

## Minimum Wages Act, 1948

### Section 2 - Interpretation

---

In this Act, unless there is anything repugnant in the subject or context,--

<sup>1</sup> (a) "adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

(aa) "adult" means a person who has completed his eighteenth year of age; ]

(b) "appropriate Government" means--

(i) in relation to any scheduled employment carried on by or under the authority of the <sup>2</sup> [Central Government or railway administration], or in relation to a mine, oilfield or major port, or any corporation established by <sup>3</sup> [a Central Act,] the Central Government, and

(ii) in relation to any other scheduled employment, the <sup>4</sup> [State Government;]

<sup>5</sup> [(bb) "child" means a person who has not completed his fourteenth year of age;]

(c) "competent authority" means the authority appointed by the appropriate Government by notification in its Official Gazette to ascertain from time to time the cost of living index number applicable to the employees employed in the scheduled employments specified in such notification.

(d) "cost of living index number", in relation to employees in any scheduled employment in respect of which minimum rates of wages have been fixed, means the index number ascertained and declared by the competent authority by notification in the Official Gazette to be the cost of living index number applicable to employees in such employment.

(e) "employer" means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, and includes, except in sub-section (3) of section 26,--

(i) in a factory where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person named under <sup>6</sup> [clause (f) of sub-section 7 of the Factories Act, 1948 (63 of 1948)] as manager of the factory;

(ii) in any scheduled employment under the control of any Government in India in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(iii) in any scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iv) in any other case where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Scheduled employment" means an employment specified in the Schedule, or any process or branch of work forming part of such employment;

(h) "wages" means all remuneration, capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment <sup>7</sup> [and includes house rental allowance], but does not include--

(i) the value of

(a) any house accommodation, supply of light, water, medical attendance, or

(b) any other amenity or any service excluded by general or special order of the appropriate Government;

(ii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any Scheme of social insurance;

(iii) any travelling allowance or the value of any travelling concession;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(v) any gratuity payable on discharge;

(i) "employee" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in scheduled employment in respect of which minimum rates of wages have been fixed; and includes an out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of

that other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the <sup>8</sup> [union].

#### STATE AMENDMENTS

Madhya Pradesh--(1) In clause (e) of section 2, for the words, brackets and figures "and includes, except in sub-section (3) of section 26", substitute the words, brackets and figures "and includes a person deemed to be employer under section 22C and further includes, except in sub-section (3) of section 26" [Vide M.P. Act 11 of 1959, sec. 2 (w.e.f. 1-6-1959) and M.P. Act 23 of 1961, sec. 21 (b) (w.e.f. 23-6-1961)]

(2) Clause (i) of section 2 shall be re-numbered as clause (ee) and to that clause following Explanation shall be added:--

"Explanation.--An employee who has been dismissed, discharged or retrenched from employment or whose employment has been otherwise terminated shall, in respect of all claims arising out of payment of less than the minimum rates of wages or in respect of the payment of remuneration for days of rest or for work done on such days under clauses (b), (c) of sub-section (1) of section 13 or wages at the overtime rate under section 14 during the period of his employment, be deemed to be an employee for the purpose of this Act." [Vide M.P. Act 23 of 1961, sec. 2 (w.e.f. 23-6-1961)].

Maharashtra--In clause (i) of section 2, for the words "and management of that other person", substitute the words "and management of that other person: and includes for the purposes of sections 20, 21, 22A, 22B, 22C and 22D any person who has been an employee and who has ceased to be so by reason of superannuation, retirement, dismissal, removal, discharge, termination of his service, or otherwise howsoever." [Vide Maharashtra Act 3 of 1963, sec. 2 (w.e.f. 14-1-1963)]

- 
1. Substituted by Act 61 of 1986, section 23, for clause (a) w.e.f. 23-12-1986.
  2. Substituted by Act 30 of 1957, section 2, for "Central Government, by a railway administration" w.e.f. 17-9-1957.
  3. Substituted by the A.O. 1950, for "an Act of the central Legislature".
  4. Substituted by A.O. 1950, for "Provincial Government".
  5. Inserted by Act 61 of 1986, section 23 w.e.f. 23-12-1986.
  6. Substituted by Act 26 of 1954, section 2 for "Clause (e) of sub-section (1) of section 9 of the Factories Act, 1934" w.e.f. 1954.
  7. Inserted by Act 30 of 1957, section 2 w.e.f. 17-9-1957.
  8. Substituted by the A.O. 1950, for "Crown".
- 
-