under sub-rule (2) above for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule II.

14. Minutes.- (1) Record shall be kept of the names of members who attended the meeting and of the proceedings at the meetings in a book to be maintained for that purpose by the Member-Secretary.

(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meetings.

(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

15. Maintaining order at meeting.- The presiding officer shall maintain order at the meeting.

16. Business to be transacted at meeting.- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 11 shall be transacted at any meeting.

17. (1) At any meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

18. Decision by majority.- All questions considered at a meeting of the committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson or in the absence of both the Chairperson and the Vice-Chairperson, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

19. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Central Coordination Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Committee.

CHAPTER IV-The Central Executive Committee

20. Nomination of State Government representative by rotation.- The Central Government shall nominate four members-three from the States and one from the Union Territories under clause (h) of Sub-section (2) of section 9 of the Act, by rotation, in such a manner so as to cover all the four regions of the country, every year.

21. Daily and Travelling Allowances.- (I) Non-official members of the Central Executive Committee, resident in Delhi, shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Coordination Committee.

(2) Non-official members of the Central Executive Committee, not resident in Delhi, shall be paid daily and travelling allowances for each day of the actual meetings at the highest rates admissible to a Grade I Officer of the Central Government.

(3) Official members of the Central Executive Committee shall be paid daily and travelling allowances, at the rates admissible under the relevant rules of the respective Government under whom he is serving, on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of Meetings.- (I) The meetings of the Central Executive Committee shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson: Provided that it shall meet at least once in every three months.

(2) The Chairperson shall, upon the written request of not less than ten members of the Central Executive Committee, call a special meeting of the Committee.

(3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member- Secretary, unless the Chairperson, in his discretion, permits him to do so.

(6) (a) The Central Executive Committee may adjourn its meetings from day to day or to any particular day.

(b) Where a meeting of the Central Executive Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the Central Executive Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.

23. Presiding Officer.; The Chairperson shall preside at every meeting of the Board and in his absence, the members present shall elect one of the members to preside at that meeting.

24. Quorum.- (1) One-third of the total members shall form the quorum for any meeting.
(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
(3) No quorum shall be necessary for the adjourned meeting.
(4) No matter what had not been on the agenda of the ordinary or the special meeting, as the case may be shall be discussed at adjourned meeting.
(5) (a) Where a meeting of the Central Executive Committee is adjourned under sub-rule (2) above for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members. (b) Where a meeting of the Central Executive Committee is adjourned under sub-rule (2) above for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 22.

25. Minutes.- (1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary.
(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.
(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

26. Maintaining order at meeting.- The presiding officer shall maintain order at the meeting.

27. Business to be transacted at meeting.- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 22, shall be transacted at any meeting.

28. (1) At any **meeting** business shall be transacted in the order in which it is entered in the agenda.
(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

29. Decision by majority.-All questions considered at a meeting of the committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of Chairperson, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

30. No proceeding to be invalid due to vacancy or any defect.-No proceeding of the Central Executive Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the Committee.

31. Manner and Purpose of Association of Persons with Central Executive Committee.- (1) The Central Executive Committee may invite any person to participate in the deliberations of its meetings, whose assistance or advice, is considered useful in performing any of its functions, under the Act.

(2) If the person associated with the Central Executive Committee under Sub-rule (1) happens to be a non- official resident in Delhi, he shall be entitled to get an allowance of rupees seventy five per day for each day of actual meeting of the Committee in which he is so associated.

(3) If such a person is not a resident in Delhi, he shall be paid daily and travelling allowances for each day of the actual meeting at the highest rates admissible to a Grade I Officer of the Central Government.

(4) If such person is a Government servant, or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances at the rates admissible under the relevant rules applicable to him on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

32. Fee for the associated person.-Notwithstanding anything in rule 31, the Central Executive Committee may pay the person associated with the committee, with the prior approval of the Central Government, such fees as the Central Government may determine depending on the nature of work assigned and the qualification and experience of the associated person.

33. Tours by associated person.-The associated person may, with the prior approval of the Chairperson, undertakes tours within the country for the performance of the duties entrusted to him by the Central Executive Committee and in respect of such tours he shall be entitled to travelling and daily allowances at the rates admissible to a Grade I Officer of the Central Government.

34. Associated Person not to disclose any information.- The associated person shall not disclose any information either given by the Central Executive Committee or obtained during the performance of the duties assigned to him either from the Central Executive Committee or otherwise, to any person other than the Central Executive Committee without the written permission of the Chairperson of the Committee.

35. Duties and functions of the associated person.- The associated person shall discharge such duties and perform such functions as are assigned to him, by the Central Executive Committee.

CHAPTER V- EMPLOYMENT

36. Computation of vacancies:-For the purpose of computation of vacancies for persons with disabilities in Group A, B, C and D posts, the manner of computation of vacancies shall be such as may be determined by the Government by instructions or orders in this regard.

