

## **Act Apprentices' Training- a brief note**

The Apprentices Act, 1961 was enacted with the objective of regulating the programme of training of apprentices in the industry by utilizing the facilities available therein for imparting on-the-job training. The provisions of the Act were implemented on the Railways in August 1963.

**2.** It is a statutory obligation under the Apprentices Act, 1961 to train fresh manpower in industrial trade skills to meet the demand of various trades/industries in the country. There are a large number of Workshops and Production Units on Indian Railways, which impart such training. The trades covered include Fitter, Turner, Machinist, Welder, Painter, Carpenter, Electrician, Refrigerator and AC Mechanic, Mechanic (Motor Vehicle/Diesel) etc.

**3.** Zonal Railways, Production Units and Railway Public Sector Undertakings engage Apprentices for Apprenticeship training at a minimum of 2.5% to 10 % of the strength of the establishment and Production Units engage a minimum of minimum of 5%. During 2018-19, number of act apprentices trained was 15,337 and 2019-20 was 13171. Indian Railways have also been awarded "CERTIFICATE OF APPRECIATION" for outstanding contribution towards engagement of apprentices by MSDE.

### **Employment opportunities of Act Apprentices on Indian railways**

**4.** Section 22 of the Apprentices Act, 1961 (prior to the 2014 amendment) provided that it is not 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.

**5.** In 2004, vide Railway Board's letter dated 21.06.2004, it was clarified by the Board that Course Completed Act Apprentices (CCAA) can be engaged as Substitutes in Group 'D' under the General Manager's powers in administrative exigencies, subject to the fulfilment of the extant instructions prescribed for such engagements. (Such engagement would be without any competitive examination).

**6.** In December 2014, amendment was made in Section 22(1) of the Act to read as under:

***"Every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment."***

**7.** Thereafter, the Railway Board constituted a Committee to formulate the policy for according preference to Course Completed Act Apprentices (CCAA) in recruitment.

**8.** Upon the said Committee's recommendations, instructions were issued vide Board's letter No. E(NG)II/2016/RR-1/8 dated 21.06.2016, providing that 20% of the vacancies in case of direct recruitment to posts/categories in Pay Band-1 (Level-1) of Rs. 5200-20200 having Grade Pay of Rs. 1800/- shall be filled by giving preference to Course Completed Act Apprentices (CCAAs) trained in Railway establishments and possessing National Apprenticeship Certificate (NAC). Subsequently, instructions issued vide letter no. E (MPP) 2002/12/26/Vol. II dt. 21.06.04 were withdrawn with immediate effect vide Board's letter no. E (MPP) 2009/6/14 Pt. dated 12.04.2017.

**9.** There were several representations from CCAAs to restore 2004 instructions of Board *i. e.* to engage act apprentices as substitute under GM's power.

**10.** The matter was forwarded to Ld. ASG for his opinion.

Ld. ASG has opined as under :

"I am of the opinion that:

- A. The Querist may not engage trained apprentices under the General Manager's power without any competitive examination, as the same would result in limiting the field of choice only to those who have undergone their apprenticeship training with the Railways and would not only be violative of Articles 14 and 16 of the Constitution, but would also be in the teeth of the judgements rendered in State of Karnataka vs. Uma Devi and Abdul Hamid and Ors. Vs. Union of India.
- B. There does not appear to be any illegality in the existing provision of giving 20% preference to CCAA, in the form of horizontal reservation. It does not appear to be arbitrary, unconstitutional or disproportionate. The provision has neither been challenged judicially, nor has it been struck down till date.

Section 22 of the Act allows the Querist to formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in the Querist's establishment. Thus, the Querist is allowed to give preference to CCAA trained by the Querist, provided that the same does not violate Articles 14 and 16 of the Constitution. The Hon'ble Supreme Court has also approved the principle that if the non-Railway trained apprentice is equal to the Railway trained apprentice on merit, then preference can be given to the Railway trained apprentice (Abdul Hamid and ors. Vs. Union of India).

The fact that recruitment is conducted by way of competitive examination fulfils the requirements laid down in State of Karnataka vs. Uma Devi (that there must be equality in the matter of public employment) and in Abdul Hamid and Ors. Vs. Union of Indian (that the field of choice cannot be limited only to those who have undergone their apprenticeship training with the Railways).

Thus, the Querist may continue with the existing provision of giving 20% preference to CCAA which has been formulated in consonance with the amendment in Section 22 of the Apprentices Act, 1961.”

**Recruitment of Act Apprentices Under 20% Quota in Direct Recruitment by RRB/ RRC.**

**11.** During 2018, RRBs have recruited 1288 apprentices in Level-1 posts. Further, 20% vacancies (I.e. 20,734 vacancies) have been kept reserved for apprentices in 1,03,769 notified vacancies for Level-1 recruitment in CEN RRC 01/2019 which is currently under process.