

## Apprentices Act, 1961

### Section 8 - Number of Apprentices for a Designated Trade

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1 [(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 of trade apprentices to workers other than unskilled workers in that trade:

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

(2) In determining the ratio under sub-section (1), the 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, 2 [technician (vocational) apprentices], if any, in pursuance of any notice issued to him under subsection (3A) 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:

5[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 number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than fifty 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.]

(3A) 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 person (including technical and supervisory persons) employed in a designated trade;
- (ii) the number of management trainees engaged in the establishment;
- (iii) the totality of the training facilities available in a designated trade; and
- (iv) such other factors as he may consider fit in the circumstances of the case;

by notice in writing, require an employer to impart training to such number of graduate or technician apprentices 1[technician (vocational) apprentices] in such trade in his establishment as may be specified in such notice and the employer shall comply with such requisition.

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

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

(5) Where, having regard to the public interest, a number of apprentices in excess of the ratio determined by the Central Government 4 [or in excess of the number specified in a notice issued under sub-section (3A)] 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.

(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.

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1. Substituted by Act 27 of 1973, section 9, for sub-sections (1), (2) and (3) (w.e.f. 1-12-1974).

2. Inserted by Act 41 of 1986, section 3 (w.e.f. 16-12-1987).

3. Added by Act 4 of 1997, section 4 (w.e.f. 8-1-1997).

4. Inserted by Act 27 of 1973, section 9 (w.e.f. 1-12-1974).

5. Substituted for the following by the Apprentices (Amendment) Act, 2007 [Act No. 36 of 2007].

3 [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 number of apprentices for a designated trade as is lesser than the number arrived at by the ratio for that trade, not being lesser than 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.]