37. Notification of Vacancies to the Special Employment Exchanges.-(1) The following vacancies shall be notified to the Special Employment Exchanges, namely :-

(a) Vacancies in posts of a technical and scientific nature carrying a basic Pay of Rs. 1400/- or more per month occurring in establishments in respects of which the Central Government is the appropriate Government under the Act, and

(b) Vacancies which an employer may desire to be circulated to the Special Employment Exchanges outside the State or Union Territory in which the establishment is situated, shall be notified to such Special Employment Exchanges as may be specified by the Central Government by notification in the Official Gazette, in this behalf. A copy of the notification of vacancies shall be sent to the concerned Vocational Rehabilitation Centre for Handicapped.

(2) Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned. A copy of the notification of vacancies shall also be sent to the concerned Vocational Rehabilitation Centre for Handicapped.

38. Form and manner of notification of vacancies:- The vacancies shall be notified in writing to the concerned Special Employment Exchange, and the following particulars shall be furnished in respect of each type of vacancy, namely :-

1. Name and address of the employer;
2. Telephone number of the employer, if any;
3. Nature of vacancy -

(a) Type of workers required (Designation)

(b) (i) Description of duties;

(ii) Physical requirements (i.e. job involves visual accuracy, frequent movement/ walking, continuous long hours sitting etc.)

(c) Qualifications require- (i) Essential, (ii) Desirable

(d) Age limits, if any;

(e) Whether women are eligible?

4. Number of vacancies -

Reserved for physically handicapped persons

	Orthopaedically Handicapped	Visually Handicapped	Hearing Handicapped
(a) Regular			

(b) Temporary			
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5. Pay and allowances

6. Place of work (Name of town/village and district in which it is situated)

7. Probable date by which the vacancy will be filled.

8. Particulars regarding interview/test of applicants- (a) Date of interview/test. (b) Time of interview/test. (c) Place of interview/test.

(d) Designation and address of the person to whom applicants should report.

9. Any other relevant information-

The vacancies shall be re-notified in writing to the concerned Special Employment Exchange if there is any change in the particulars already furnished to the Special Employment Exchange and Vocational Rehabilitation Centre for Handicapped under this rule.

39. Time limit for the notification of vacancies.- (1) Vacancies, required to be notified to the local Special Employment Exchange, shall be notified at least thirty days before the date on which applicants will be interviewed or tested where interview or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(2) Vacancies, required to be notified to the Special Employment Exchange notified under sub-rule (1) of rule 37 shall be notified at least three weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, *or* the date on which vacancies are intended to be filled, if no interviews or tests are held.

(3) An employer shall furnish to the concerned Special Employment Exchange, the results of selection within fifteen days from the date of selection.

40. Submission of Returns.- (1) An employer shall furnish to the local Special Employment Exchange quarterly returns in Form DPER-I and biennial returns in Form DPER-II as may be amended from time to time.

(2) Quarterly returns shall be furnished within thirty days of the due dates namely, 31st March, 30th June, 30th September and 31 st December.

(3) Biennial return shall be furnished within thirty days of the due date as notified in the Official Gazette.

41. Form in which record to be kept by an employer.- An employer shall maintain the record of employees with disabilities in Form DPER III, as may be amended from time to time.

CHAPTER VI -Chief Commissioner for persons with Disabilities.

42. Procedure to be followed by Chief Commissioner.- (1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Chief Commissioner of persons with disabilities or be sent by registered post addressed to the Chief Commissioner:-

- (a) The name, description and the address of the complainant;
- (b) The name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;
- (c) The facts relating to complaint and when and where it arose;
- (d) Documents in support of the allegations contained in the complaint;
- (e) The relief which the complainant claims ;

(2) The Chief Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party/ parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the Chief Commissioner.

(4) Where the complainant or his agent fails to appear before the Chief Commissioner on such days, the Chief Commissioner may in his discretion either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing the Chief Commissioner may take such necessary action under section 63 of the Act, as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The Chief Commissioner may dispose of the complaint *ex parte*, if necessary.

(7) The Chief Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) The complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

43. Salary and Allowances of the Chief Commissioner.- The Chief Commissioner for Persons with Disabilities shall be entitled to salary, allowances and other perquisites as are available to the Secretary to the Government of India.

44. Submission of Report to Central Government.-

The Chief Commissioner shall submit his report to the Central Government on the implementation of the Act at the interval of six months in such a manner that at least two reports are sent in one financial year.

45. Submission of Annual Report.- (1) The Chief Commissioner shall as soon as possible after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and submit to the Central Government an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely :-

- (a) Names of officers, staff of the Board and a chart showing the organizational set up ;
- (b) The functions which the Chief Commissioner has been empowered under section 58 and 59 of the Act and the highlights of the performance in this regard;
- (c) The main recommendations made by the Chief Commissioner;
- (d) Progress made in the implementation of the Act (Statewise);
- (e) Any other matter deemed appropriate for inclusion by Chief Commissioner or specified by the Central Government from time to time.
