

Payment of Wages Act, 1936

Section 5 - Time of Payment of Wages

(1) The wages of every person employed upon or in--

(a) any railway, factory or 1 [industrial or other establishment] upon or in which less than one thousand persons are employed, shall be paid before expiry of the seventh day,

(b) any other railway, factory or 1 [industrial or other establishment] shall be paid before the expiry of the tenth day,

after the last day of the wage-period in respect of which the wages are payable:

2 [Provided that in the case of persons employed on a dock, wharf or jetty or in a mine, the balance of wages found due on completion of the final tonnage account of the ship or wagons loaded or unloaded, as the case may be, shall be paid before the expiry of the seventh day from the day of such completion.]

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages, earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated:

2 [Provided that where the employment of any person in an establishment is terminated due to the closure of the establishment for any reason other than a weekly or other recognised holiday, the wages earned by him shall be paid before the expiry of the second day from the day on which his employment is so terminated.]

(3) The 3 [state Government] may, by general or special order, exempt, to such extent and subject to such conditions as may be specified in the order, the person responsible for the payment of wages to persons employed upon any railway (otherwise than in a factory) 4 [or to persons employed as daily-rated workers in the Public Works Department of the Central Government or the State Government] from the operation of this section in respect of the wages on any such persons or class of such persons:

4 [Provided that in the case of persons employed as daily-rated workers as aforesaid, no such order shall be made except in consultation with the Central Government.]

(4) 5 [Save as otherwise provided in sub-section (2), all payments] of wages shall be made on a working day.

STATE AMENDMENTS

6 Andaman and Nicobar Islands

In section 5, for sub-section (1), the following sub-section shall be substituted, namely:--

"(1) The wages of every person employed upon or in any railway, factory or industrial establishment shall be paid before the expiry of such number of days after the last day of the wage-period in respect of which the wages are payable as the State Government may be general or special order, specify and different number of days may be specified for different areas; so, however, that the number of days so specified shall not exceed the wage-period next following the wage-period in respect of which the wages are payable."

7 Lakshadweep

In section 5, for sub-section (1), substitute the following, namely:--

"(1) The wages of every person employed in any factory or industrial establishment shall be paid before the expiry of such number of days, after the last day of the wage-period in respect of which the wages are payable, as the State Government may, by general or special order, specify, and different number of days may be specified for different areas, so, however, that the number of days so specified shall not exceed the wage-period next following the wage-period in respect of which the wages are payable."

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1. Substituted by Act 38 of 1982, section 6, for "industrial establishment" (w.e.f. 15-10-1982).
 2. Added by Act 53 of 1964, section 5 (w.e.f. 1-2-1965).
 3. Substituted by the A.O. 1137, for Governor-General in Council"
 4. Inserted by Act 53 of 1964, section 5 (w.e.f. 1-2-1965).
 5. Substituted by Act 53 of 1964, section 5, for "All payments" (w.e.f. 1-2-1965).
 6. Vide Regulation 5 of 1965, section 2 (w.e.f. 8-7-1965).
 7. Vide Regulation 2 of 1974, section 2 (w.e.f. 8-4-1974).
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