

Compliance Inspection under the Payment of Bonus Act, 1965

The Payment of Bonus Act, 1965 and the Payment of Bonus Rules, 1975 provide for payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith.

Inspection Procedure

- i) Sec. 27 of the P.B. Act prescribes appointment of Inspectors by appropriate Government and their functions. Accordingly, Inspectors have been notified by the State Government with local limits.
- ii) Inspections are conducted under the Composite Inspection Scheme of the Labour Directorate and under the Central Inspection Framework.
- iii) Under the Composite Inspection Scheme different establishments in a district are identified for inspection under various labour laws and monthly schedule of inspection allocating different Inspectors are prepared. The final annual schedule of inspection is approved by the District Collector or by the Labour Commissioner, Odisha.
- iv) Under the Central Inspection Framework, on-line inspection schedules are generated in GO-SMILE portal for synchronized inspection by the Central Inspection Co-ordination Group (CICG), where in all concerned including the employers are intimated regarding date of inspection.
- v) Inspector conducts visit to the establishment for inspection and examines any register/record any person in the premises whom he has reasonable cause to believe, is an employee, require the employer to produce any register or other document related to compliance inspection.
- vi) Makes copies of or take extracts from any register, record, notice or other relevant documents.
- vii) Inspector validates the following documents/ records and collects copy of the same if required.
 - Register in Form-A
 - Register in Form-B,
 - Register in Form-C
 - Combined Annual Return
 - Any other queries relating to compliances of the Act
- viii) After completion of the inspection, Inspector prepares an Inspection Report in the Composite Inspection Scheme format on the basis of available information and sends to the concerned employer on-line or off-line endorsing copy to the next higher authority.
- ix) Inspection Report is uploaded in the GO-SMILE portal if inspection is conducted under CICG schedule. Facility for uploading the inspection reports pertaining to Composite Inspection Scheme will be available after completion of the e-Governance project of the Labour & ESI Department.
- x) For any non-compliance the Inspector issues show-cause notice to the employer for necessary rectification within the prescribed timeline.
- xi) Employer/Management submits compliance report with documents within prescribed timeline.
- xii) If the concerned Inspector finds the compliance satisfactory after assessment of the documents, then the file is closed following due procedure.
- xiii) If the rectifications/ documentations are not found proper/sufficient, Inspector will initiate action for filing prosecution in court of Sub-Divisional Judicial Magistrate (SDJM) / Judicial Magistrate First Class (JMFC) following due procedure.

Form-A,B,C

FORM A

[See Rule 4(a)]

Computation of the allocable surplus under Section 2(4)

Accounting year ending on the.....

Name of the establishment.....

Gross profit for the accounting year (Rs.)	Sums deducted from gross profits		
	Depreciation under Section 6(a)	Development rebate or Development allowance [Section (6)]	Direct taxes Section 6(c)
(1)	(2)	(3)	(4)

Further sums as are specified under the Third Schedule to the Act	Total of sums deducted under Column 2,3,4 & 5	Available surplus for the accounting year (Column 1 minus Column 6)	Amount of allocable surplus ¹ (67% ² (60% of Column 7)
(5)	(6)	(7)	(8)

1. Section 2(4) (a).
2. Section 2 (4) (b).

FORM B

[See Rule 4(b)]

Set-on and set-off of allocable surplus under Section 15

Accounting year ending on the.....

Name of the establishment.....

Accounting year	Amount allocable as bonus (in Rs.)	Amount payable as bonus (in Rs.)	Amount of set-on or set-off (in Rs.)	Total Set-on or Set-off carried forward
(1)	(2)	(3)	(4)	(5)

FORM C

[See Rule 4(c)]

Bonus paid to employees for the accounting year ending on the

Name of the establishment.....

No. of working days in the year.....

Sl. No.	Name of the employee	Father's name	Whether he has completed 15 years of age at the beginning of the accounting year.	Designation	No. of days worked in the year
(1)	(2)	(3)	(4)	(5)	(6)

Total salary or wage in respect of the accounting year	Amount of bonus under Section 10 or Section 11, as the case may be	Deductions				
		Puja bonus or other customary bonus paid during the accounting year	Interim bonus or bonus paid in advance	¹ [Amount of income-tax deducted	Deduction on account of financial loss, if any, caused by misconduct of the employee	² [Total sum deducted under columns 9,10,10-A and 11]
(7)	(8)	(9)	(10)	(10-A)	(11)	(12)

Net amount payable (Column 8 minus Column 12)	Amount actually paid	Date on which paid	Signature / thumb-impression of the employee
(13)	(14)	(15)	(16)

Combined Annual Return

General Particulars -

1(a) Name and full address of the Factory/Establishment (including Building and Other Construction of Work/Motor Transport undertakings, etc.)

	Factory / Establishment	Regd. / Administrative / Head Office
Name		
Address		
Tel:		
Fax :		
E-Mail:		
Website:		

(b) Name and Residential address of the Proprietor/Partner/ Directors / Employer/ Principal/ Employer / Occupier. (tick which ever is applicable)

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/E-mail
1	2	3	4	5

(c) Name and Residential address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

(d) Name and Residential address of occupier and Manager as named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail
1	2	3	4	5

2. Date of commencement of Manufacturing/Business/Establishment/ Factories/ Construction of Works.

2(A) Nature/Type of Industries/Establishments.

