



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

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असाधारण क्रमांक ४९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि  
विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Apprentices (Maharashtra Amendment) Bill, 2017 (L. A. Bill No. XII of 2017), introduced in the Maharashtra Legislative Assembly on the 24th March 2017, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,  
Principal Secretary to Government,  
Law and Judiciary Department.

**L. A. BILL No. XII OF 2017.**

*A BILL*

*to amend the Apprentices Act, 1961, in its application to the State of  
Maharashtra.*

52 of 1961. WHEREAS, it is expedient to amend the Apprentices Act, 1961, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Apprentices (Maharashtra Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(१)

Amendment of section 6 of 52 of 1961. **2.** In section 6 of the Apprentices Act, 1961, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), for the existing clause (b), the following clause shall be substituted, namely :—

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

Amendment of section 7 of 52 of 1961. **3.** In section 7 of the principal Act, in sub-section (3), for the existing proviso, the following proviso shall be substituted, namely :—

" Provided that, where a contract is terminated—

(a) for failure on the part of the employer to carry out the terms and conditions of the contract, the employer shall pay to the apprentice one month's stipend for which he is entitled as a compensation;

(b) for such failure on the part of the apprentice, the apprentice or his guardian shall refund to the employer as cost of training one month's stipend for which he is entitled."

Amendment of section 8 of 52 of 1961. **4.** In section 8 of the principal Act, after the existing sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Notwithstanding anything contained in sub-section (1), the establishment shall have to engage trade apprentices to the extent of minimum 2.5 per cent. and maximum 25 per cent. of the total strength of the employees of establishment including contractual or daily wages or whose services have been available through third party in any designated trades or optional trades for which activities are carried out in that establishment."

Amendment of section 13 of 52 of 1961. **5.** In section 13 of the principal Act, after the existing sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) The minimum rate of stipend per month payable to trade apprentices who do training for eight hours per day shall be as follows, namely :—

(a) During the first year of training . . . Seventy per cent. of minimum wages of semi-skilled workers notified by the State.

(b) During the second year of training . . . Eighty per cent. of minimum wages of semi-skilled workers notified by the State.

(c) During the third year of training . . . Ninety per cent. of minimum wages of semi-skilled workers notified by the State.

(1B) The trade apprentices who do training for minimum four hours per day, the rate of stipend per month shall be fifty per cent. of the rates mentioned in clauses (a), (b) and (c) of sub-section (1A), respectively :

Provided that, in the case where the minimum rate of wage for a trade is not notified by the State, then the maximum of minimum wages of the Scheduled Employment notified by the State for semi-skilled workers shall be taken into account for paying the stipend in respect of that trade :

Provided further 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 State Council, shall be taken into account for the purpose of determining the rate of stipend payable.”

6. In section 21 of the principal Act,—

Amendment  
of section 21  
of 52 of 1961.

(i) after the existing sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) For apprentices successfully completed the training period in the trade designated by the State Apprenticeship Council (other than the trade designated and prescribed by the Central Government), may appear for a test to be conducted by the State Council of Vocational Training or any other agency authorised by the State Government to determine his proficiency in the trade designated by the State Apprenticeship Council in which he has undergone apprenticeship training.”;

(ii) after the existing sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) Every apprentice, who passes the test referred to in sub-section (1A) shall be granted a certificate of proficiency in the trade by the State Council of Vocational Training or by the other agency authorised by the State Government.”.

## STATEMENT OF OBJECTS AND REASONS.

The Apprentices Act, 1961 (52 of 1961) is enacted by the Central Government to regulate the programme of training of apprentices in the industry by fully utilising the facilities available therein for imparting on-the-job training.

2. In the skill sector and for the apprentice, it is important to have shop-floor training while actually doing the job in an industry for enhancement of skill. Since creation of a marketable skill is a State priority it is necessary to make the youths of the State more employable, therefore, it necessitates an effective implementation of the apprenticeship training schemes in the State, by amending certain provisions of the said Act, in its application to the State of Maharashtra, so as to bring them in sync with rapidly changing skill sector.

Now-a-days, compact modules of shorter durations with desired quality are available and neither the apprentice nor the industry prefers non demand and long periods of training of the trades. In such circumstances, in the case of other apprentices, it is necessary to empower the State Apprenticeship Council to specify the period of apprenticeship training by suitably amending section 6 of the Act.

In the State certain trades other than the trades covered under the said Act are introduced with part time apprenticeship facility. To implement the apprenticeship training program more effectively it is required to fix the responsibilities on the employer as well as on the apprentices in case of failure to carry out the terms and conditions of the contract by making them liable to pay equivalent to one month stipend as a compensation and refund of the one month stipend against the cost of training to the establishment, respectively. Therefore, it is proposed to amend section 7 for the same. So also, in Maharashtra, there is huge industrial infrastructure which can be effectively utilised for apprenticeship training program. Most of the industries are capable to train more candidates than the ratio mentioned in the said Act. To increase the trained manpower by using shop floor training in the industry section 8 of the said Act is proposed to be amended.

Many candidates prefer to work on part-time basis or engage in self-employment or pursue their traditional business during the apprenticeship training. While working many of the candidates are desirous to pursue higher education or vocational training program to enhance their skill in relevant field. For such candidates part time apprenticeship is more useful as it will increase the number of candidates willing to take training under apprenticeship training scheme. Therefore, it is proposed to suitably amend section 13 of the said Act.

As the Government of Maharashtra proposes to introduce certain trades other than the trades notified by the Central Government under the said Act, it is expedient to provide that after completion of apprenticeship training under a trade designated by the State Apprenticeship Council, the State Council for Vocational Training or any other agency authorised by State Government conducts the test and award the proficiency certificate to such apprentices, by suitably amending section 21 of the said Act.

3. The Bill seeks to achieve the aforesaid objectives.

Mumbai,  
Dated the 22nd March, 2017.

SAMBHAJI PATIL NILANGEKAR,  
Minister for Skill Development and  
Entrepreneurship.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative powers, namely :—

*Clause 1(3).*— Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*Clause 2.*—Under this clause, power is taken to the State Apprenticeship Council to specify the period of apprenticeship training.

2. The above-mentioned proposals for delegation of legislative powers are of normal character.