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229. Are apprentices under the Apprentices Act, 1961 eligible for maternity benefits under the Maternity Benefit Act, 1961?

The apprentices under the Apprentices Act, 1961, are not eligible for maternity benefits under the Maternity Benefit Act, 1961, for the following reasons:

1. Definition of "Apprentice"

- Section 2(aa) of the Apprentices Act, 1961 defines an apprentice as a person undergoing apprenticeship training under a contract of apprenticeship.
- Apprentices are governed by the specific terms of the apprenticeship contract and are not treated as regular employees.

2. Stipend vs. Wages

- Apprentices are entitled to a stipend as per the Apprenticeship Rules, 1992. This stipend is not classified as "wages" as defined under Section 3(n) of the Maternity Benefit Act, 1961, which explicitly applies to remuneration under a contract of employment.
- A stipend is an allowance for training purposes, not remuneration for employment. Hence, apprentices do not meet the definition of "woman employed for wages" under Section 3(o) of the Maternity Benefit Act, 1961.

3. Leave Entitlements for Apprentices

- The Apprentices Act, 1961, and the Apprenticeship Rules, 1992, provide specific leave entitlements, including casual leave, medical leave, and extraordinary leave. However, there is no mention of maternity leave or benefits in these provisions.
- This omission indicates that maternity benefits are not extended to apprentices under the Apprentices Act.

4. Apprentices Are Not Employees

- Apprentices are explicitly not considered employees under the Apprentices Act, 1961. The intent of the act is to provide skill training rather than establish an employer-employee relationship.
- The Maternity Benefit Act, 1961, applies to women employed in establishments, but apprentices do not qualify as "employees" under this definition.

Conclusion

- Apprentices under the Apprentices Act, 1961, are not eligible for maternity benefits under the Maternity Benefit Act, 1961, because:
 - They are not classified as employees.
 - They receive a stipend, not wages.
 - The Apprentices Act and Apprenticeship Rules do not include maternity benefits within their scope.

This interpretation aligns with the purpose of both acts and the specific provisions governing apprenticeships and employment.

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