The Institute of
Chartered Accountants of India
(Set up by an Act of Parliament)

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REGULATORY ASPECTS FOR ARTICLED/AUDIT ASSISTANTS:
CAPACITY BUILDING FOR CA FIRMS & PRACTITIONERS

Published By:
Committee for Capacity Building of Members in Practice (CCBMP)

COMMITTEE FOR CAPACITY BUILDING OF MEMBERS IN PRACTICE (CCBMP)

PROFILE

OVERVIEW

The Committee for Capacity Building of Members in Practice (CCBMP) is a non-standing Committee of the Institute of Chartered Accountants of India formed under regulatory provisions of Chartered Accountants Act, 1949. This Committee was formed in the month of February, 2010 under nomenclature 'Committee for Capacity Building of CA Firms and Small & Medium Practitioners' (CCBCAF & SMP) by combining previously formed Committees, Committee for Capacity Building of CA Firms and Committee for Small & Medium Practitioners. Initially, this Committee was thought to establish for facilitating consolidation and capacity building of CA firms in order to address various problems faced by CA firms and to conceptualize and implement various means for strengthening their capacity as well as providing comprehensive guidelines for consolidation of CA firms. Similarly, Committee for Small & Medium Practitioners was formed in 2009 to empower Small & Medium Practitioners to assimilate and apply ways for carrying out their profession in efficient manner. Thus the ultimate objective of the Committee is to strengthen CA firms as well as Small & Medium Practitioners to rejuvenate their practice portfolio.

Bearing above objective, the prime duty of the Committee is to create awareness amongst CA firms on capacity building through consolidation by networking, merger & setting up management consultancy services firm and popularizing the concept of union through arranging workshops, symposia and summit on the benefits of consolidation and endurance to better accounting, auditing and ethical standards. The Committee assists Small & Medium Practitioners in improving their visibility amongst the business community and also attempts to create additional professional opportunities for them.

In tune to vision of ICAI which is 'The Indian Chartered Accountancy Profession' will be the valued trustees of world class financial competencies, good governance and competitors, the committee has its motto for Capacity Building of Indian CA firms through consolidation and empowering small & medium practitioners by developing and upgradation of their professional competence. Accordingly, the Committee has following issues to deal with;

- Preparation of code for consolidation of CA firms.
- Identifying means and ways for empowering SMPs.
- Upgrading and updating the knowledge and skills set on standard practice.
- Developing practice areas for SMPs.
- Identifying Role of SMPs in emerging areas.
- Developing technical material to facilitate practice in new areas of profession.
- Facilitation on IT savvy office management and audit tools for CA firms & SMPs.
- Re-engineering of profession and establishment of CA Firms with sound infrastructure and finance.
- Arrangement of social security & insurance protection for Practitioners & CA Firms

Contents

1. Engagement of Articled Assistants

(Regulation 43)

(1) An associate or a fellow member who has been in practice continuously, whether in India, or elsewhere or an associate or a fellow who is employed as a paid assistant with a chartered accountant in practice or in a firm of chartered accountants shall only be eligible to engage an articled assistant(s).

In the case of an associate or a fellow practicing outside India, the Council may impose such additional terms and conditions as it may deem fit.

(2) Effective from 17.08.2007, the entitlement of members practicing the profession of chartered accountants in his individual name or as proprietor or as partner to train articled assistants is as follows;

Category	**Period of continuous Practice**	**Entitlement of articled assistant or assistants**
(i)	An associate or fellow in continuous practice for a period up to 3 years	1
(ii)	An associate or fellow in continuous practice for any period from 3 years to 5 years	3
(iii)	An associate or fellow in continuous practice for any period from 5 years to 10 years	7
(iv)	An associate or fellow in continuous practice for any period from 10 years	10

The entitlement of (Paid assistants) members who are in full time salaried employment under a chartered accountant in practice or a firm of such chartered accountants is as follows;

Category	**Number of full-time salaried employees irrespective of whether associate or fellow**	**Entitlement of articled assistant or assistants**
(i)	Up to 100	1 per employee
(ii)	Between 101 and 500	100+50% of the number of such employees above 100 (i.e. maximum of 300)
(iii)	From 501 or more	300+20% of the number of such employees above 500

(4) Further conditions for entitlement:

(1) A member in full time employment with a firm of chartered accountants shall be entitled to train one articled assistant provided he has been in employment with the same firm for a continuous period of three years.

(2) A member who ceases to be in practice or resigns his partnership or gives up salaried employment under a chartered accountant in practice or a firm of such chartered accountants and who, at the time of discontinuance of practice or paid employment, as the case may be, has one or more articled assistants serving under him, shall not be eligible to take any articled assistant, if he subsequently sets up practice or takes up salaried employment under a chartered accountant in practice or a firm of such chartered accountants, until such time as the articled assistant or assistants serving under him previously complete the period of articles intended to be served under him, had he not given up his practice or the salaried employment.

(3) A member shall be entitled to engage and train an articled assistant only if he is in practice and such practice, in the opinion of the Council, is his main occupation and for the purposes of this sub- regulation, in ascertaining the number of years for which a member was in continuous practice, only the number of years in respect of which the member's practice was his main occupation shall be considered. The Council may, in its discretion, condone any break in the continuity of practice, for a period not exceeding 182 days in the aggregate.

(4) A member who sets up practice, with practice as his main occupation, after having been in employment for a minimum period of six years in one or more financial, commercial or industrial undertakings approved under regulations 51 and 72, shall be deemed to have been in continuous practice for three years.

(5) The entitlement of a member to train articled assistants under regulation 43 shall be subject to such decisions as may be made by the Council under Regulation 67.

2. Engagement of Audit Assistants

(Regulation 68)

(1) A member who has been in continuous practice for not less than three years, either before or after the commencement of the Act, or partly before and partly after the commencement of the Act, shall be entitled to engage one audit assistant.

(2) A member shall be entitled to engage or train an audit assistant only if he is in practice and such practice, in the opinion of the Council, is his main occupation and in ascertaining the number of years for which a member was in continuous practice, only the number of years in respect of which the member's practice was his main occupation shall be considered.

(3) The entitlement of a member to train an audit assistant under this regulation shall be subject to such orders as may be passed by the Council under Regulation 80.

(4) A member shall be entitled to engage a person as an audit assistant only if such person had been in service as a salaried employee for a minimum period of one year either under him or in the firm of chartered accountants in practice wherein he is a partner, on a monthly remuneration at the rates specified below, depending upon where the normal place of service of the audit assistant is situated:-

(a) cities with a population of one million and above	Rs. 1500/- per month
(b) cities/towns having a population of less than one million	Rs. 1000/- per month.

(6) A member registering under these Regulations, the service of the person referred to under sub-regulation (5) of this regulation shall pay minimum monthly remuneration at the rates specified in sub-regulation (5) of this regulation, to the assistant during the period he is in service with him in accordance with these Regulations.

3. Members not to engage articled assistants under the bye-laws of any of the Accountancy Institutions or Bodies outside India

(Regulation 44)

A member entitled to engage and train articled assistants, under regulation 43, shall not engage any other articled clerk, articled assistant or apprentice, by whatever name called, under the bye-laws of any other Institute or Society or Body unless the person concerned has been registered as a student with any of the accountancy institutions or bodies whose training is recognized by the Council as being equivalent to the training prescribed for members of the Institute under clause (v) of sub-section (1) of section 4 of the Chartered Accountants Act, 1949.

4. Registration of Audit Assistants

(Regulation 69)

A candidate shall be eligible for registration as an audit assistant for a period of three years who:

(i) is not less than 17 years of age on the date of commencement of audit service; and

(ii) has passed the Professional Education (Examination-II) or Group I leavel or Accounting Technician level of Intermediate (Integrated Professional Competence) Examination held under these regulations or has been exempted from passing the Common Proficiency Test under sub-regulation (1A) of regulation 25D;

(iii) has successfully completed the computer training programme in such manner and within such time as decided by the Council from time to time.

Every Audit assistant other then one who has passed the Government Diploma in Accountancy Examination or an Examination recognized as equivalent thereto by the rules for the award of Government Diploma in Accountancy shall undergo theoretical education imparted by the Institute. He shall apply in the Form 113 approved by the Council, pay such registration fee as an audit assistant and such tuition fee as may be fixed by the Council.

Requirements

The student is required to:

(1) Submit an application in Form 113 duly complete in all respects alongwith the requisite documents and registration fee within 30 days from the date of commencement of training. A set of Form 113 can be obtained from the Institute free of cost. In case of delay in submission of the Form, the conditions for condonation of delay will apply.

(2) The student must ensure that his employer is having necessary vacancy.

(3) The student should submit Form 113 along with:

- Certified copy of marksheet of CA Course as specified in CA Regulation/certified copy of Graduation/Post Graduation pass mark sheet whichever is applicable.
- Certified Proof of successful completion of training programme as specified in CA Regulation.
- Certified true copy of Secondary/High School Certificate as proof of date of Birth

(1) Requisite fees by way of Demand draft.

5. Stipend / Remuneration to articled / audit assistants

(Regulation 48 & 68)

(a) Stipend to Articled Assistant

An articled assistant is entitled to receive a minimum stipend as per the rates as per the rates specified under the Chartered Accountants Regulations, 1988 (**effective w.e.f 23.01.2015**). The current minimum rates of monthly stipend payable depending on the situation of the normal place of service of the articled assistant are as follows:

Classification of the normal place of service of the articled assistant	During the first year of training	During the second year of training	During the remaining period of training
(i) Cities/towns having a population of twenty lakhs and above.	Rs.2000/-	Rs.2500/-	Rs.3000/-
(ii) Cities/towns having a population of four lakhs and above but less than twenty lakhs.	Rs.1500/-	Rs.2000/-	Rs.2500/-
(iii) Cities/towns having a population of less than four lakhs.	Rs.1000/-	Rs.1500/-	Rs.2000/-

- Stipend will be determined on the basis of population as per the last published Census Report.
- The amount of stipend will be determined on the basis of place of business of the principal.
- An articled assistant shall not be eligible for payment of stipend for the excess leave taken by him under his principal.
- The stipend shall be paid by the principal to the articled assistant either by a crossed account payee cheque every month against a stamped receipt to be obtained from the articled assistant or by depositing the amount every month in an account opened by the articled assistant in his own name with a branch of the bank to be specified by the principal.

(b) Remuneration to Audit Assistant

An audit assistant is entitled to receive a minimum monthly remuneration as per the rates specified under the Chartered Accountants Regulations, 1988. The current minimum monthly remuneration is as follows:

Cities with a population of one million and above	Rs.1500/-per month
Cities/Towns having a population of less than one million	Rs.1000/- per month

Stipend will be determined on the basis of population as per the last published Census Report.

The amount of remuneration be determined on the basis of normal place of service of the audit assistant is situated.

6. Period of practical training for an articled assistant

(Regulation 50)

(1) An articled assistant shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from the appropriate person entitled to issue such a certificate to the effect that he -

(i) has served as an articled assistant for a period of three and half years; or

(ii) has served partly as an articled assistant and partly as an audit assistant for a total period as specified in clause (i) above for which purpose complete eight months of service as an audit assistant shall be reckoned as six months of training as an articled assistant, any fraction of a period of less than 8 months as an audit assistant being ignored:

(2) A candidate who was registered as an articled assistant before the commencement of the Common Proficiency Test shall be eligible to continue and complete the remaining period of practical training as per the deed of articles executed under these regulations irrespective of any break in the continuity of training:

(3) A candidate who has passed Intermediate under these regulations at the time of commencement of the Foundation may join three year articleship up to such time as may be specified by the Council.

(5) A candidate enrolled for the Intermediate Course shall be eligible to three years of articles training (as specified in CA Course).

(6) A candidate who is a graduate or post graduate and has been exempted from passing the Foundation Course shall be eligible to three years of articles training on his registration to the Intermediate Course(as specified in CA Course).

7. Period of practical training for an audit assistant/Conversion from Audit Assistant to Articled Assistant

(Regulation 71)

(a) Period of practical training for an audit assistant

(i) An audit assistant shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from the appropriate person entitled to issue such a certificate to the effect that he:-

(i) has served as an audit assistant for a period of fifty-six months; or

(ii) has served partly as an audit assistant and partly as an articled assistant for a total period as specified in clause (i) above for which purpose complete six months of service as an articled assistant shall be reckoned as eight months of service as an assistant, any fraction of a period of less than six months as an articled assistant being ignored:

(2) An audit assistant who commenced his practical training before the 1st day of July, 1956 shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from an appropriate person as provided in paragraph 11 of Schedule 'B' of the Chartered Accountants Regulations, 1964, as in force at the commencement of these Regulations:

(3) An audit assistant who commenced his practical training on or after the 1st day of July, 1956 but before 1st day of October, 1973 shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from an appropriate person as provided in paragraph 12 of Schedule 'B' of the Chartered Accountants Regulations, 1964, as in force at the commencement of these Regulations.

(b) Conversion from Audit Assistant to Articled Assistants

- In the event of conversion from audit service to articled service the student is required to submit the registration papers in Form 103 within 30 days from the date of commencement of articleship. Eight months of service as an audit assistant shall be reckoned as six months service as an articled assistant.

- A service certificate in Form 114 alongwith training report as specified in the Training Guide.

- Before submitting the papers to respective Regional office, the principal should ensure that he has a regular vacancy under him.

