

Sir,

This has reference to the personal discussion which I had with you in respect of the notification dated 27/7/2010 issued by the Government of Maharashtra in respect of implementation of distance learning courses of various ITIs through PPP mode with the help of Yashaswi Institute of Technology.

Under the distance learning programme the government has introduced a diploma in 5 courses since 1969. The said diploma is to be completed in 8 semesters. Since the government cannot bear the expenses related to training the concerned candidates, the government has decided to implement the said training through participation of private industry. The said notification dated 26/7/2010 has therefore, been issued. By virtue of the said notification the government shall implement training of the concerned apprentices with the help of YIT under an earn and learn scheme. Under the said scheme YIT shall offer training to the concerned apprentices in various establishments.

Under the said scheme the concerned students are treated as 'apprentices' under the Apprenticeship Act, 1961 and can be employed by the industry for a period ranging from six months to 4 years. Since the said students would be apprentices under the Apprenticeship Act, 1961, Section 18 of the Apprenticeship Act shall come into play. The said section is as under:

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 a 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

In addition to the same payment to the apprentices has to be in accordance with Section 13 of the said Act. The notification dated 26/7/2010 clearly fixes the stipend at Rs. 5000 to Rs. 6500 per month. Other expenses like books, equipments, and other material are to be borne by the establishment in which the concerned apprentice is undergoing training. It is also the responsibility of the concerned establishment to adequately insure the apprentices and make arrangements for medical treatment. Section 14 which deals with health, safety and welfare, Section 15 which deals with hours of work, overtime, leave and holidays and Section 16 which deals with compensation for injuries arising out of accidents while on training are also to be complied with by the concerned establishment.

In my view this is an excellent scheme offered by the Government of Maharashtra to the industries. The concerned apprentices shall be available to the industry for a period ranging from six months to 4 years. The concerned apprentices shall also have an opportunity to obtain a diploma. On completion of the training it would be neither obligatory nor binding on the concerned establishment to absorb the concerned apprentices in regular employment.

I hope I have clarified the position fully and in case of any doubt I would be glad to clarify the same.

Thanking you,

Yours sincerely,

RAJIV JOSHI

ADVOCATE