

Government of India
Ministry of Railways
(Railway Board)

RBE No. 28/2005

No:E(MPP)2001/12/10..

New Delhi, dated 18.02.05

The General Manager,
All Indian Railways including Production Units
CORE/Allahabad
Metro Railway/Kolkata.
COFMOW/New Delhi.
The Director General,
RDSO/Lucknow.

Sub:- Registration of contract of Apprenticeship within 3 months

Ref:- Board's letter No.E(MPP)95/6/13 dt.21.8.95

Kindly refer Board's letter No.E(MPP)95/6/13 dt.21.8.95 (copy enclosed) directing the railway Administration to transmit all the contracts of apprenticeship for registration to the Apprenticeship Adviser well within a period of 3 months. It is observed that some of the railways are still not following Apprentices Act, 1961 which has been the cause of embarrassment to Ministry of Railways.

The Hon'ble CAT/Chennai in their judgement dt. 10.1.2001 in O.A.No.807/99 filed by S/Shri G. Ganesan and M. Sivakumar had observed:-

"We have already extracted the relevant portion of the Apprentices Act, 1961. The Act prohibits that any person to be engaged as Apprentice unless there is a contract and the contract has also to be registered. If the respondents (Southern Railway) have engaged any person without any contract as an apprentice then they are liable to be punished under Section 30 and 31 of the Act. The circumstances also show that there is failure on the part of the Railways in not taking necessary action and these applicants from 1991 onwards have been asked to move from pillar to post and at present the Railways wanted to wash their hands stating that they have done whatever they could do at their end"

The Railway Administration are once again directed to follow Clause 4 of Section 4 of the Apprentices Act 1961 read with para 6(1) of the Apprenticeship Rules 1991 which stipulate as under:-

"Apprentices Act, 1961

4(1) No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such person

or, if he is a 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)

(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,

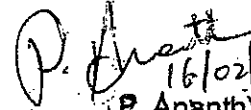
(4) Every contract of apprenticeship entered into under sub-section(1) shall sent by the employer within such period as may be prescribed to the Apprenticeship Adviser for registration."

"Apprenticeship Rules, 1991

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."

Kindly acknowledge receipt of the letter.

DA: as above


16/02/05
P. Ananth
Director(MPP)
Railway Board.

No.E(MPP)2001/12/10

New Delhi, dated 18.02.05

Copy to:-

1. The General Secretary, NFIR, 3 Chelmsford Road, New Delhi for information with 35 spares.
2. The General Secretary, AIRF, 4 State Entry Road, New Delhi for information with 35 spares.
3. The Secretary General, FROA, R.No.256-A, Rail Bhawan, New Delhi for information with 5 spares.
4. The Secretary General, IRPOF, R.No.268, Rail Bhawan, New Delhi for information with 5 spares.
5. All Members, Departmental Council and National Council and Secretary Staff Side National Council, 13-C, Ferozeshah Road, New Delhi(90 spares)
6. The General Secretary, All Indian RPF Association, Room No.256, Rail Bhawan, New Delhi-110 001 for information with 5 spares.



For Secretary/Railway Board.

Copy to:-

CRB, FC, ML, ME, MM, MS, MT, DG(RHS), DG(RPF), AM(Budget), AM(CE), AM(C&IS), AM(Coriml.), AM(Elect.), AM(Fin.), AM(Mech.), AM(Plg.), AM(Project), AM(PU), AM(Sig.), AM(Staff), AM(Rly. Stores), AM(T&C), AM(Telecom.), AM(Tfc.), AM(Works), Adv(Vig.), Adv. Fin(Exp), Adv.(IR), LA, OSD(MIS)

ED(Plg.), ED(Accts.), ED Fin.(BC), EDCE(B&S), EDCE(G), EDCE(Plg.), ED(Coaching), ED(CC), ED(C&IS), ED(E&R), EDEE(Dev.), EDEE(G), EDEE(RS), EDE, ED(RRB), EDE(N), EDE(Res.), EDF, EDF(C), EDF(E), EDF(S), EDF(B), EDF(RM), EDF(X)I, EDF(X)II, ED(H), EDLM, ED(MIS), EDE(GC), ED(Trg.&MPP), EDME(Chg), EDME(Fr.), EDME(Tr.), EDME(TOT), EDME(Dev.), EDME(W), ED(PC)I, ED(PC)II, ED(Plg.), ED(PP), ED(Projects), ED(Projects)/DMRC, ED(RE), EDRE(S&T), EDRE(S), ED(Safety), JS, JS(C), JS(E), JS(G), JS(P), IG/RPF(Hqs), IG/RS, ED(Sig), ED(Stat&Eco), EDRS(C), EDRS(G), EDRS(P), EDRS(S), EDRS(W), ED(TD), EDT(M), EDT(MC), EDT(P), ED(T&C), EDCE(P), ED(PM), ED(PG), EDTC(R), EDTC(FM), EDTT(F), EDTT(FM)EDTT(M), EDTT(S), EDV(A), EDV(E), EDV(T), ED(W).

E(Trg.), E(NG)I, E(NG)II, E(G).

Chief Commissioner of Railway Safety, Lucknow

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

259
2/16

NO.E(MPP)95/6/13.

New Delhi, dated 21.8.95.

The General Manager (P),

- Central Railway, Bombay.
- Eastern Railway, Calcutta.
- Northern Railway, New Delhi.
- North Eastern Railway, Gorakhpur.
- Northeast Frontier Railway, Guwahati.
- Southern Railway, Madras.
- South Central Rly., Secunderabad.
- South Eastern Rly., Calcutta.
- Western Railway, Bombay.

- ICF, Perambur.
- RCF, Kapurthala.
- DLW, Varanasi.
- CIW, Chittaranjan.
- W&AP, Bangalore.

Chief Administrative Officer,
DCW, Patiala.

Sub:- Registration of contract of
Apprenticeship within 3 months.

Under the clause 4 of Section 4 of the Apprentices Act, 1961, and para 6(1) of the Apprenticeship Rules, 1991, the employer is required to send to the Apprenticeship Adviser each and every contract of apprenticeship for registration within 3 months from the date of signing of the contract. DGE&T have informed that the time stipulation is not being observed by most of the Railway Units and in many cases the contract reaches them in a year's time. This sort of delay defeats the spirit of the Act and may lead to embarrassment to the Railways only.

Board, therefore, desires that Railways/Production Units should, transmit all the contracts of apprenticeship for registration to the Apprenticeship Adviser well within 3 months.

Kindly acknowledge receipt of the letter.

(Signature)
(Pani Ram)
Railway Board.

Copy to: Adv.(Staff), ED(Trg. & MPP),
Dir. (MPP), Dir. (Trg.),
E(NG)I, E(NG)II, E(Trg.).