- For condonation of delay in submission of Form 103.

8. Practical Training- Working Hours

Regulation 60 stipulates that the minimum working hours of an articled assistant shall be 35 hours per week (excluding lunch break) to be regulated by the principal from time to time "Subject to such directions and guidelines as may be issued by the Council from time to time. The guidelines issued by the Council at 274^{th} meeting held from 20^{th} -22^{nd} December, 2007 regarding working hours of the articled assistants at present in force are as follows;-

i. The working hours for the articled assistants shall be 35 hours in a week excluding the lunch break and normally an articled assistant be required to work during the normal working hours fixed for articled assistants.

ii. The office hours of the Principal for providing article training to the articled assistants shall not be generally before 9.00 A.M. or after 7.00 P.M.

The normal working hours for the articled assistants shall not start after 11.00 A.M. or end before 5.00 P.M.

iii. The working hours for the articled assistants should not exceed 35 hours in a week excluding the lunch break and normally an articled assistant be required to work during the normal working hours fixed for articled assistants.

iv. In case of the exigencies of work with the Principal, an articled assistant may be required to work beyond his/her normal working hours. However, under such circumstances, the aggregate number of working hours shall not exceed 45 hours per week. The requirement to work beyond 35 hours in a week should not be a practice but only in exceptional circumstances. Further, where the articled assistant is required to work beyond normal working hours, and aggregate of such hours exceed 35 hours per week, he/she shall be entitled to compensatory leave calculated with reference to number of completed working hours, over and above, 35 hours per week.

v. The facility of allowing flexible office hours stands withdrawn.

Note: During the working hours, the articled assistant is not permitted to attend college/other institutions for pursuing any course including graduation. Accordingly, college timings of such course should not be such (after taking into account the time required to commute) which clashes with the normal working hours of the article training.

9. Permission to Study Other Courses

(Regulations 65 & 78)

Under Regulations 65 & 78 of the Chartered Accountants Regulations, 1988 an articled/ audit assistant cannot take up any other course of study or training, whether academic or professional, or cannot engage in any business or occupation without prior permission of the Council, provided the concerned course is not in the negative list indicated by the Council from time to time. Student can pursue at a time one course including graduation course simultaneously with CA course with the prior permission of the Council.

The students are advised to join graduation course either through Universities with whom the ICAI has entered into Memorandum of Understanding (MOU) either through IGNOU/NSOU/Bharathiar University/University of Madras or through correspondence course or through colleges whose timing do not clash with the timing of practical training with an intimation to the Institute but shall not be permitted to join any other course until the graduation course is completed.

The students joining special distance education programme of degree course of IGNOU/ NSOU/Bharathiar University/University of Madras are exempted from studying the subjects which are the part of curriculum of Intermediate (IPC) Course.

For obtaining permission from the Institute, an articled/audit assistant is required to submit application in Form 112 duly complete in all respects and recommended by the Principal and the College Authorities, if the course is regular one. Form 112 indicating college timings etc shall be counter signed by the concerned principal of the college with the seal and stamp of the college and also indicating the telephone number and full address of the college.

During the working hours, the articled assistant is not permitted to attend college/other Institutions for pursuing any course including graduation. Accordingly college timings of such course should not be such (after taking into account the time required to commute) which clashes with the normal working hours of articled training.

To ensure that the working hours do not clash with the graduation or any other course, if any, pursued by the articled assistant, each articled assistant registered on or after 1st April, 2008 shall now be required to obtain specific permission from the ICAI for pursuing graduation or other course as permitted under the Chartered Accountants Regulations by submitting Form No.112, within one month from the date of joining the college or course to the ICAI.

(a) Requirements

Before joining any course, student must go through the foregoing chapter in order to ensure observance of office timing of the principal and compliance of minimum 35 working hours in week.

(1) Form 112 to be submitted with the recommendation of the Principal.

(2) Attendance at the course must be outside the normal working hours of the Principal

(3) Only one additional course is permitted at a time. (Including Graduation course)

Note: In case Form No. 112 is not submitted within 30 days of joining the course, the procedure laid down for condonation of delay in non-submitted of form will apply. Please refer chapter 42.

For pursuing any other course of study (other than graduation course) the previous permission of the Council shall be obtained by the articled/ audit assistant in accordance with Regulations 65 &78.

(b) Permission for second course

Permission for second course will be considered only after receipt of documentary proof of either on completion or discontinuation of the course for which permission has been granted earlier.

Students/articled assistants who are not adhering to the requirements of the aforesaid Regulations while pursuing another course alongwith articleship and who are declaring such a fact while applying for enrolment as a Member of the Institute and seek condonation for Breach of Regulation 65/78 for having not taken the permission at the appropriate time viewed seriously. It has been insisted that students/articled assistants should pursue only one course alongwith articleship, even that be a graduation course and seek permission of the Council by filing of Form 112 duly certified by the Principal i.e. Chartered Accountant and the Principal of the College concerned within 30 days of taking admission. It is clarified that during such period, even for pursing graduation, necessary permission shall have to be obtained.

10. Permission for Other Engagements

(Regulations 65 & 78)

An articled/audit assistant cannot engage himself in any business or occupation without the prior permission of the Council. He/she is required to submit an application in Form 112 duly recommended by the Principal to obtain prior Permission of the Council to be engaged in any business or occupation.

Permitted Engagements

(a) teaching up to 9 hours a week

(b) Directorship in a Family Company

(c) Sleeping Partner in a Family Business

The above are, subject to the following guidelines prescribed by the Council:

(a) For Teaching

(I) The engagement should be either before or after normal office hours of the Principal.

(II) The Institution wherein he is to be engaged should be in the same town/city wherein he undertakes training.

(III) An application should be made mentioning the office hours and the timings of the lectures on each day of the week alongwith:

A certificate from the Principal to the effect that such engagement does not interfere his training as an articled/audit assistant under him.

A certificate regarding the time required to be spent/to be devoted per week by the articled/audit assistant from the concerned authorities for the engagement.

(IV) Permission is not granted where the number of hours prescribed is exceeded.

Requirements

(1) Apply in Form 112 duly recommended by the Principal

Attach certificate issued by the Principal of the College (where he intends to teach)

(2) The starting and ending timing of the classes taken by the articled/audit assistant. The total hours to be devoted

- daily basis
- Weekly basis

(3) Attach certificate from the Principal clearly stating that the engagement of the articled/audit assistant in other occupation as "Teacher" does not interfere with his training as an articled/ audit assistant.

(b) For Director

The Company in which the articled/audit assistant proposes to be appointed as a Director should be a Family Company i.e. a majority of the capital of the company is held by the members of the family of the articled/audit assistant.

(I) The company should have been in existence before the assistant had entered into articled/audit service.

(II) Neither the principal nor the firm in which he is engaged as an articled/audit assistant is a partner or an auditor of the company.

(III) The assistant should not be entitled to receive any allowance apart form the sitting fee for attending the Directors meeting.

(IV) The assistant should give undertaking on a non-judicial stamp paper duly sworn in before a Magistrate that he would not take any active part in the business of the company apart form attending the Directors meeting.

(V) The other Directors should confirm that such an undertaking would not interfere with the normal functioning of the company.

Requirements:

Apply in form 112 duly recommended by the Principal alongwith:

- Attested true copy of Memorandum and Articles of Association of the company
- Undertaking by the articled/audit assistant duly sworn in before a Magistrate/Notary Public
- Declaration by the Principal of the articled/audit assistant.

(C) For Sleeping Partners

(i) An articled/audit assistant should not be deemed to be engaged in any business or occupation within the meaning of Regulation 65/78, if he is merely a sleeping partner in a family business concern. There should be no objection to an articled/audit assistant being a sleeping partner in one or more business concerns, if there is a recital in the partnership deed that he is a a sleeping partner which will constitute prima-facie evidence.

(ii) Permission can be given, if (I) the partnership deed contains a recital that is a sleeping partner; (2) all the partners including the articled/audit assistant furnish affidavit that the assistant is neither taking active part nor will be entitled to take active part in the management of the business and (3) a declaration is given by the principal of the articled/audit assistant that the latter is a sleeping partner and in case any change in his status in the partnership comes to his attention, he shall inform the Institute.

Requirements:

The student concerned is required to:

(1) apply in Form duly recommended by the Principal

(2) attach true copy of Partnership Deed (attested)

(3) submit affidavit by all the partners of the business firm duly sworn in before the Magistrate or notary Public.

(4) Submit affidavit by the articled/audit assistant duly sworn in before the Magistrate.

A letter granting permission to engage in other occupation i. e Teaching, as Sleeping Partner or Director in family business concern/Limited company will be issued to the principal /Articled/Audit assistant.

The student may inform regarding disassociation from other occupation so as to revoke permission. In case form is not submitted within 30 days of joining the other occupation, the procedure laid down for condonation of delay in submission of form applies.

11. Secondment of articled assistants

(Regulation 54)

Regulation 54 specifically provides for secondment of articles with a view to provide the articled assistant the opportunity of gaining practical experience in areas where the principal may not be in a position to provide the same. The Regulation also provides as under:

1. A Principal may, with the consent of the articled assistant, second from time to time the articled assistant to other member or members with a view to provide the articled assistant the opportunity of gaining practical experience in different areas.

2. The articled assistant shall be seconded only to member who is entitled to train one or more articled assistant in his own right or to a member in industry who is entitled to train one or more industrial trainees.

3. The member to whom the articled assistant is seconded will not be entitled to train more than two such assistant on secondment at a time.

4. The maximum period of secondment shall be one year, which may be served with a single eligible member. Secondment can be permitted with more than one such member provide the minimum period of secondment shall be four months and the aggregate period served on secondment with such members shall not exceed one year.

5. Where an articled assistant is seconded to a member is industry the total period spent in industry by the articled assistant including the period of industrial training under Chartered Accountants Regulations, shall not exceed one year.

6. During the period of secondment, the member with whom the articled assistant is seconded shall pay the stipend as provided under Chartered Accountants Regulations.

7. The member with whom the articled assistant is seconded shall be responsible for imparting training during secondment. He shall maintain records of practical training undergone by the articled assistant during secondment and forward the same to the

principal on completion of period of secondment. The principal shall include required particulars in the report to the Council under regulation 64.

8. A statement in the form approved by the Council shall be sent to the Secretary for records within thirty days from the date of commencement of training on secondment.

12. Practical Training Under Eligible Members Of Accountancy Institutions Or Bodies Outside India

(Regulation 54A)

(1) A principal, with the consent of the articled assistant, may depute the latter for training for a period not exceeding six months to a member eligible to engage and train an articled clerk or articled assistant or apprentice, by whatever name called, under the bye-laws of an institution or body etc. set up in the respective countries under the relevant statutes.

(2) For the purpose of regulation 50 (related to period of practical training for an articled assistant) such period of training shall be deemed to be service as an articled assistant.

(3) During such period of training the provisions of Regulation 48 (related to stipend) shall not apply.

(4) The principal is required to include the particulars of such training in the report to the Council under Regulation 64.

(5) There is no need for execution of deed of Articles for such training or for any intimation to the Institute in this regard.

13. Revised Guidelines for Training of articled assistants outside India

i. A Chartered Accountant is eligible to train an articled assistant provided his main occupation is the practice of the profession of Accountancy at the time of engaging articled assistants as well as in each of the qualifying years on the basis of which he claims eligibility to train articled assistants.

ii. Any member engaged in any other business, occupation or holding part time certificate of practice is not entitled to train articled assistant.

iii. Any member employed as a Paid Assistant or engaged as a partner in a foreign firm of Chartered Accountants will also be eligible to train articled assistants at par with the paid assistants with a firm of Chartered Accountants in India. All conditions applicable to the Paid Assistants in India would be applicable to them as well. However, in case of a foreign firm, such a foreign firm shall have at least one partner who is either a member of the Institute or who is eligible to become a member of the Institute, in terms of MRA.

Provided that every Chartered Accountant from ICAI who is registered as an auditor and obtained a license and registration number from the appropriate competent authority abroad to establish a professional firm and carry out the attest function and who meets the international/local experience and expertise criteria laid down by the law shall be eligible to train articled assistants as under:

Category	***Period of continuous Practice***	***Entitlement of articled assistant or assistants***
(i)	*An associate or fellow in continuous practice for a period up to 3 years*	*1*
(ii)	*An associate or fellow in continuous practice for any period from 3 years to 5 years*	*2*
(iii)	*An associate or fellow in continuous practice for any period from 5 years to 10 years*	*4*
(iv)	*An associate or fellow in continuous practice for any period from 10 years*	*5*

It would also be essential for such member abroad to produce the copy of License and certificate of registration issued by the competent authority abroad to him as individual member and to the professional firm with whom he is affiliated to the Institute with current validity at the time of registration of articlehip.

Further where an Indian Chartered Accountant is working as paid assistant in a firm where there is no Indian CA as a partner such paid assistant shall not be entitled to train any articled assistant

iv. The members shall provide a professional address as envisaged in Regulation 2(1)(xiii)as well as an address in India.

   (As per the said Regulation, professional address means:-

   a. an address of the place where the member is carrying on his profession(or where he is carrying on his profession at more than one place, the principal place), or

   b. if a member is employed, the place of employment or at his option the place of his residence

   c. the place of residence, if the member neither carried on the profession nor is employed.

