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## **230. Are apprentices engaged under the Apprentices Act, 1961, eligible for compensation under the Employee's Compensation Act, 1923, in case of injury during training?**

Yes, apprentices engaged under the Apprentices Act, 1961, are eligible for compensation under the Employee's Compensation Act, 1923, in case of injury during training.

### **Legal Justification:**

#### **1. Employee's Compensation Act, 1923 – Section 2(1)(dd) (Definition of "Employee")**

Section 2(1)(dd) of the Employee's Compensation Act, 1923, defines an "employee" to include:

- Persons employed in capacities specified in Schedule II, which includes workers engaged in certain hazardous activities.
- The section also states that an "employer" includes any person who has engaged someone in a contract of service or apprenticeship.

### **Key Takeaways:**

- The inclusion of apprenticeship in the employer's definition indicates that apprentices are covered under this Act.
- This means apprentices injured during training are eligible for compensation under the Employee's Compensation Act, 1923.

#### **2. Apprentices Act, 1961 – Section 16, states:**

*If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid, so far as may be, in accordance with the provisions of the Workmen's Compensation Act, 1923 (now Employee's Compensation Act, 1923), subject to the modifications specified in the Schedule.*

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## Key Takeaways:

- This section explicitly mandates that compensation for injured apprentices be determined as per the Employee's Compensation Act, 1923.
- The phrase "*so far as may be*" suggests that unless otherwise modified, the provisions of the Employee's Compensation Act apply directly.

### 3. Case Law: APCPDCL v. Narasamma (Telangana High Court, 2023)

#### Case Facts:

- The deceased was working as an apprentice with **Andhra Pradesh Central Power Distribution Company Limited (APCPDCL)**.
- While performing tasks related to his training, he was electrocuted and died.
- The employer contended that the deceased was not a "workman" under the Employee's Compensation Act, 1923 and was therefore not entitled to compensation.

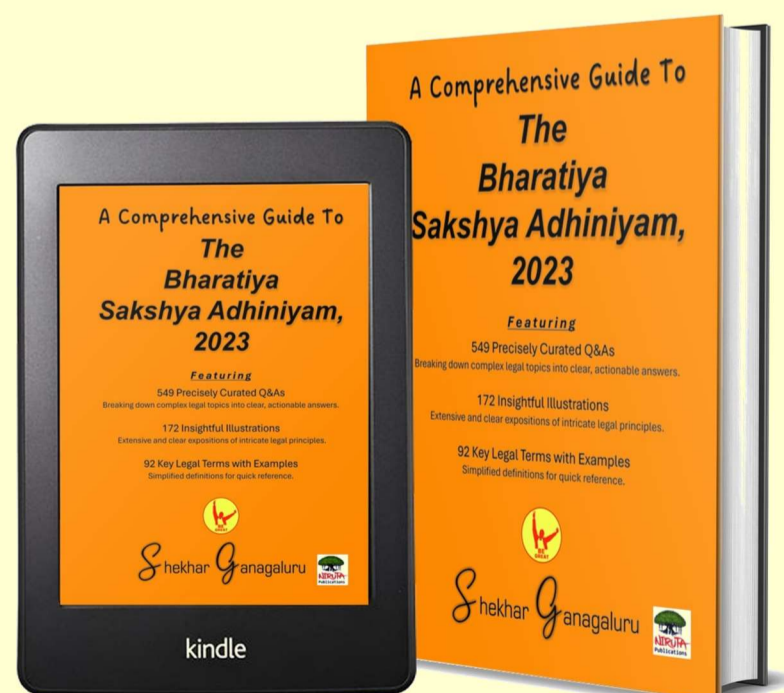
#### Court's Ruling:

- The Telangana High Court ruled that Section 16 of the Apprentices Act, 1961, makes it clear that an employer is liable to pay compensation for injuries suffered by an apprentice.
- The court directed the employer to compensate the apprentice's family under the Employee's Compensation Act, 1923.

#### Key Takeaways:

- This judgment confirms the applicability of the Employee's Compensation Act, 1923, to apprentices.

Employers are liable for compensation if an apprentice is injured or dies during training.



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