



THE PAYMENT OF WAGES ACT, 1936



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THE PAYMENT OF WAGES ACT, 1936

¹ACT NO. IV OF 1936

[23rd April, 1936]

An Act to regulate the payment of wages to certain classes of persons employed in industry.

WHEREAS it is expedient to regulate the payment of wages to certain classes of persons employed in industry; It is hereby enacted as follows :—

¹ For Statement of Objects and Reasons, see Gazette of India, 1935, Pt.V, p.20; and for Report of Select Committee, see *ibid.*, pp.77-79.

This Act has been extended to—

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O.3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt.I, p.1499,

(ii) the Khairpur State, see the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O.5 of 1953) as amended,

(iii) the Baluchistan State Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O.4 of 1953), as amended, and

(iv) the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O.11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s.2.

The Act has been applied to the Provincially Administered Tribal Areas or to the parts or those areas to which it does not already apply, see, Regulation No. 1 of 1972, s.2 and Sch..

1. Short title, extent, commencement and application.—(1) This Act may be called the Payment of Wages Act, 1936.

¹[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such date² as the ³[Federal Government] may, by notification in the ⁴[official Gazette], appoint.

(4) It applies ⁵[industrial establishment or commercial establishment] to the payment of wages to persons employed in any factory ⁵[industrial establishment or commercial establishment] and to persons employed (otherwise than in a factory) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration.

⁵[* * *]

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by A.O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s.8.

²The 28th March, 1937, see Gazette of India, 1937, Pt.I, p.626.

³Subs. by the Labour Laws (Amdt.) Act, 1975, (11 of 1975), s.2 and Sch., for "Central Government", which was subs. by A.O., 1937, for "G.G. in C".

⁴Subs. by A.O., 1937, for "Gazette of India".

⁵Omitted and Ins. by Ord. 2001 (53 of 2001), s.2 & 5 Sch. (with effect from 1st July, 2001).

¹[(i) “commercial establishment” means a commercial establishment as defined in the West Pakistan Industrial and Commercial (Standing Orders) Ordinance, 1968 (W. P. Ordinance VI of 1968).].

¹[(i.a)] “factory” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 ; ([XXV of 1934](#))

(ii) “industrial establishment” means any-

(a) tramway or motor omnibus service ;

(b) dock, wharf or jetty ;

(c) inland steam vessel ;

(d) mine, quarry or oil-field ;

(e) plantation ;

(f) workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale ;

²[(g) establishment of a contractor who, directly or indirectly, employs persons ³* * * to do any skilled or unskilled, manual or clerical labour for hire or reward in connection with the execution of a contract to which he is party, and includes the premises in which, or the site at which, any process connected with such execution is carried on ;

Explanation.— “Contractor” includes a sub-contractor, headman or agent ;]

(iii) “plantation” means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose ;

(iv) “prescribed” means prescribed by rules made under this Act ;

(v) “railway administration” has the meaning assigned to it in clause (6) of section 3 of the Railways Act, 1890 ([IX of 1890](#)) ; and

¹Omitted, renumbered and Ins. by Ord.53 of 2001, s.2 and Sch. (with effect from 1st July, 2001).

²Ins. by the payment of wages (Amdt.) Act, 1973 (17 of 1973),s.3.

³The words “in any industrial establishment” omitted by the Labour Laws (Amdt.) Act, 1977 (17 of 1977),s.2 and First Sch.

(vi) “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, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the ¹ * * *
²[Provincial Government];

(b) any contribution paid by the employer to any pension fund or provident fund ;

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

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

(e) any gratuity payable on discharge.

3. Responsibility for payment of wages. Every employer ³[including a contractor,] shall be responsible for the payment to persons employed by him of all wages required to be paid under this Act :

Provided that, in the case of persons employed (otherwise than by a contractor)—

(a) in factories, if a person has been named as the manager of the factory under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 ([XXV of 1934](#)),

(b) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment,

(c) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned,

the person so named, the person so responsible to the employer, or the person so nominated, as the case may be, shall be responsible for such payment.

¹ The words “G. G. in C. or” omitted by A. O., 1937.

² Subs., *ibid.*, for “L. G”

³ Ins. by the Labour Laws (Amdt.) Ordinance, 1972 (9 of 1972), s.2 and Sch.