   (It may please be noted that an address in India is essential in any of the situation)

v. *Since there is full time employment visa instead of Trainee Visa for students who wish to register their* articleship *with chartered accountants abroad according to the immigration laws of Gulf Cooperation Council (GCC) Countries, so such employees shall be treated at par with the articled assistants registered in India.*

It would be essential for such articled assistants abroad to produce the copy of such visa and immigration details along with a copy of passport at the time of registration of articleship. The terms and conditions that may be made applicable for training articled assistant in India from time to time shall mutates mutandis apply for training of articled assistant abroad.

vi. The period of practical training shall be 3 years or 3 ½ years, as applicable, under a practicing chartered accountant abroad. However, the articled / audit assistants should have an option to undergo industrial training in accordance with the Regulations 51 & 72 of the Chartered Accountants Regulations, 1988 during the last one year of training.

vii. The Industrial Training may be imparted by the Chartered Accountants working abroad in a financial, commercial or industrial undertaking with minimum fixed assets & minimum total turnover or minimum paid up capital as may be specified by the Council (whatever the value specified in terms of Indian currency may be deemed as applicable in foreign countries in their respective currencies) or such other organization or institution approved by the Council. In case of a member employed outside India, and eligible to impart Industrial training outside India, is unable to submit Annual Report/Balance sheet of the corporate/undertaking the member is working with, the member may submit a self declaration about the particulars of the undertaking alongwith the application.

viii. The terms & conditions contained in Regulation 54 and Regulation 54A dealing with secondment shall be applicable to the articled assistants receiving training abroad.

ix. The Principal shall send training reports as prescribed along with the service certificatetobeissuedinForm109& 108asthecasemaybe.

x. The principal shall impart training in accordance with the guidelines contained in Training Guide. He shall maintain a record of practical training imparted by him to the articled assistant and report to the Council in the form prescribed in the training guide.

xi. The rates, terms and conditions of stipend prescribed as payable to the articled assistants receiving training in India shall be applicable to the articled assistants receiving training aboard except that the same rate of stipend in equivalent terms specified in respective national currencies of the countries concerned instead of Indian rupees.

xii. Regulation of training in terms of office hours and working days holidays will be applicable as per local office timings and laws. However, requirements of total training hours will be the same as applicable in India, the terms of which are given hereunder:-

   a. The working hours for the articled assistants shall be 35 hours in a week excluding the lunch break.

   b. The office hours of the Principal for providing article training to the articled assistant shall not be generally before 9.00 a.m. or after 7.00 p.m.

   c. The normal working hours for the articled assistant shall not start after 11.00 a.m. or end before 5.00 p.m.

d. The working hours for the articled assistants should not exceed 35 hours in a week excluding the lunch break and normally an articled assistant be required to work during the normal working hours fixed for articled assistants.

e. In case of exigencies of work with Principal, an article assistant may be required to work beyond his / her normal working hours. However, under such circumstances, the aggregate number of working hours shall not exceed 45 hours per week. The requirement to work beyond 35 hours in a week should not be a practice but only in exceptional circumstances.

Further, where the articled assistant is required to work beyond normal working hours, and aggregate of such hours exceed 35 hours per week, he / she shall be entitled to compensatory leave calculated with reference to number of completed working hours, over and above, 35 hours per week.

Further conduct of training will be regulated as per provisions of the relevant Regulations as follows: -

Regulation 60: Working hours of an Articled Assistant

"Subject to such directions as may be issued by the Council, the working hours of an articled assistant shall be 35 hours per week to be regulated by the Principal from time to time".

Regulation 65: Articled assistant not to engage in any other occupation

"WithoutthepreviouspermissionoftheCouncil,obtainedonapplicationmadeinthe *approved form, no articled assistant shall, during the period of his service as an articled assistant, take any other course of study or training, whether academic or professional, or engage in any business or occupation."

Regulation 66: Enquiries against articled assistant

"(1) Where a complaint or information of any misconduct or breach of Regulation65or breach of any of the covenants contained in the articles is received against an articled assistant from his principal or any other person, the President or the Vice- President as the Executive Committee may decide from time to time, may cause an investigation to be made

(2) The Executive Committee may, on a consideration of the report of the investigation and after giving the articled assistant an opportunity of being heard, make any of the following orders, namely;-

i. direct that the papers be filed and the complaint be dismissed, if the Executive Committee finds that the articled assistant is not guilty of any misconduct of breach of Regulation65orbreachofanyofthecovenantscontainedinthearticles;or

ii. if the articled assistant is found guilty, reprimand the articled assistant or cancel the registration of articles or direct that any period already served under such articles shall not be reckoned as service for the purpose of the period of practical trainingspecifiedinRegulation50. (3)The articled assistant, the registration of whose articles has been cancelled under this regulation, shall not, except with the permission of the Executive Committee be retained or taken as an articled assistant or audit assistant by any member".

Regulation 67: Complaint against the Principal

1) Where an articled assistant makes a complaint against his principal on a matter concerning his training as an articled assistant, the President or the Vice- President as the Executive Committee may decide from time to time, may cause an investigation to be made and submit a report to the Executive Committee.

2) The Executive Committee shall submit the report of the investigation to the Council with its recommendations.

3) The Council may, on a consideration of the report of the Executive Committee, pass such order as it may consider expedient, including an order withdrawing the entitlement of the principal to train one or more articled assistants either permanently or for a specified period:

4) The President or the Vice-President as the Executive Committee may decide from time to time, may, pending an investigation of the complaint, either terminate or suspend the articles and allow the articled assistant to be accepted as additional articled assistant by a member, notwithstanding anything contained in Regulation 43.

14. Change of Status of Principal

(Regulation 55)

(I) Where a salaried employee of a chartered accountant in practice or a firm of such chartered accountants, sets up practice independently, the articled assistant (s) engaged by him shall continue to remain engaged with him from the date of setting up practice independently provided he is entitled to train articled assistant(s) under Regulation 43.

(II) In case the salaried employee does not set up practice independently or is not entitled to train articled assistant (s) under Regulation 43, the articled assistant (s) engaged by him shall serve the chartered accountants in practice who has executed the deed of articles as required under Regulation 46(1) as the second principal. The provision of sub regulation (1) of Regulation 46 shall not apply in such a case. In such a case the statement in the form 118 approved by the Council shall be sent to the Secretary for registration within 30 days from the date of change in the status of the principal or within such extended time as the Secretary may determine.

Note: *Form 118 will be submitted only in case of leaving by the paid assistant from the CA firm not in case of leaving/resignation by the partner. In such case, Form 109 and Form 103 are not required to be submitted for noting of termination and re-registration of articleship*.

15. Termination/Assignment of Articles

(Regulations 56 & 61)

Every articled assistant is required to serve the full period of articled training under the same principal under whom he has been registered in order to complete the practical training. However the articles so engaged, by agreement between the articled assistant and his principal be terminated under such exceptional circumstances or conditions as may be decided by the Council which is as follows:

I. Transfer /termination of articles is permitted without any restriction during the first year of articles.

II. During rest of the articleship period on satisfying any one or more of the conditions as stated below: -

1. Medical grounds requiring discontinuance of articles for a minimum period of three months (on production of a Medical Certificate issued by a Government Hospital).

2. Transfer of parent(s) to another city.

3. Misconduct involving moral turpitude.

4. Other justifiable circumstances / reasons: -

(i) Grounds already permissible in the Chartered Accountants Regulations, 1988 (on submission of requisite proof of the act warranting transfer/termination of articleship):-

a. Industrial Training (Regulation 51)

b. Secondment of articles (Regulation 54)

c. Conversion from PCC to IPCC (for termination of articles only. Re-registration of articles to be allowed only after passing Group-I of IPCC)

d. Death of Principal [Regulation 57(1)(c)]

e. Ceasing of practice by the Principal [Regulation 57(1)(a)]

f. Removal of name of the Principal from the Register of Member due to any reason [Regulation 57(1)(b)]

(ii) Marriage basis (only if there is relocation to another city involving distance of 50 kms).

(iii) Irregular payment or non payment of stipend with reference to Regulation 67.

(iv) Articled assistant desires to serve balance period of training outside India.

(v) Shifting by the Principal to another city involving distance more than 50 kms.

The articled assistants are required to get the consent of the Institute before getting Form 109 signed by the Principal in their own interest.

The request, on any one or more of the aforesaid grounds, of an articled assistant on a plain paper alongwith the recommendation/ consent of the Principal for transfer / termination of articleship accompanied by evidence/proof (self-attested by the articled assistant) to the satisfaction of the Institute be made.

Request for transfer not accompanied by consent of Principal shall not be accepted.

In case of dispute between principal and articled assistant, the matter be settled amicably among the articled assistant and the principal concerned and the Institute shall not interfere in such cases.

The principal shall on termination/discontinuance of the service of an articled assistant before the expiry of the full period of service, forthwith issue a certificate in respect of the service rendered under him, in the prescribed Form 109. A copy of the certificate duly filled in and signed by both the principal and the articled assistant shall be submitted to the concerned Regional Office within 30 days of the termination of service.

If in the event of discontinuance or termination of the service of an articled assistant before the expiry of the full period of service, the principal has not forthwith issued the certificate of service in Form 109, the articled assistant shall make a request in the Form 120 approved by the Council with 15 days of such termination to the principal under intimation to the Secretary by registered or speed post for issue of such certificate of service and the principal shall in any case, issue the certificate of service within three months of such completion.

If no such certificate is received by the Secretary within 15 days of the expiration of the above specified period, the certificate shall be deemed to have been issued on the date specified by the articled assistant and an intimation to that effect shall be sent to the principal.

Requirements:

1. During the first year of articleship, the articled assistant may directly submit Form 109 duly signed by him and his principal.

2. After first year of articleship, the articled assistant is required to submit an application stating the ground for termination of articleship as mentioned above along with the consent of the principal and supporting documents to the concerned Regional office of ICAI. After receipt of approval letter for termination of articleship from the Institute, the articled assistant is required to obtain a service certificate in form No. 109 from his principal and submit to the concerned regional office of ICAI for noting of termination of articleship.

3. The certificate is required to be submitted immediately on termination of articles alongwith the practical training report as specified in the Training Guide.

4. In case of death of the Principal, the articled assistant is required to submit a service certificate in the prescribed form No. 110 or 111. The certificate in Form 110 is required to issued by the legal Representative. In case of the partnership firm the certificate in Form No.111 is required to be issued the Surviving Partner.

16. Termination of Audit Service

(Regulation 75)

There is no provision for termination of audit service under a principal. However criteria for termination of audit service under exceptional circumstances and conditions are same as in the case of termination of articles.

(1) The audit assistant is required to obtain a service certificate in Form 114.

(2) The certificate is required to be submitted immediately on termination of audit service alongwith the practical training report as specified in the Training Guide.

(3) In case of death of the Principal, the articled assistant is required to submit a service certificate in the prescribed Form 115 or 116. The certificate in Form 115 is required to issued by the legal Representative. In case of the partnership firm the certificate in Form 116 is required to be issued the Surviving Partner.

17. Re-Registration of Articles

(Regulations 46(6), 57)

On termination of articles prior to completion of 3 years or 3 ½ years as the case may be, a student is required to re-register himself with another Principal for the remaining period of the practical training.

Requirements:

1. In the event of re-registration, the student is required to submit the re-registration papers i.e. form 103 so as to reach to the Institute's office within 30 days from date of commencement of articled training.

2. A service certificate in form No. 109 alongwith training report as specified in the Training Guide.

3. The deed of articles is required to be executed in form No. 102 on a non-judicial stamp paper of the value applicable in the City/State where the principal is practicing. The original deed has to be retained by the Principal and a copy with the student.

4. where the student/ principal in not able to submit the papers within 30 days and the delay in submission of the papers needs to be condoned by the Council, they are required to comply with the requirements for condonation detailed in Chapter 42.

- No registration fee is payable on re-registration except the payment of written as 2nd installment of tuition fee wherever applicable.

- In case the articled assistant has availed of any leave in excess of his entitlement he should serve such excess leave period after completion of 3/3 ½ years of articleship either under the same Principal as supplementary articles or under another principal.

- In the event of circumstances specified in sub-Regulation (1) and (2) of Regulation 57, the request for permission to be taken as additional articled assistant under another principal shall be sent to Secretary within 30 days. The form 103 for re-registration shall be sent so as to reach Secretary within 30 days from the date of letter of Secretary granting such permission.

- In the event of death of principal, the date of commencement of training under another principal shall be taken as the date following the date of the death of the principal.

18. Fresh Articles/Additional Vacancies

(Regulation 57)

(1) The additional vacancies can be granted to a member in practice under the following circumstances;

a) The principal has ceased to practice or

b) Name of the principal is removed from the Register of Members or

c) The principal has died or

d) The articled are terminated under sub regulation (1) of Regulation 56 or sub Regulation (2) of Regulation 57

In all the above cases, request for grant of additional vacancy shall be made within 30 days to the Secretary. Within 30 days from the date of the letter of the Secretary granting permission, the statement in the Form 103 approved by the Council shall be sent for registration. In case of death of the principal, the date of commencement of training under fresh articled shall be taken the date following the date of death of the principal.

(2) Additional vacancy may also be granted for accommodating articled assistants serving the period of excess leave. The benefit of additional vacancy in such cases is given only where it could not have been reasonably anticipated that the articled assistant would have to serve an extra period on account of excess leave taken.

