

### **Section 3 of Employees' Compensation Act 1923**

(1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this chapter...

#### **Hypothetical Exercise**

There was a terror attack in the city centre of Srinagar on 4<sup>th</sup> January 2025. In this attack, 6 employees of Blue Dart were killed while they were in a parking lot just outside the Srinagar Office of DHL. The Car-parking lot was used by people working or visiting 26 Rawalpora Place, the commercial building in which the Srinagar Office of DHL was situated. The attack took place 6 minutes before the start of the first shift of work and conclusion of the third shift. 4 of the deceased workers had finished their shift and had stepped out of the office and were waiting for their uber rides or looking to get to their personal cars. 2 other deceased were on their way to work after having parked their personal cars.

**Dover Navigation Co. Ltd. v. Grage, (1939) 4 All E. R. 558:**

"What arises 'in the course of the employment' is to be distinguished from what arises 'out of the employment'. The former words relate to time conditioned by reference to the man's service, the latter to causality. Not every accident which occurs to a man during the time when he is on his employment that is, directly or indirectly engaged on what he is employed to do gives a claim to compensation, unless it also arises out of the employment."

**General Manager, B.E.S.T. Undertaking, Bombay Vs. Agnes MANU/SC/0162/1963**

The question, when does an employment begin and when does it cease, depends upon the facts of each case. But the Courts have agreed that the employment does not necessarily end when the "down tool" signal is given or when the workman leaves the actual workshop where he is working. There is a notional extension as both the entry and exit by time and space. The scope of such extension must necessarily depend on the circumstances of a given case. An employment may end or may begin not only when the employee begins to work or leaves his tools but also when he uses the means of access and egress to and from the place of employment.

**State of Rajasthan Vs. Ram Prasad and Anr. (2001) 9 SCC 395**

1. A claim was made under the Workmen's Compensation Act, 1923 for compensation in respect of death of Smt Gita who died on account of an accident that took place while she was engaged in doing work for the appellant.
2. The accident, it is stated, took place on account of lightning. [...]The view taken is that the concept of the liability under the Act is wide enough to cover a case of this nature inasmuch as death had taken place arising as a result of accident in the course of employment. It is, no doubt true that accident must have a casual connection with the employment and arise out of it. If the workman is injured as a result of natural force such as lightning though in itself has no connection with employment, she can recover compensation by showing that such employment exposed her to such injury. In this case the finding is that the said Smt Gita was working on the site and would not have been exposed to such hazard of lightning striking her had she not been working so.
3. The appeal is therefore dismissed.