
The Legal Status of Interns and Apprentices in India: Are They Adequately Protected?

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Abstract

In exponentially competitive employment landscape of India , internships and apprenticeships have evolved from an optional experiences to an unavoidable stepping stone for youth entering the workforce. They are considered as an important for skill enhancement and experiential learning but they generally operate in ambiguous legal area especially the internship which remains majorly unregulated under Indian labour laws. Apprentices are covered under the Apprentices Act, 1961 but it also face weak enforcement, outdated provisions etc. This article critically examines the legal framework of governing interns and apprentices in India. It explores definitional ambiguities, major shortcomings, judicial interpretations, types of exploitation and need for better legal reforms while comparing India with countries like UK, US and Australia. It concludes by recommending legal reforms aimed to protecting this vulnerable but an important segment of workforce.

Keywords :- Legal Status Of Interns, Apprenticeship Act 1961, Internship And Labour Rights, Apprenticeship Law.

Introduction

The sudden growth of internship and apprentices are due to demand of experience of work. Internships and apprentices are considered as a unavoidable thing for students and fresh graduates aiming to secure a place in job market. They are promoted as beneficial and important learning opportunities to career enhancement. These systems often have many deep issues which ultimately leads to exploitation of our young future. Interns fall outside the legality of major labour laws and they asked to perform work without any compensation and safeguards. While apprentices have to face outdated laws which is not sufficient to secure their rights and future. In the result of this our young future have to work in uncertainty, undervaluation and legal neglect. Now it is the need for an adequate legal framework for them as per the requirement of this scenario.

Distinguishing Interns From Apprentices: A Legal Necessity

We have to understand that interns and apprentices are not interchangeably words. Both words hold their own meaning and the challenges that they have to face in this era. An intern is generally considered as a student or graduate who works for a short time period to gain experience in a particular field or area. Most interns are unpaid or offered a small stipend and their work is considered as a form of academic or skill based learning. However, the Indian labour law does not contain any formal definition of “intern” and they are not even recognised under Factories Act 1948, Industrial Disputes Act 1947 or any of four new Labour Codes 2020. This lack of recognition of interns in Indian laws creates major gap where they cannot seek remedies for various issues they face like unpaid wages, harassment at workplace or unsafe working conditions.

On the other hand, an apprentice is a person undergoing training under a formal contract with an employer in a trade or occupation. Apprentices are governed by the Apprentices Act, 1961 which talks about terms and conditions like training period, minimum stipended, work hour and duties of employer. This law gives some protection to apprentices but it is not enough to govern. This law is outdated and want an latest legal framework.

Legal Challenges and Gaps For Interns

One of the major issue is that interns or internship is not governed by any Indian law which creates hectic situations for our youngsters. There are no legal provisions or guidelines for how an internship should be conducted, what rights an intern own or how can they report any exploitation. As a result of this there are some issues like:-

1. Even in a profit making company they do not pay their interns. Interns have to work unpaid because they want so called experience certificate.
2. Interns have no legal protection like working hour, wages, leave or medical benefit.
3. Interns are not covered under Provident Fund (EPF), Employee State Insurance (ESI) and Gratuity laws.
4. Unless they are considered as regular employee they have no labour tribunal to approach in case of workplace harassment.

The only place they have protection is under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which includes interns in the definition of “aggrieved women”. However its scope is very narrow and it does not address the major rights of interns.

Legal Framework and Limitation For Apprentices

The Apprentices Act, 1961 was enacted to regulate and promote training in industries and trades through a formal apprenticeship. This Act talk about written contracts between employer and apprentice, payment of minimum stipend which is notified by the government, responsibilities of employers to provide safe environment for work and rules on work hours, leave and about training. However the Section 18 of this Act states that the apprentice is not considered as a worker and most of the provisions of labour law shall not apply to them. This situation creates various challenges for apprentices like :-

1. It is not compulsory for the employer to hire apprentices after the training.
2. Apprentices are not eligible to take advantages like PF, ESI, maternity leave etc.
3. If there is any issue arises they all resolve by the apprenticeship manager not by the labour courts.
4. If an employer underpays, overworks or mistreat an apprentice then there is no fine or penalty.

This outdated approach of our Indian legal system becomes an obstacle in the path toward better future for apprentices. They are considered as disposable workers rather than contributors to the workplace.

Judicial Interpretations and Case law

Indian courts have taken very less legal cognizance of interns and apprentices. In case of Rajasthan State Electricity Board v. Shiv Kumar Sharma (1986), the SC held that apprentices under the Apprentices Act are not consider as a workmen and so that they are not eligible to get benefits like protection under the Industrial Disputes Act etc. In another case Bharat Petroleum Corporation Ltd v. The Regional Provident Fund Commissioner (2007) of Bombay High Court, Court held that apprentices not engaged under the Apprentices Act wold considered as employees and covered under the EPF. With all of this we can say that courts

have sometimes extended protection to trainees depending on the nature of work and contract but the default legal position remains weak.

What's The Global Perspective

While India have the outdated and unregulated legal take on interns and apprentices, US have the Fair Labour Standards Act to regulate unpaid internships which is the primary beneficiary for the interns not for the employer. On the other hand UK and Canada have clear regulations that make clear difference between volunteer and exploitative work and it offers interns some rights like minim wages, safety and harassment protection which India can borrow from these countries for the betterment of the future of India.

Germany and Australia also have the structured apprenticeship system that contain classroom education with on-job training and ensure that apprentices are not unpaid, insured and safety. These international systems show that it is possible to maintain training with systematic rights and protection that Indian law still do not have.

What Can Be Done: Recommendations

India must understand that young workers whether interns or apprentices they are the future of India and contributes enough to the economy. So that India should work on their legal framework that regulate interns and apprentices. The major things that law should have are :-

1. It must legally define interns in labour legislation and specifies their rights.
2. It must put ban on unpaid internship for profit making companies and ensures minimum stipend.
3. It must update the Apprentices Act to bring apprentices closer to regular worker status.
4. It must create governing bodies at state and central levels to regulate internship and apprentices practices.
5. It must expand coverage of social security and grievance redressal mechanisms to interns and apprentices.

Conclusion

In India's economy, interns and apprentices play a crucial role. They contributing their time, efforts and even money in exchange of experience and learning. But the Indian legal system does not provide them rights and protection that they surely deserve. Interns remains undefined under the labour laws which makes them vulnerable to unpaid work, long working hours and unsafe environments. And the apprentices have to deal with outdated Apprentices act which regulates them. It also does not have basic employment rights and benefits.

As India promotes skill development and youth employment they should also ensure that these individuals are treated with dignity and respect. They have to take essentials steps like recognizing interns under labour laws, strengthening the apprentices and creating clear and enforceable guidelines.

Legal reforms must focus not only on training opportunities but they also ensure workplace justice and rights to make learning more easy. Protecting interns and apprentices is not just about some legal provisions but it is about our future, our country's future and global betterment.

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