19. Supplementary Articles

(Regulation 58)

Leave taken in excess of entitlement under Regulation 59 shall be treated as excess leave. The articled assistant is required to undergo articles for further training equivalent to the period of excess lave taken by him during the period of three/three and half years of training.

Period of excess leave of articles can be served with the same principal by executing Supplementary Deed in Form 107 or under a new Principal by executing fresh deed of articled and submitting Form 103 for re-registration of articles as Per Regulation 46.

Conditions:

1. If with the same Principal and in continuation of previous training without any break:

   a) Submit Form 108 for the previous period of Practical Training along with training report as specified in the Training Guide.

   b) Execute a supplementary deed of articled for the period equivalent to the excess leave period in Form 107 or a Non Judicial Stamp Paper or affix Special Adhesive Stamp of appropriate value.

   c) The deed of supplementary articles must be submitted in original along with a copy so as to reach the Institute's office within 60 days from the date of commencement of training.

2. If with a new principal follow the procedure prescribed for Re-registration i.e execute fresh deed of articled and submit Form 103 within 30 days of the commencement of fresh articles.

Note: The same procedure applies if there is a break in continuity of practical training even with the same principal.

3. The delay in submission of Form 107 or Form 103 may be condoned on compliance of requirements prescribed for condonation as detailed in Chapter 42.

20. Industrial Training

(Regulations 51&72)

The articled/audit assistant have an option to undergo training in a financial, commercial or industrial undertakings whose minimum fixed assets of Rs. 1 crore; or minimum total turnover of Rs. 10 crores or minimum paid up share capital of Rs. 50 lakhs or such other Institution or Organization as may be approved by the Council from time to time during the last year or prescribed of practical training. This is with a view to give them an exposure to the entire gamut of the activities of such undertaking in a phased and systematic manner.

However, for matters of discipline and leave and stipend the apprentice shall abide by the Rules and Regulations of the employer.

Eligibility to Join Industrial Training

(a) After having passed Intermediate (PCC, PE-II Examination) as prescribed by CA regulations.

(b) During the last year of practical training.

Period of Industrial training: The Period of Industrial Training may range between nine months and twelve months during the last year of the prescribed period of practical training.

Who Can Impart Industrial Training

- An associate who has been a member for a continuous period of at least three years can train one industrial trainee at a time.
- A Fellow member can train two industrial trainees at a time whether such trainees be audit assistants or articled assistants.
- Industrial training can be received only under a member of the Institute and under the organizations approved by the Institute.

Conditions :

(a) Student must inform his intention to undertake industrial training to his Principal atleast three months before the date on which training is to commence.

(b) Obtain Form 109 or 114 (as the case may be) form the present Principal alongwith training report as specified in the training Guide.

(c) Execute Apprenticeship deed in form 104 on a non-judicial stamp paper or affix 'Special adhesive Stamp as per rates applicable in respective City/States in duplicate and submit the same so as to reach the Institute's office within 30 days form the date of commencement of such training, through the Organization where industrial Training is to be taken.

(d) An audit assistant who has passed the Intermediate Examination as prescribed by Council/ CA Regulations and serving the last year of service may also opt for Industrial Training. He should fulfill all requirements as mentioned above as in the case of articled assistant he is also required to submit form No. 114.

General

1. List of Financial/Commercial/Industrial undertaking, eligible under regulation 51 & 72 to impart industrial training is available on the Institute's website www.icai.org at link http://10.0.1.29/post.html?post_id=823

2. The requests for vacancy of industrial trainees as and when received form the financial commercial/industrial organization are displayed on the notice Board of the decentralized offices of the Institute.

3. If an articled assistant wants to join any Financial /Commercial/Industrial Organization (eligible under Regulation 51) which is not approved by the institute, the request form such Organization alongwith latest copy of Annual report, names of the members who have completed there years continuous membership and stipend payable to the trainees may be forwarded for inclusion of the name of the organization in the list of eligible organizations/undertakings for imparting industrial training. Thereafter Form 104 shall be submitted for registration as an industrial trainee in the organization concerned.

Scope for Industrial Training in Govt. Organizations*: Under approval of the Ministry of Corporate Affairs, the Serious Fraud Investigation office of MCA, Government of India, New Delhi has provided opportunity for Industrial Training to the eligible article assistants of ICAI. The salient features of Industrial Training Programme offered by SFIO are given below:*

- *Internship will be available throughout the year depending upon vacancy.*
- *Duration of the training would be for a period ranging between nine months to twelve months.*
- *Training allowance of Rs.7000/- per month would be paid during the course of training.*
- *Program will be at the headquarters of SFIO, Paryavaran Bhawan 2nd Floor B Wing, CGO complex, New Delhi.*
- *Applications should be routed through the Institute.*

All interested articled assistants are invited to submit Form 104 for registration of Industrial Training to the concerned Regional office of ICAI.

21. Recognition of Service with Armed Forces

(Regulation 52 & 73)

For the purposes of Regulation 50 & 71, service with Armed Forces rendered by an articled/audit assistant for a period not exceeding one/two year(s) shall be deemed to be service as an articled/audit assistant.

22. Leave to an Articled/Audit Assistant

(Regulation 59 & 74)

During the period of training, an articled/audit assistant is entitled for leave earned at the rate of one-sixth of the actual period served, excluding from such period, the period for which he has been on leave subject to a maximum of 180/240 days.

An articled assistant who has served as an audit assistant before the commencement of his articles shall, in addition to the leave earned under this regulation, be entitled to leave equal to one-half of the leave earned and not availed of as an audit assistant, subject to a maximum of three months.

Following conditions may be noted:

Reasonable notice is required to be given by the articled/audit assistant to the Principal.

(1) For the purposes of preparing for an examination of the Institute, the articled assistant shall be granted by the principal leave for three months or to the extent due, whichever is less, provided an application for the leave has been made at least fifteen days in advance.

(2) Leave not earned may also be granted by the principal subject to the condition that the total leave to be taken by the articled/audit assistant shall not exceed one-seventh of the total period of his actual service, together with the leave due under sub-regulation (2).

(3) The principal shall allow the articled assistant to receive training in the Territorial Army, the Home Guards or any similar organisation approved by the Council and shall treat the period of such training not exceeding sixty days in a year, as period actually served under articles.

(4) The days (including intervening holidays) on which an articled assistant appears for any examination under these Regulations or attend a course of academy of accounting conducted by the Institute and recognised by the Council in this behalf, shall not be treated as leave but would be treated as period actually served under articles.

(3) Leave of absence may ordinarily be granted to an audit assistant only for a period aggregating to not more than one-seventh of the period actually served, till the time the leave is availed of.

(5) For the removal of doubts, it is clarified that attendance by an articled assistant with the consent of the principal, at a conference, including Training programmes or seminar organised by the Institute including a regional council or a students' association or a branch of a regional council for the benefit of articled/audit assistants, shall be treated as period actually served under articles.

(6) An articled assistant who has secured admission in a course at an academy of accounting conducted by the Institute shall be relieved by the principal, without termination of articles, for attending the academy, provided he has given notice of not less than two months of his intention to join the academy.

***Note**: The Council has clarified that if an articled/audit assistant appears for one group, all intervening break for any reason, from the day of commencement of CA examination till the day of last examination of the concerned group and similarly, if an articled/audit assistant appears for both groups then all intervening break for any reason from the day of commencement of CA Examination and completion of both groups of the examination be treated as part of the training and the articled/audit assistants be deemed to be on duty accordingly.*

Accordingly, all intervening holidays or break due to any reason, falling in between the day of commencement of CA Examination till its completion as above explained will be treated as part of the training i.e the articled assistants be deemed to be on duty.

23. Completion of Training

(Regulation 61, 62, 72 & 76)

The Principal shall on completion of the service of an articled assistant, forthwith issue a certificate in respect of the service rendered under him, in the prescribed Form 108 in case of articles, in Form 105 in case of Industrial Training and in Form 114 in case of audit service. A copy of certificate duly filled in and signed by both the Principal and the articled assistant shall be submitted to the concerned Regional Office within 30 days of the completion of service.

If on completion of the articles, the principal has not forthwith issued the certificate of service in Form 108, the articled assistant shall make a request in the Form 119 approved by the Council with 15 days of such completion to the principal under intimation to the Secretary by registered or speed post for issue of such certificate of service and the principal shall in any case, issue the certificate of service within three months of such completion.

If no such certificate is received by the Secretary within 15 days of the expiration of the above specified period, the certificate shall be deemed to have been issued on the date specified by the articled assistant and an intimation to that effect shall be sent to the principal.

Requirements

(1) The articled/audit assistant has completed prescribed period of training.

(2) The service certificate should be issued for a maximum period of three/three & half years or the period registered under the concerned principal.

(3) 2nd installment of tuition fees where payable, has been paid.

(4) Submit Form 108 duly filled in & signed by principal and articled assistant with the Report of Practical Training as specified in the Training Guide. In case of death of employer, Form 110/111 be issued by the Legal representative or Surviving partner as the case may be, along with the report if practical training.

(5) In case of Industrial Training, submit Form 105 with Report of Industrial Training.

(6) In case of audit assistant, submit Form 114 with Report of Practical Training. In case of death of employer, the audit assistant may obtain Form 115/116 to be issued by the Legal representative or Surviving partner as the case may be , along with the report if practical training.

(7) The service certificate should be signed by the principal only under whom the articled/audit assistant/Industrial Trainee was registered.

(8) The number of days of leave must be clearly mentioned, Only such leave which the articled assistant has availed under the concerned principal during the registered period has to be given.

(9) Mode of payment of stipend must be mentioned.

A letter confirming the completion of articled/audit service will be issued to the principal and the articled/audit assistant. For condonation of delay in non submission of Form 108/114/105.

24. Change in the name of Articled/Audit Assistants In case of Female students, change in name after marriage

Request for change in name along with the marriage invitation card or attested copy of Marriage Registration Certificate.

Or

An affidavit regarding change in name duly sworn in before a first class magistrate.

In Other cases

Attested copy of Gazette Notification or original copy of advertisement in the leading newspaper for change of name.

Or

Attested copy of affidavit for the change in name, duly sworn in before a first class magistrate.

25. Differently abled students

Differently abled Students are those who are suffering from permanent disability of 50% or above.

The following shall be regarded as disability:-

a. Blindness – "Blindness" refers to a condition where a person suffers from any of the following conditions, namely: total absence of sight; visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses;

or

limitation of the field of vision subtending an angle of 20 degree or worse.

b. Low vision – "Low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.

c. Leprosy cured – "Leprosy cured" means any person who has been cured of leprosy but is suffering from loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity; manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity; extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be constructed accordingly.

d. Hearing impairment – "Hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

e. Locomotors disability – "Locomotors disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.

f. Permanent and total loss of voice.

g. Any other physical disability which is not covered above, but permanently suffering from 50% or above, as the case may be, submit an application for consideration on case to case basis.

A disabled student has to submit a certificate of suffering from disability, certified by a physician / surgeon / oculist working in a Government hospital, as the case may be.

26. Condonation of Delay in submission of Various Forms

The delay in submission of various forms relating to registration of articles/audit service (Regulation 46 & 69) supplementary deed of articles (Regulation 58), permission to pursue other course/other engagement or occupation (regulation 65), completion of articles/audit service(Regulation 61,62,75,76) etc may be condoned subject to compliance and payment of condonation fee as detailed below;

Sl.No	Description	Period of delay	Documents to be submitted
1	Submission of Form 103 for registration of articles (Regulation 46(2) & (3)	Beyond 30 days and upto one year. Delay beyond one year cannot be condoned	(1) Original deed of articles executed in Form 102 (2) Work diary/attendance record (3) Stipend Proof
2	Submission of Form 107 for registration of supplementary articles (Regulation 50)	Beyond 60 days and upto 6 months	(1) Original agreement executed in Form 107 supplementary deed (2) Work diary/attendance record (3) Stipend proof
3	Submission of Form 108 for completion of articles (Regulation 61)	Beyond 30 days and upto 3 years	No documents are required to be called and verified

		Beyond 3 years	Anyone of the following (1) Work Diary (2) Stipend Proof (3) Attendance Record (4) Details of work done

Permission to engage in other occupation/other course of studies

Form 112 duly filled and signed by the Principal, articled/audit assistant and the concerned authority alongwith a request for condonation of delay stating reasons therefore together with levy fee while submitting Form 112 in case of engagement in other occupation the documents mentioned in the respective Chapter 42 may also be submitted.

Schedule of Levy fee for condonation of delay

Period of delay	**Corresponding fees to be charged**
30 days beyond specified period	Rs.100/-
31-180 days beyond specified period	Rs.300/-
181 days beyond specified period	Rs.1,000/-

(w.e.f 01.04.2017)

Period of delay	**Corresponding fees to be paid**
30 days beyond specified period	Rs.500/-
31-180 days beyond specified period	Rs.1,000/-
181-365 days beyond specified period	Rs.2,000/-
After 365 days beyond specified period	Rs.10,000/-

27. Applicability Of Guidelines Laid Down By Hon'ble Supreme Court In The Cases Of Vishakha & Ors. Vs. State Of Rajasthan & Ors. And Dr. Medha Kotwal Lele & Ors. Vs. Union Of India & Ors. For Prevention And Dealing With The Sexual Harassment At The Educational Institutions/Work Places Etc.

Attention of members and firms of Chartered Accountants registered with the ICAI is hereby drawn to the specific guidelines laid down by the Hon'ble Supreme Court of India (in the cases viz., Vishakha & Ors. vs. State of Rajasthan & Ors. and Dr. Medha Kotwal Lele & Ors. vs. Union of India & Ors. decided by judgment dated 13th August, 1997 and 19th October, 2012 respectively) on prevention and dealing with sexual harassment at the educational institutions/ work places etc.

In terms of the said relevant judgement, followed by the enactment of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the guidelines so formed shall be applicable to organizations/ bodies/ associations/ institutions and persons registered/affiliated with ICAI including, the office of ICAI its organs at different levels/ locations and offices of members and firms registered with it. Accordingly, all concerned are required to follow the aforesaid guidelines in letter and spirit.

For further details, about the judgement and text of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, please visit the website - www.icai.org.

- Judgment in the matter of Medha Kotwal and Ors Vs. Union of India & Ors.
- Vishakha & Ors Vs. State of Rajasthan & Ors
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

28. Code of Conduct for the Students of Chartered Accountancy Course

Preamble:

The Council of the Intstitute of Chartered Accountants of India hereby lays down the Code of Conduct to maintain decorum and discipline amongst the students of the Chartered Accountancy Course. While dealing with the members of the Institute and other public in general, it is expedient to ensure the Code of Conduct for students undergoing practical training under the Chartered Accountancy Course including students registered for Common Proficiency Course (CPC), Intermediate (IPC) Course (IIPCC)/Final Course and even those students who have completed practical training.

Regulation 66 of the Chartered Accountants Regulations, 1988 makes an explicit mention that the Code of Conduct is applicable to the Students undergoing practical training under the Chartered Accountancy Course and deals with relevant procedure to be followed in case of breach of the same.

Interpretations: In this code of Conduct, unless otherwise stated,

(i) "Act" means The Chartered Accountants Act, 1949 (XXXVIII of 1949) as amended from time to time.

(ii) "Regulations" means regulations made under the Chartered Accountants Act, 1949.

(iii) "Institute" means the Institute of Chartered Accountants of India (ICAI) constituted under the Chartered Accountants Act; 1949.

(iv) "Council" means Council of the Institute.

(v) "Board/Board of Studies (BoS)" is a non-standing Committee of the Council under Section 17 (2) of the Chartered Accountancy Act, 1949.

(vi) "Executive Committee" is the standing Committee of the Council formed under Section 17 (1) of the Act.

(vii) "Examination Committee" is the standing Committee formed under Section 17 (1) of the Act.

(viii) "Principal" or "Employer" means a member entitled to train Articled Assistants and Audit Assistants under the Chartered Accountants Regulations,1988

(ix) "Articled assistant" means an articled assistant as referred to in clause (j) of sub-section (2) of Section 30 of the Act engaged under articles by a member entitled to train articled assistants under the Regulations;

(x) "Audit assistant" means an assistant engaged in audit service by a member entitled to train audit assistants under the Regulations;

(xi) "Accredited Institution" means institution authorised by Board of Studies for the purpose of organising classes for Chartered Accountancy students as per guidelines issued from time to time.

1. GENERAL

1.1 Students who are registered as articled / audit assistants under the provisions of the Chartered Accountants Act, 1949 / Regulations framed thereunder (hereinafter referred to as "trainees" or "articled / audit trainees") should conduct themselves in accordance with the guidelines provided hereunder whilst undergoing practical training under the Chartered Accountants Regulations, 1988.

1.2. The Code of Conduct shall also be applicable to all students including CPTC and IIPCC as also students pursing Final course who have completed their articled training shall be held liable in case they mis-handle/damage any assets/property/infrastructure of ICAI or in its authorized Centre(s)/Venue(s) also shall be bound by the various provisions under the proposed Code of Conduct. Further such person(s) shall also be required to maintain decency and decorum while attending programmes like seminars, conferences, mock tests, GMCS, OP, ITT, advance ITT or any other course/program etc. organized by the Institute or its regional councils/branches.

2. CONDUCT OF ARTICLED/AUDIT ASSISTANT

An Articled/Audit Assistant shall comply with the following principles of code of conduct:

2.1 The articled/audit assistant shall, at all times, diligently and faithfully serve the Principal in the practice of profession of Accountancy.

2.2 The articled/audit assistant shall follow the covenants contained in the Deed of Articles and the provisions of Act and Regulations as may be applicable, from time to time.

2.3 The articled/audit assistant shall be responsible for the quality and correctness of the work done by him in the course of practical training, either in the office of the Principal or in the offices of any of the clients of the Principal.

2.4 The articled/audit assistant shall not at any time during the continuation of his articleship destroy, cancel, obliterate, spoil, embezzle, spend, take away with him copies of books, papers, plans, documents, monies, stamps, hardware, software or chattels whether belonging to the Employer or his personal representative(s) or assignees or partner(s) or clients which came into his hands or, custody or possession or allow any other person to use the same without the prior approval of his employer.

2.5 The articled/audit assistant should at all times observe discipline and follow guidelines, rules and regulations set out by his employer and not act in any manner that will bring disrepute to his/her employer or the profession in General.

2.6 The articled/audit assistant shall obey and follow all lawful and reasonable instructions of his Employer and shall not depart or absent himself/herself from the training of the Employer at any time during the said term without the prior consent of his employer or his partners but shall at all times during the said term conduct himself/herself with honesty and propriety.

2.7 The articled/audit assistant shall behave in a responsible manner as a prospective member of the profession, with his colleagues, staff members in his Employer's office, Employer's clients and their representatives, Institute's officials and employees and judicial, quasi-judicial and other authorities, wherever he represents his/her employer.

2.8 The articled/audit assistant shall conduct himself/herself in a manner which shall show he/she is endowed with impeccable character and help him/her to uphold ethical principles and professional Code of Ethics.

2.9 The articled/audit assistant shall not obtain any monetary help or assistance or any form of gratification directly or indirectly from the clients of the Principal, their officials or representatives.

2.10 Students while undergoing Articled Training shall adhere to the formal Dress Code as per the local culture and tradition. Students while undergoing Orientation Programme, General Management and Communication Skills (GMCS) course, Information Technology Training (ITT) , Advanced Course on ITT Programmes should maintain discipline and decorum apart from adhering to dress code.(Advisory Dress Code: Male Students: Full Sleeves Shirts and Trousers; Female Students: Sarees/ Salvar Kurta/ Suit. While appearing before the appellate authority, they may also wear tie / suit and a tie)

3. CONFIDENTIALITY

3.1 A Student shall keep all the information acquired during the course of his/her articleship about his Principal and his partners and clients confidential and shall not divulge any information acquired during the course of his training, to anybody without formal authorisation from his/her employer

4. OFFICE TIMINGS

4.1 The articled/audit assistant shall always scrupulously attend the office of employer or his clients as per the prescribed timings of his/her employer.

4.2 The articled/audit assistant shall ensure that he/she works for a minimum of 35 working hours in a week and follow strictly the normal working hours applicable to him/her as decided by the Employer. This period does not include lunch break and time spent on travelling to and from place of work. Students are required to adhere to the directions issued by the Council from time to time regarding the working Hours while undergoing the Practical training.

4.3 The articled/audit assistants are hereby advised to undergo practical training very seriously in a conscientious manner and ensure that they do not involve themselves in any other activity including attending classes so that the quality of practical training is not compromised under any circumstances.

5. LEAVE

5.1 The articled/audit assistant will not remain absent from office without taking leave of absence from the Employer. The student will make sure that he takes leave only after prior sanction by the Employer except in case of emergency which should be duly supported by reasonable explanation/ documentary evidence.

5.2 The articled/audit assistant shall always give reasonable notice to his/her Employer of his/her intention to take leave and the leave will be governed by the provisions of Regulation 59 or Regulation 74 as the case may be.

5.3 Whenever the articled/audit assistant asks for leave for the purpose of preparing for examination of the Institute, he/she shall be granted leave for three months or to the extent of leave due, whichever is less, provided an application for leave has been made at least 15 days in advance.

5.4 The articled/audit assistant shall make sure that the total leave taken by him/her during the period of articleship does not exceed one-sixth of the total period of actual service, together with leave due under Regulation 59(2)/Regulation 74(2).

5.5 The articled/audit assistant shall apply to the employer for such leave for the purpose of tests or examinations or any other purpose as may be required. However, the entitlement of leave shall not exceed the leave to his/her credit as per the Chartered Accountants Regulations, 1988. The employer may grant leave not earned subject to the provisions of Regulation 59(5)/ Regulation 74(5) at the rate of one seventh of the total period of his actual service.

5.6. A student who has taken leave in excess of the period of leave to which he/she is entitled under Regulation 59 shall be required to serve for a further period equivalent to the excess leave taken by him/her, in accordance with Regulation 58.

6. RECORDS MAINTENANCE

6.1 The articled/audit assistant shall maintain such records, documents and papers as may be prescribed by the Institute and his/her employer from time to time.

6.2 Diaries and Time Sheets: The articled/audit assistant shall maintain diaries up to date in connection with the work done, in the form prescribed by the Institute/employer, from time to time.

7. THEORETICAL EDUCATION AND OTHER PROGRAMMES

7.1. Students shall abide by all the rules of the Board of Studies, as may be in force from time to time during the period they undergo for theoretical education.

7.2 Students attending classes organized by accredited institutions should satisfactorily comply with the requirements governing such classes and the tests conducted thereunder.

7.3 Students shall behave in an orderly manner in the examination hall and shall not resort to or attempt to resort to unfair or illegal means for the purpose of passing an examination. They should scrupulously follow instructions issued by the Examination Department of the Institute in this regard

7.4 Before applying for membership of the Institute, or during the period of practical training, the Articled/audit assistant shall also attend the course on General Management and Communication Skills, Advanced Course on ITT and such other course as may be prescribed by the Council from time to time and in the manner so specified.

8. SEMINARS/CONFERENCES, ETC.

8.1. Students are advised to attend seminars / meetings /workshops / conferences, CPE Seminars, meetings of study groups, organised by the Institute directly or through the Regional Councils/Branches, whenever they get an opportunity to do so, and record the details of the same in the diary maintained by them.

8.2. Whenever an articled/audit assistant wants to attend a conference, course or seminar organised by the Institute / Regional Council/ Branch of Regional Council or a Students' Association and desires that the period of such attendance be treated as period actually served under articles/audit service, he/she will get prior consent of his/her Employer for the same.

9. PERMISSION FOR OTHER ENGAGEMENTS

9.1 The articled/audit trainee shall not undertake any other course of study or training, whether academic or professional, or engage in any business or occupation without obtaining the prior permission of the Council on application made in the prescribed form (Form No. 112) as specified in Regulation 65/ Regulation 78. Such permitted engagements or occupation may include teaching for the specified hours, directorship in a company, incorporated under the Companies Act, partnership in a family business, subject to the Regulations and Guidelines as may be prescribed by the Council/Board of Studies from time to time.

10. STIPEND

10.1 A student is entitled to receive a minimum monthly stipend as per the rates specified under the Chartered Accountants Regulations, 1988, from time to time. The student shall, therefore, open an account with any Bank for facilitating receipt of such stipend from his Employer.

11. TRANSFER OF ARTICLESHIP

11.1 Transfer of Articleship should be as per the Regulations. And Guidelines prescribed by the Council from time to time.

11.2 In case of dispute between Principal and articled assistant, the matter shall be settled amicably between articled assistant and the Principal concerned. The Institute shall not interfere in such cases.

12. MISCONDUCT

12.1 Non -adherence to any of the above guidelines issued herein and the Act or Regulations would be construed as Misconduct and lead to action against the articled/audit assistant in accordance with Regulation 66/ 79 of the Regulations.

12.2 Where a complaint or information of any misconduct or breach of any of the guidelines contained in this Code of Conduct or provisions of the Regulations, Act or any of the covenants of the Deed of articles is received against any student from his/her Employer or any other person, the same shall be investigated as per Regulation 66/ Regulation 79 of the Chartered Accountants Regulations, 1988 and suitable action(s) shall be taken.

13. CONSEQUENCES OF MISCONDUCT

13.1 The Executive Committee may, on a consideration of the report of the investigation and after giving the articled/audit assistant an opportunity to be heard, may:

i if the Executive Committee finds that the articled / audit assistant is not guilty of any misconduct or breach of Regulation or breach of any of the covenants contained in the articles, direct that the papers be filed and the complaint dismissed, or

ii if the articled/audit assistant is found guilty, reprimand the articled / audit assistant or cancel the registration of articles / audit service, or direct that any period already served under such articles / audit service, shall not be reckoned as service for the purpose of the period of practical training as specified in Regulation 50 / Regulation 71, or take such other appropriate action as it may deem fit, pending the consideration of the investigation report and the final decision.

Provided, in appropriate cases, the Executive Committee, after giving an opportunity of being heard to the articled/audit assistant, may pass an interim order including suspension of the articleship training or cancellation of the audit service or such action as it may deem fit, pending the consideration of the investigation report and final decision.

13.2 The articled/audit assistant, the registration of whose articled or audit service has been cancelled under the regulations, shall not, except with the permission of the Executive Committee, be retained or taken as an articled/ audit assistant by any member of the Institute. The necessary information shall be uploaded on the website of the Institute for information to all the stakeholders.

13.3 The Executive Committee may, on a consideration of the matter involving misconduct of students pursuing the Chartered Accountancy Course, take appropriate action, if found guilty, reprimand or cancel the registration, as deemed fit under the circumstances.

29. Chartered Accountancy Course Registration Forms

The Chartered Accountancy Registration Forms are available on the Institute's website www.icai.org at the link http://www.icai.org/new_post.html?post_id=721&c_id=120

102	Deed of Articles
103	Articles Registration Form
104	Articleship Deed for Industrial Training
105	Service certificate for Industrial Training
106	Assignment of Articles
107	Deed of Supplementary Articles - To complete Excess Leave
108	Service Certificate for Articleship
109	Termination of Articled Service • by mutual consent • in the case of death of employee
110	Termination of Articles - To be issued by Legal Representative
111	Termination of Articles – To be issued by a surviving partner
112	Application for permission to study other course / engagement in business
113	Particulars of the Audit Assistant to be submitted for registration
114	Service Certificate of audit service in the case of death of employer
115	Service Certificate in case of death of employer - To be issued by the legal

	representative
116	Service Certificate - In case of Death - To be issued by a surviving partner
118	Form for intimation of change of status of Principal.
119	Form for request by the Articled Assistant to his Principal for issuance of Service Certificate in event of Completion of articles
120	Form for request by the Articled Assistant to his principal for issuance of Service Certificate in event of Termination of articles
--	Form for intimation of Secondment of articles
--	Application for inclusion of name of the organisation abroad for imparting Industrial Training to CA Students
--	Application for inclusion of name of the organisation for imparting Industrial Training to CA Students
--	Format of undertaking & affidavit

Printed copies of these forms are available in all offices of the Institute which should be used. Same can be downloaded from the ICAI website as well.

30. Important Provisions of the Chartered Accountants *Regulations, 1988*

43. Engagement of Articled Assistants

(1) Subject to the provisions of these Regulations and subject to such terms and conditions, as the Council may deem fit to impose in this behalf, the members designated as an associate or a fellow, who has been in practice continuously, whether in India or elsewhere or an associate or a fellow, who is deemed to be in practice within the meaning of Explanation to sub-section (2) of section 2 of the Act, shall only be eligible to engage an articled assistant or assistants:

PROVIDED that in the case of an associate or a fellow practising outside India, the Council may impose such additional terms and conditions as it may deem fit.

(2) An associate or a fellow, covered by sub-regulation (1), shall be entitled to train such number of articled assistant or assistants, under such terms and conditions, as are specified in Tables I and II given hereinafter:

TABLE-I

(Applicable to members practising the profession of chartered accountants in his individual name or as proprietor or as partner)

Category	Period of continuous practice	Entitlement of articled assistant or assistants
(i)	An associate or fellow in continuous practice for a period up to 3 years	1
(ii)	An associate or fellow in continuous practice for any period from 3 years to 5 years	3
(iii)	An associate or fellow in continuous practice for any period from 5 years to 10 years	7
(iv)	An associate or fellow in continuous practice for any period from 10 years	10

TABLE-II

(Applicable to members who are in full time salaried employment under a chartered accountant in practice or a firm of such chartered accountants)

Category	Number of full-time salaried employees – irrespective of whether associate or fellow	Entitlement of articled assistant or assistants
(i)	Up to 100	1 per employee
(ii)	Between 101 and 500	100+50% of the number of such employees above 100 (i.e., maximum of 300)
(iii)	From 501 or more	300+20% of the number of such employees above 500

(2A) A member in full time employment with a firm of chartered accountants shall be entitled to train one articled assistant provided he has been in employment with the same firm for a continuous period of three years.

(3) The entitlement to engage and train articled assistant or articled assistants under this regulation shall be subject to following conditions:-

(i) Omitted

(ii) a member who ceases to be in practice or resigns his partnership or gives up salaried employment under a chartered accountant in practice or a firm of such chartered accountants and who, at the time of discontinuance of practice or paid employment, as the case may be, has one or more articled assistants serving under him, shall not be eligible to take any articled assistant, if he subsequently sets up practice or takes up salaried employment under a chartered accountant in practice or a firm of such chartered accountants, until such time as the articled assistant or assistants serving under him previously complete the period of articles intended to be served under him, had he not given up his practice or the salaried employment.

(iii) a member shall be entitled to engage and train an articled assistant only if he is in practice and such practice, in the opinion of the Council, is his main occupation and for the purposes of this sub- regulation, in ascertaining the number of years for which a member was in continuous practice, only the number of years in respect of which the member's practice was his main occupation shall be considered:

PROVIDED that the Council may, in its discretion, condone any break in the continuity of practice, for a period not exceeding 182 days in the aggregate.

Explanation — For the purpose of this sub-regulation, a member who sets up practice, with practice as his main occupation, after having been in employment for a minimum period of six years in one or more financial, commercial or industrial undertakings approved under regulations 51 and 72, shall be deemed to have been in continuous practice for three years.

(4) The entitlement of a member to train articled assistants under this regulation shall be subject to such decisions as may be made by the Council under regulation 67.

44. Members not to engage articled assistants under the bye-laws of any of the accountancy institutions or bodies outside India

A member entitled to engage and train articled assistants, under regulation 43, shall not engage any other articled clerk, articled assistant or apprentice, by whatever name called, under the bye-laws of any other Institute or Society or Body:

PROVIDED that such a member may engage any person who has been registered as a student with any of the accountancy institutions or bodies whose training is recognized by the Council as being equivalent to the training prescribed for members of the Institute under clause (v) of sub-section (1) of section 4 of the Act.

45. Admission to Articleship

(1) A member engaging articled assistants shall before accepting a person as an articled assistant satisfy himself that –

(a) he is entitled to train articled assistants under regulation 43, and his professional practice or that of his employer, if he is an employee of chartered accountant in practice or a firm of such chartered accountants, is suitable for the purpose of training articled assistants; and

(b) such a person –

(i) has passed the PE-II, PCC, Intermediate Course (Group I or II or both) or has been exempted from passing Foundation course under sub-regulation (1A) of regulation 25D; and

(ii) has successfully completed training programme as may be specified from time to time by the Council and in the manner so specified and

(iii) has completed the Course for such period and in such manner and within such time as may be specified by the Council from time to time."

46. Registration of articled assistants

(1) The articles shall be executed in the form approved by the Council.

(2) A statement in the form approved by the Council together with documentary evidence of compliance with Regulation 45, shall be sent to the Secretary for registration so as to reach him within thirty days of the commencement of articles.

(3) If the statement mentioned in sub-regulation (2) above is not received within the time specified, the Secretary may condone the delay where the member proves to his satisfaction that he was prevented from sending the statement in time, if he received the same from the member within fifteen days after the expiry of the period so specified, failing which the Secretary shall treat the date of commencement of service as the 31st day prior to its receipt by him. If the date of commencement of service is changed by the Secretary, he shall communicate such change to the member who shall make appropriate change in the articles.

(4) Every articled assistant shall undergo theoretical education as imparted by the Institute. He shall apply in the form approved by the Council; pay such registration fee as an articled assistant and such tuition fee as may be fixed by the Council, which shall not exceed rupees twenty five thousand in any case taken together. The tuition fee may either be paid in lump sum or in such instalments and at such intervals, as may be specified by the Council.

(5) *Deleted*.

(6) Every deed of articles executed under this regulation shall cover the full period of articled training prescribed under these Regulations or the full balance period, where such articles had been terminated before the expiry of their full term.

(7) The Council shall have the power to relax any of the requirements of this regulation in respect of persons enrolled as articled assistants/audit assistants prior to the date on which these Regulations come into force.

(8) The Council may, after giving the applicant an opportunity of being heard, refuse to register the articles.

47. Premium from articled assistants

No amount shall be charged from, or be payable by, an articled assistant or any other person on his behalf, directly or indirectly, whether by way of premium or as loan or deposit or in any other form in connection with his engagement as an articled assistant.

48. Stipend to articled assistants

(1) Every principal engaging and training articled assistant or assistants, under regulation 43, shall pay every month to such assistant a minimum monthly stipend, at the rates specified in the Table below:

Table

Classification of the normal place of service of the articled assistant	**During the first year of training**	**During the second year of training**	**During the remaining period of training**
(1)	(2)	(3)	(4)
(i) Cities/towns having a population of twenty lakhs and above.	Rs.2000/-	Rs.2500/-	Rs.3000/-
(ii) Cities/towns having a population of four lakhs and above but less than twenty lakhs.	Rs.1500/-	Rs.2000/-	Rs.2500/-
(iii) Cities/towns having a population of less than four lakhs.	Rs.1000/-	Rs.1500/-	Rs.2000/-

Explanation 1 – For the purposes of this regulation, no stipend shall be payable for any excess leave taken.

Explanation 2 – For the purposes of determining the rates at which stipend is payable under this regulation, the period of articled training of the student under any previous principal or principals (not being any such period prior to 1st July, 1973) shall also be taken into account.

Explanation 3 – For the purposes of this regulation, the figures of population shall be taken as per the last published Census Report of India.

(2) The stipend under this regulation shall be paid by the principal to the articled assistant either (a) by a crossed account payee cheque every month against a stamped receipt to be obtained from the articled assistant; or (b) by depositing the amount every month in an account opened by the articled assistant in his own name with a branch of the bank to be specified by the principal.

49. Register of articled assistants

A register of articled assistants shall be maintained by the Council.

50. Period of practical training for an articled assistant

An articled assistant shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from the appropriate person entitled to issue such a certificate to the effect that he -

(i) has served as an articled assistant for a period of three and half years; or

(ii) has served partly as an articled assistant and partly as an audit assistant for a total period as specified in clause (i) above for which purpose complete eight months of service as an audit assistant shall be reckoned as six months of training as an articled assistant, any fraction of a period of less than 8 months as an audit assistant being ignored:

PROVIDED that a candidate who was registered as an articled assistant before the commencement of the Foundation Course shall be eligible to continue and complete the remaining period of practical training as per the deed of articles executed under these regulations irrespective of any break in the continuity of training:

PROVIDED FURTHER that a candidate who has passed professional Education (Examination-II) Intermediate Examination (I or II or Both) under these regulations at the time of commencement of the Foundation Course may join three year articleship up to such time as may be specified by the Council.

Provided also that a candidate who is a graduate or post graduate and has been exempted from passing the Foundation Course shall be eligible to three years of articles training.

51. Industrial Training

(1) An articled assistant who has passed the Intermediate examination (Both Groups), PE-II, PCC under these regulations may, at his discretion, serve as an industrial trainee for the period specified in sub-regulation (2) in any of the financial, commercial, industrial undertakings with minimum fixed assets or minimum total turnover or minimum paid-up share capital as may be specified by the Council or such other institution or organization as may be approved by the Council from time to time:

PROVIDED that the articled assistant has intimated to his principal his intention to take such industrial training at least three months before the date on which such training is to commence.

(2) The period of industrial training may range between nine months and twelve months during the last year of the prescribed period of practical training.

(3) The industrial training shall be received under a member of the Institute. An Associate who has been a member for a continuous period of at least three years shall be entitled to train one industrial trainee at a time and a fellow shall be entitled to train two industrial trainees at a time, whether such trainees be articled assistants or audit assistants.

(4) An agreement of training shall be entered into in the form approved by the Council.

(5) On satisfactory completion of the industrial training, the member training the industrial trainee, shall forthwith issue to the trainee a certificate in the form approved by the Council in respect of the training undergone under him and forward a copy thereof to the Secretary.

(6) The period of industrial training referred to under this regulation, shall be treated as service under articles for all purposes of these Regulations, provided the certificate referred to in sub-regulation (5) is produced.

52. Recognition of Service with Armed Forces

For the purposes of Regulation 50, service with Armed Forces rendered by an articled assistant for a period not exceeding one year shall be deemed to be service as an articled assistant.

54. Secondment of articled assistants

(1) A principal may, with the consent of the articled assistant, second from time to time the articled assistant to other member or members with a view to provide the articled assistant the opportunity of gaining practical experience in areas where the principal may not be in a position to provide the same.

(2) The articled assistant shall be seconded only to a member who is entitled to train one or more articled assistants in his own right or to a member in industry who is entitled to train one or more industrial trainees.

(3) The member to whom the articled assistant is seconded will not be entitled to train more than two such assistants on secondment at a time.

(4)(a) The maximum period of secondment shall be one year which may be served with a single eligible member.

(b) The Council may permit secondment with more than one such member provided the minimum period of secondment shall be four months and the aggregate period served on secondment with such members shall not exceed one year.

(5) Where an articled assistant is seconded to a member in industry, the total period spent in industry by the articled assistant, including the period of industrial training under these regulations, shall not exceed one year.

(6) During the period of secondment, the member with whom the articled assistant is seconded shall pay the stipend as provided under these regulations.

(7) The member with whom the articled assistant is seconded shall be responsible for imparting training during secondment. He shall maintain records of practical training undergone by the articled assistant during secondment and forward the same to the principal on completion of period of secondment. The principal shall include required particulars in the report to the Council under regulation 64.

(8) A statement in the form approved by the Council shall be sent to the Secretary for records within thirty days from the date of commencement of training on secondment.**]**

54A. Practical Training under eligible members of Accountancy Institutions or Bodies outside India

(1) A principal, with the consent of the articled assistant, may depute the latter for training for a period not exceeding six months to a member eligible to engage and train an articled clerk or articled assistant or apprentice, by whatever name called, under the bye-laws of an institution or body etc. set up in the respective countries under the relevant Statutes.

(2) For the purpose of regulation 50, such period of training shall be deemed to be service as an articled assistant.

(3) During such period of training the provisions of regulation 48 shall not apply.

(4) The principal shall include the particulars of such training in the report to the Council under regulation 64.

(5) No deed of Articles need be executed for such training nor any intimation need be sent to the Institute in this regard.

55. Change of status of Principal

(1) Where a salaried employee of a chartered accountant in practice or a firm of such chartered accountants set up practice independently, the articled assistant or articled assistants engaged by him, as the case may be, shall continue to remain engaged with him from the date of setting up practice independently provided he is entitled to train the articled assistant or the articled assistants under regulation 43:

Provided that the President or the Vice-President of the Council may, in an appropriate case, direct that the articled assistant shall serve the chartered accountant in practice or the firm of such chartered accountants, as the case may be.

(2) Where the salaried employee aforesaid does not set up practice independently or he is not entitled to train the articled assistant or the articled assistants under regulation 43, the articled assistant or articled assistants, as the case may be, shall serve the chartered accountant in practice who has executed the deed of articles as required under sub-regulation (1) of regulation 46 as the second principal. The provision of sub-regulation (1) of regulation 46 shall not apply in such a case but a statement in the form approved by the Council shall be sent to the Secretary for registration so as to reach within thirty days of the change in the status of the principal or within such extended period as the Secretary may determine:

(3) In every case referred to in sub-regulation (1) or sub- regulation (2) no registration fee shall be payable by the articled assistant.

56. Termination or assignment of articles

(1) Every articled assistant executing the deed of articles for the full period of articled training prescribed under these regulations, shall be required to complete such articles only with the member, who has engaged him:

PROVIDED that the articles so engaged may, by agreement between the articled assistant and his principal, be terminated under such exceptional circumstances or conditions, as may be decided by the Council:

PROVIDED FURTHER that in case the Principal has not forthwith issued the Certificate prescribed under Regulation 61, on completion or termination of articles, the articled assistant shall make a request in the form approved by the Council, within 15 days of such completion or termination, to the principal, under intimation to the Secretary by registered or speed post, for issue of such certificate of service and the principal shall in any case, issue the certificate of service within three months of such completion or termination:

PROVIDED ALSO that in cases where no such certificate is received by the Secretary within fifteen days of expiration of the period specified above, the certificate shall be deemed to have been issued on the date specified by the articled assistant, and an intimation to that effect shall be sent to the principal.

(2) Where articles are terminated by agreement under sub-regulation (1), the same may be assigned to another principal entitled to train articled assistants under Regulation 43. Such assignment shall be in the form approved by the Council.

(3) The provisions of Regulation 46 shall apply 'mutatis mutandis' except that no registration fee shall be payable by the articled assistant.

57. Fresh Articles

(1) Where an articled assistant is not able to complete the term of the articles by reason of the fact that (a) the principal has ceased to practise; or (b) the name of the principal has been removed from the Register; or (c) the principal has died; or (d) the articles are terminated under sub-regulation (1) of Regulation 56, he may enter into fresh articles for the remainder term of his service with another member entitled to engage and train one or more articled assistants:

PROVIDED that the Secretary may, in an appropriate case covered by category (a), (b) or (c) above, permit the articled assistant to be trained as an additional articled assistant by a member entitled to engage and train one or more articled assistants notwithstanding anything contained in Regulation 43.

(2) Where an articled assistant is not able to complete the term of articles for any other valid reason, he may with the permission of the President or the Vice-President, as the Council may decide from time to time, enter into fresh articles for the remainder of the term of service with another member entitled to engage and train one or more articled assistants:

PROVIDED that the President or the Vice-President, as the Council may decide from time to time, may, in any appropriate case, permit the articled assistant to be trained as an additional articled assistant by a member entitled to engage and train one or more articled assistants notwithstanding anything contained in Regulation 43.

(3) Omi*tted*

(4) In every case referred to in sub-regulation (1) or sub-regulation (2) above, the provisions of regulation 46 shall apply ‘mutatis mutandis’ except that no fee shall be payable by the articled assistant:

PROVIDED that in such cases, the request for permission to be taken as additional articled assistant under another principal is sent, so as to reach the Secretary within thirty days and the statement in Form approved by the Council is sent so as to reach the Secretary within thirty days from the date of the letter of the Secretary granting such permission:

PROVIDED FURTHER that in a case covered under category (c) of sub-regulation (1), the date of commencement of training under fresh articles shall be taken as the date following the date of the death of the principal.

58. Supplementary Articles

(1) An articled assistant who has taken leave in excess of the period of leave to which he is entitled under Regulation 59 shall be required to serve for a further period equivalent to the excess leave taken by him.

(2) If the period of the excess leave taken is sought to be served under the principal with whom such articled assistant last served his articles, a supplementary deed of articles in the form approved by the Council shall be executed in continuation of the previous articles.

(3) The supplementary deed, duly stamped, shall be sent to the Secretary for registration so as to reach him within 60 days of the expiry of the previous articles. No fee shall be charged for the registration of such supplementary deed of articles:

PROVIDED that the Executive Committee may condone the delay in sending the supplementary deed in appropriate cases.

(4) If the articled assistant chooses to serve under any other member entitled to engage articled assistants under Regulation 43, the provisions of Regulation 46 shall apply 'mutatis mutandis' except that no fee shall be charged for registration of articles under the said regulation.

59. Leave to an Articled Assistant

(1) An articled assistant shall earn leave at the rate of one-sixth of the period for which he has actually served excluding from such period, the period for which he has been on leave subject to a maximum of 180 days.

(2) An articled assistant who has served as an audit assistant before the commencement of his articles shall, in addition to the leave earned under this regulation, be entitled to leave equal to one-half of the leave earned and not availed of as an audit assistant, subject to a maximum of three months.

(3) Leave due shall ordinarily be granted if reasonable notice has been given to the principal by the articled assistant.

(4) For the purposes of preparing for an examination of the Institute, the articled assistant shall be granted by the principal leave for three months or to the extent due, whichever is less, provided an application for the leave has been made at least fifteen days in advance.

(5) Leave not earned may also be granted by the principal subject to the condition that the total leave to be taken by the articled assistant shall not exceed one-seventh of the total period of his actual service, together with the leave due under sub-regulation (2).

(6) Notwithstanding anything contained in the foregoing sub-regulations, the principal shall allow the articled assistant to receive training in the Territorial Army, the Home Guards or any similar organisation approved by the Council and shall treat the period of such training not exceeding sixty days in a year, as period actually served under articles.

(7) For the purpose of this regulation, the days (including intervening holidays) on which an articled assistant appears for any examination under these Regulations or attends a course of academy of accounting conducted by the Institute and recognised by the Council in this behalf, shall not be treated as leave but would be treated as period actually served under articles.

Explanation — (1) For the removal of doubts, it is clarified that attendance by an articled assistant with the consent of the principal, at a conference, including Course on Information Technology Training, and Course on General Management and Communication Skills or seminar organised by the Institute including a regional council or a students' association or a branch of a regional council for the benefit of assistants, shall be treated as period actually served under articles.

(2) An articled assistant who has secured admission in a course at an academy of accounting conducted by the Institute shall be relieved by the principal, without termination of articles, for attending the academy, provided he has given notice of not less than two months of his intention to join the academy.

60. Working hours of an Articled Assistant

The minimum working hours of an articled assistant shall be 35 hours per week (excluding lunch break) which shall be regulated by the Principal from time to time, subject to such directions and guidelines, as may be issued by the Council.

61. Certificate of Service

(1) The principal shall, on completion of the service of an articled assistant, forthwith issue a certificate in respect of the service, rendered under him in the form approved by the Council and forward a copy thereof, duly signed by both the principal and the articled assistant to the Secretary.

(2) In the event of discontinuance or termination of the service of an articled assistant before the expiry of the full period of service, the principal shall issue to the articled assistant, a certificate in the form approved by the Council and forward forthwith a copy thereof duly signed by the principal and the articled assistant, to the Secretary. A

printed copy of such form shall be obtained on request from the Secretary and shall bear the stamp of the Institute and date of its issue and shall be valid only for sixty days thereafter.

(3) Where the principal is unable to obtain the signatures of articled assistant within thirty days of completion of the service, he may forward the certificate to the Secretary duly signed by himself, without the requisite signatures of the articled assistant, within forty five days of the completion of the service and send two copies thereof to the last known address of the articled assistant by registered post.

(4) The articled assistant shall, upon receipt of the certificate referred to in sub-regulation (3), sign one copy thereof and forward the same to the Secretary forthwith.

62. Certificate of service on the death of principal

Where the principal dies, his legal representative or where, at the time of his death, he was carrying on practice with another member, the surviving partner, shall within thirty days from the death of the principal, issue to the articled assistant a certificate in the form approved by the Council, in respect of the service rendered and forward a copy thereof to the Secretary.

63. Proof of training in the absence of a certificate

In the case of a person who is unable to produce, for a valid reason, a certificate in the form approved by the Council, from an appropriate person, the Council may require such proof as it may determine that the former person has served as an articled assistant for the period required by Regulation 50.

64. Report to the Council

(1) The principal imparting training to articled assistants shall ensure that the training imparted is of such an order that the quality and standing of the profession are maintained as well as enhanced. For that purpose, he shall maintain a record about the progress and nature of training imparted by him to the articled assistant, in such form and manner, as may be determined by the Council.

(2) The principal shall submit the records of training maintained as and when required by the Council. In the event of the death of the principal his legal representative or the surviving partner shall submit the records, as and when required by the Council.

65. Articled assistant not to engage in any other occupation

Without the previous permission of the Council, obtained on application made in the approved form, no articled assistant shall, during the period of his service as an articled assistant, take any other course of study or training, whether academic or professional, or engage in any business or occupation.

66. Enquiries against articled assistant

(1) Where a complaint or information of any misconduct or breach of regulation 65 or

breach of the Code of Conduct applicable to articled assistants or breach of any of the covenants contained in the articles is received against an articled assistant from his principal or any other person, the President or the Vice-President as the Executive Committee may decide from time to time, may cause an investigation to be made.

(2) The Executive Committee may, on a consideration of the report of the investigation and after giving the articled assistant an opportunity of being heard, make any of the following orders, namely:-

(i) direct that the papers be filed and the complaint be dismissed, if the Executive Committee finds that the articled assistant is not guilty of any misconduct of breach of Regulation 65 or breach of any of the covenants contained in the articles; or

(ii) if the articled assistant is found guilty, reprimand the articled assistant or cancel the registration of articles or direct that any period already served under such articles shall not be reckoned as service for the purpose of the period of practical training specified in Regulation 50.

(3) The articled assistant, the registration of whose articles has been cancelled under this regulation, shall not, except with the permission of the Executive Committee be retained or taken as an articled assistant or audit assistant by any member.

Explanation — For the purpose of this Regulation the articled assistant includes a person who at the relevant time was registered as such.

67. Complaint against the Principal

(1) Where an articled assistant makes a complaint against his principal on a matter concerning his training as an articled assistant, the President or the Vice-President as the Executive Committee may decide from time to time may cause an investigation to be made and submit a report to the Executive Committee.

(2) The Executive Committee shall submit the report of the investigation to the Council with its recommendations.

(3) The Council may, on a consideration of the report of the Executive Committee, pass such order as it may consider expedient, including an order withdrawing the entitlement of the principal to train one or more articled assistants either permanently or for a specified period:

PROVIDED that no order withdrawing the entitlement of the principal to train one or more articled assistants shall be passed without giving him an opportunity of being heard.

Explanation — An order passed by the Council under this regulation shall be without prejudice to any action that the Council may take against the principal under Section 21.

(4) The President or the Vice-President as the Executive Committee may decide from time

to time, may, pending an investigation of the complaint, either terminate or suspend the articles and allow the articled assistant to be accepted as additional articled assistant by a member, notwithstanding anything contained in Regulation 43.

Explanation — For the purpose of this regulation, the articled assistant includes a person who at the relevant time was registered as such.

68. Engagement of Audit Assistants

(1) A member who has been in continuous practice for not less than three years, either before or after the commencement of the Act, or partly before and partly after the commencement of the Act, shall be entitled to engage one audit assistant.

(2) A member shall be entitled to engage or train an audit assistant only if he is in practice and such practice, in the opinion of the Council, is his main occupation and in ascertaining the number of years for which a member was in continuous practice, only the number of years in respect of which the member's practice was his main occupation shall be considered.

(3) The Council may, subject to such terms and conditions as it may deem fit, relax the provisions of sub- regulation (1) or sub-regulation (2) in any particular case.

(4) The entitlement of a member to train an audit assistant under this regulation shall be subject to such orders as may be passed by the Council under Regulation 80.

(5) A member shall be entitled to engage a person as an audit assistant only if such person had been in service as a salaried employee for a minimum period of one year either under him or in the firm of chartered accountants in practice wherein he is a partner, on a monthly remuneration at the rates specified below, depending upon where the normal place of service of the audit assistant is situated:-

(a) cities with a population of one million and above	Rs. 1500/- per Month
(b) cities/towns having a population of less than a population of less than one Million	Rs. 1000/- per month.

Explanation - For the purpose of this sub-regulation, the figures of population shall be taken as per the last published Census Report of India.

(6) A member registering under these Regulations, the service of the person referred to under sub-regulation (5) of this regulation shall pay minimum monthly remuneration at the rates specified in sub-regulation (5) of this regulation, to the assistant during the period he is in service with him in accordance with these Regulations.

69. Registration of Audit Assistants

(1) A member in practice before applying for registration of the service of an audit assistant shall satisfy himself that:-

(a) his professional practice (either in his individual name or in a trade name or as a partner of the firm) is suitable for the purpose of engaging audit assistants; and

(b) such a person -

(i) is not less than 17 years of age on the date of commencement of audit service; and

(ii) has passed the PE-II, Intermediate Examination any of the group held under these regulations or has been exempted from passing the Common Proficiency Test as specified under sub-regulation (1A) of regulation 25D; and

(iii) has successfully completed Course/ Training for such period, in such manner and within such time as may be decided by the Council from time to time; and

(2) A statement in the form approved by the Council, together with documentary evidence of compliance with the requirements of this regulation, shall be sent to the Secretary for registration of the audit service so as to reach him within thirty days of the commencement of audit service.

(3) If the statement mentioned in sub-regulation (2) above, is not received within the time specified, the Secretary may condone the delay where the member proves to his satisfaction that he was prevented from sending the statement in time, if he receives the same from the member within fifteen days after the expiry of the period so specified, failing which the Secretary shall treat the date of commencement of service as the 31st day prior to its receipt by him. If the date of commencement, of service is changed by the Secretary, he shall communicate such change to the member.

(4) Every audit assistant other than one who has passed the Government Diploma in Accountancy Examination or an Examination recognised as equivalent thereto by the rules for the award of Government Diploma in Accountancy, shall undergo theoretical education imparted by the Institute. He shall apply in the form approved by the Council, pay such registration fee as an audit assistant and such tuition fee as may be fixed by the Council which shall not exceed rupees twenty five thousand in any case taken together. The tuition fee may either be paid in a lump sum or in such instalments and at such intervals as may be fixed by the Council.

(5) *Omitted*

(6) The Council shall have the power to relax any of the requirements of this regulation in respect of persons enrolled as audit assistants/articled assistants prior to the date on which these Regulations came into force.

(7) The Council may, after giving to the applicant an opportunity of being heard, refuse to register the service as an audit assistant.

70. Register of Audit Assistants

A register of audit assistants shall be maintained by the Council.

71. Period of practical training for an audit assistant

An audit assistant shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from the appropriate person entitled to issue such a certificate to the effect that he:-

(i) has served as an audit assistant for a period of fifty-six months; or

(ii) has served partly as an audit assistant and partly as an articled assistant for a total period as specified in clause (i) above for which purpose complete six months of service as an articled assistant shall be reckoned as eight months of service as an assistant, any fraction of a period of less than six months as an articled assistant being ignored:

PROVIDED that an audit assistant who commenced his practical training before the 1st day of July, 1956 shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from an appropriate person as provided in paragraph 11 of Schedule 'B' of the Chartered Accountants Regulations, 1964, as in force at the commencement of these Regulations:

PROVIDED FURTHER that an audit assistant who commenced his practical training on or after the 1st day of July, 1956 but before 1st day of October, 1973 shall not be eligible for the membership of the Institute unless he produces a certificate in the form approved by the Council from an appropriate person as provided in paragraph 12 of Schedule 'B' of the Chartered Accountants Regulations, 1964, as in force at the commencement of these Regulations.

72. Industrial Training

(1) An audit assistant who has passed the Intermediate Examination (Both Groups) under these regulations may, at his discretion, serve as an industrial trainee for the period specified in sub-regulation (2) in any of the financial, commercial, industrial undertakings with minimum fixed assets or minimum total turnover or minimum paid-up share capital as may be specified by the Council or such other institution or organization as may be approved by the Council from time to time:

PROVIDED that the audit assistant has intimated to his employer his intention to take such industrial training at least three months before the date on which such training is to commence.

(2) The period of industrial training may range between nine months and twelve months during the last year of the prescribed period of practical training.

(3) The industrial training shall be received under a member of the Institute. An associate who has been a member for a continuous period of at least three years shall be entitled to train one industrial trainee at a time and a fellow shall be entitled to train two industrial trainees at a time, whether such trainees be audit assistants or articled assistants.

(4) An agreement of training shall be entered into in the form approved by the Council.

(5) On satisfactory completion of the Industrial training or termination of such training before its completion, the member training the industrial trainee shall forthwith issue to the trainee a certificate in the form approved by the Council in respect of the training undergone under him and forward a copy thereof to the Secretary.

(6) The period of industrial training, referred to under this regulation, shall be treated as service as audit assistant for all purposes of these Regulations, provided the certificate referred to in sub-regulation (5) is produced.

74. Leave to an Audit Assistant

(1) An audit assistant may be allowed such leave of absence as he earns in accordance with his terms of employment but such leave shall not exceed one-sixth of the period, for which he has served excluding from such period, the period for which he has been on leave subject to maximum of 240 days.

(2) An audit assistant who has served as an articled assistant before the commencement of his audit service shall, in addition to the leave earned under this regulation, be entitled to leave earned and not availed of by him as an articled assistant, subject to a maximum of three months.

(3) Leave of absence may ordinarily be granted to an audit assistant only for a period aggregating to not more than one-seventh of the period actually served, till the time the leave is availed of.

(4) For the purpose of preparing for an examination of the Institute, the audit assistant shall be granted by the employer leave for three months or to the extent due, whichever is less, provided an application for leave has been made at least fifteen days in advance.

(5) Leave not earned may also be granted by the employer subject to the condition that the total leave to be taken by the audit assistant shall not exceed one-seventh of the total period of his actual service, together with leave due under sub- regulation (2).

(6) Notwithstanding anything contained in the foregoing sub-regulations, the employer shall allow the audit assistant to receive training in the Territorial Army, the Home Guards or any similar organisation approved by the Council and shall treat the period of such training, not exceeding sixty days in a year, as period actually served as an audit assistant.

(7) For the purpose of this regulation, the days (including intervening holidays) on which an audit assistant appears for any examination under these Regulations or attends a course of academy of accounting conducted by the Institute and recognised by the Council in this behalf, shall not be treated as leave but would be treated as period actually served as an audit assistant.

Explanation — For the removal of doubts, it is clarified that attendance by an audit assistant, with the consent of the principal, at a conference, including Course on Information Technology Training, and Course on General Management and Communication Skills or seminar organised by the Institute including a regional council or a students' association or a branch of a regional council for the benefit of students, shall be treated as period actually served as an audit assistant.

75. Certificate of Service

(1) The employer shall, on completion of the service of an audit assistant, forthwith issue a certificate in respect of the service rendered under him in the form approved by the Council and forward a copy thereof, duly signed by both the employer and the audit assistant, to the Secretary.

Explanation — For the purpose of this regulation, the audit service shall be terminated on the audit assistant opting for industrial training.

(2) Where the employer is unable to obtain the signatures of the audit assistant within thirty days of completion of the service, he may forward the certificate to the Secretary, duly signed by himself without the requisite signatures of the audit assistant, within forty-five days of the completion of the service and send two copies thereof to the last known address of the audit assistant by registered post.

(3) The audit assistant shall, upon receipt of the certificate referred to in sub-regulation (2), sign one copy thereof and forward the same to the Secretary forthwith.

76. Certificate of Service on the Death of the Employer

Where the employer dies, his legal representative or where, at the time of his death, he was carrying on practice with another member the surviving partner, shall within thirty days from the death of the employer, issue to the audit assistant a certificate in the form approved by the Council in respect of the service rendered and forward a copy thereof to the Secretary.

77. Proof of training in the absence of a certificate

In the case of a person who is unable to produce, for a valid reason, a certificate in the form approved by the Council from an appropriate person, the Council may require such proof as it may determine that the former person has served as an audit assistant for the period required by Regulation 71.

78.*Audit Assistant not to engage in any other Occupation*

Without the previous permission of the Council obtained on application made in the approved form no audit assistant during the period of his service as an audit assistant, take any other course of study or training, whether academic or professional, or engage in any business or occupation.

79.Enquiries against Audit Assistants

(1) Where a complaint or information of any misconduct or breach of regulation 78 or breach of the Code of Conduct applicable to audit assistants is received against an audit assistant from his employer or any other person the President or the Vice-President as the Executive Committee may decide from time to time, may cause an investigation to be made.

(2) The Executive Committee may, on a consideration of the report of the investigation and after giving the audit assistant an opportunity of being heard, make any of the following orders, namely:—

(i) direct that the papers be filed and the complaint be dismissed, if the Executive Committee finds that the audit assistant is not guilty of any misconduct or a breach of Regulation 78; or

(ii) if the audit assistant is found guilty, reprimand the audit assistant or cancel the registration of audit service or direct that any period already served as an audit assistant shall not be reckoned as service, for the purpose of the period of practical training specified in Regulation 71.

(3) The audit assistant, the registration of whose audit service has been cancelled under this regulation, shall not, except with the permission of the Executive Committee, be retained or taken as an audit assistant, or an articled assistant by any member.

Explanation — For the purpose of this regulation, an audit assistant includes a person who at the relevant time was registered as such.

80.Complaint against the Employer

(1) Where an audit assistant makes a complaint against his employer on a matter concerning his training as an audit assistant, the President or the Vice President as the Executive Committee may decide from time to time, may cause an investigation to be made and submit a report to the Executive Committee.

(2) The Executive Committee shall submit the report of the investigation to the Council with its recommendations.

(3) The Council may, on a consideration of the report of the Executive Committee, pass such order as it may consider expedient, including an order withdrawing the entitlement of the employer to train audit assistants either permanently or for a specified period:

PROVIDED that no order withdrawing the entitlement of the employer to train audit assistants shall be passed without giving him an opportunity of being heard.

Explanation — An order passed by the Council under this regulation shall be without prejudice to any action that the Council may take against the employer under Section 21.

(4) The President or the Vice-President as the Executive Committee may decide from time to time may, pending an investigation of the complaint, either terminate or suspend the audit service and allow the audit assistant to be accepted as additional audit assistant by a member, not with standing anything contained in Regulation 68.

Explanation — For the purpose of this regulation, an audit assistant includes a person who at the relevant time was registered as such.

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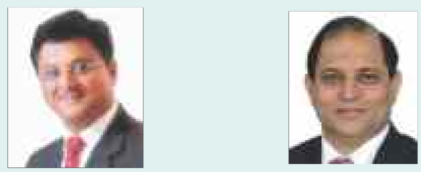
THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Setup by an Act of Parliament)

Members of the Twenty Third Central Council - 2016-17 to 2018-19



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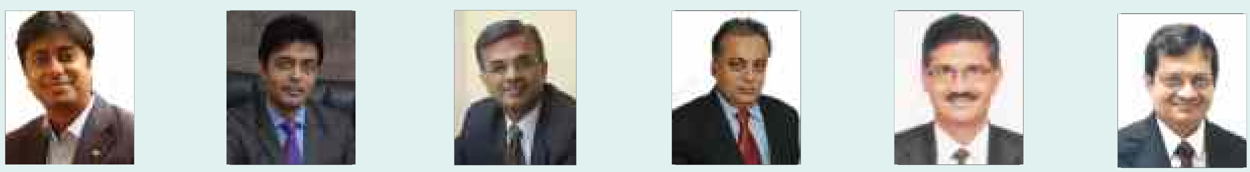
President, ICAI

CA. Prafulla Premsukh
Vice President, ICAI



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CA. Jay Chhaira

CA. Nilesh Shivji Vikamsey

CA. Tarun Jamnadas Ghia

CA. Nandkishore Chidamber Hegde

CA. Nihar Niranjan Jambusaria

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CA. Mangesh Pandurang Kinare

CA. Dhinal Ashvinbhai Shah

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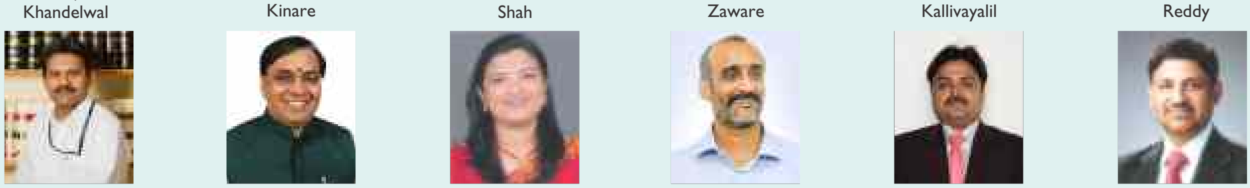

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CA. K. Sripriya

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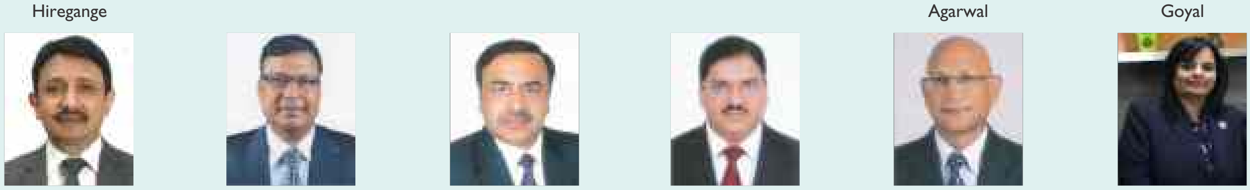

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CA. Sanjay Vasudeva

Nominated Members

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