2(B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/ Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value
1	2	3	4	5

3. Registration and License**Registration No.****License No.**

- (a) Factories Act, 1948
- (b) Contract Labour (R&A) Act, 1970
- (c) O.S and C.E. Act, 1956
- (d) ISMW (RE & CE) Act, 1979
- (e) M.T.W. Act, 1961
- (f) Building and Other Construction Workers (RECS) Act, 1996.
- (g) Beedi and Cigar Workers (C.E) Act, 1966.

4. No. of workmen/employees directly employed

Sl. No.	Category	Male	Female	Adolescent	Child	Total
1	2	3	4	5	6	7
1	Unskilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engg.					
7	Executive					
8	Probationer / Trainees					

5. Particulars of employment in Factories / Establishments / Motor Transport Undertakings / Building Construction of Work, etc.**(a)**

No. of person or Roll as on 1 st January	No. of Person on Roll as on 31 st December	No. of days Factory/ Establishment/ Building & Other Construction Works, etc. carried on	No. of days Factory/ Establishment/ closed	No. of mandays worked during the year	No. of man-hours worked including O.T. during the year	Total amount of salary/ wages paid including O.T. wages & allowance
1	2	3	4	5	6	7

(b) Average number of employment during the year :-

Men	Women	Adolescent	Child	Total

(c) No. of employees discharged/dismitted/terminated/retrenched/resigned or retired during the year.

	No. of workers				Amount of benefits paid (benefit-wise)
	Retired on superannuation	Retrenched	Discharged/ terminated/ dismissed	Paid terminal benefit	
Men					
Women					
Total					

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5. Total		

In respect of the Factories Act / Orissa Shops & Commercial Establishment Act, 1956 / Orissa Industrial Establishment (National & Festival) Holidays Act, 1969.

7. Particulars of Earned Leave with Wages / National & Festival Holidays with wages.

Total No. of persons employed	No. of employees eligible for earned leave	No. of employees availed/ granted earned leave	No. of employees paid wages/ salary in lieu of earned leave	No. of person who were paid wages for the National & festival holidays (separate figure for each day may be furnished)
1. Man				(i) 26 th January
2. Woman				(ii) 1 st May
				(iii) 15 th August
				(iv) 2 nd October
				(v)
				(vi)
				(vii)
				(viii)
				Total

In respect of the Payment of Bonus

8. Bonus paid during the year

Name of the accounting year	Total No. of employees	No. of employees eligible for bonus	Percentage of bonus/ ex-gratia declared	Total amount of bonus/ ex-gratia paid	Date of payment
1	2	3	4	5	6

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cd) dangerous operation U/s 87 of Factories Act, 1948.

- | | |
|--|----------|
| If Yes..... | Yes / No |
| (i) Whether Health and Safety Policy prepared and published | Yes / No |
| (ii) Whether occupational Health Centre provided | Yes / No |
| (iii) Whether Medical Officer appointed | Yes / No |
| (iv) Whether Ambulance Van provided | Yes / No |
| (v) Average no. of persons employed daily in hazardous process / | |
| (vi) dangerous operation | Yes / No |

10. Safety and Welfare Officers :-**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec.-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Sec.-45(A)	Yes / No
(ii)	Canteen as per Sec.-46(l)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Sec-48(i)	Yes / No.
(v)	Shelters, Rest Rooms and Lunch Room as per Sec-47(l)	Yes / No.

11. Particulars of Accidents, Man's days lost and others :-

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man's days lost in such accident.
(iv)	No. of employees returned to work within 48 hours of the accident.
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a) Without Permanent / Partial / Total Disablement
	(b) With Permanent / Partial / Total Disablement.
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

12. (a) Relating to Maternity benefits under the Maternity Benefit Act :-

- (i) Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
- (ii) No. of women workers discharged / dismissed in the last 12 months.
- (iii) No. of women worker for whom pre-natal confinement and post-natal confinement.
- (iv) No. of women workers died.
- (a) Before delivery-
- (b) After delivery-

(b) Leave / additional leave details :-

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-cariage			
(ii) Illness (additional leave under Section-10)			

(c) Maternity benefit paid :-

Item	No. of claim received	No. of claim sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-cariage				
(iii) Illness				
(iv) Medical Bureaus				

Relating to Contract Labour (R&A) Act.

13. (a) Details of contractors and contractor labour engaged :-

Name & Address of the contractor / Contractors	Period of contract from / To	Nature of work / operation in which contract labour were employed Department / Section	No. of person employed	Maximum no. of contract labour employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
Total						

(b) Whether the Contractors/Principle employer have/has provided ?

(i) Canteen	Yes / No
(ii) Rest Room	Yes / No
(iii) Drinking Water	Yes / No
(iv) Crèche	Yes / No
(v) First Aid	Yes / No

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year:-

(i)	The total No. of accident	
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.	
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.	
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.	
(v)	The number of accident resulting in death of building workers and the number of resultant deaths.	

15. Inter-State Migrant Workmen (RE & CS) Act.

In respect of Principal Employer :-

(i) Details of contractors engaged in the establishment during the year.

Sl. No.	Name & address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
		From	To				
1	2	3	4	5	6	7	8

16. Beedi and Cigar Workers (Condition of Employment) Act:-

(i) Average Number of employees employed daily in the Industrial Premises :-

Adult		Young Person	
Male	Female	Male	Female

- (ii) Average monthly number of home workers employed (i.e. who work in their homes)
- (iii) Number of days worked in the year in the industrial establishment.
- (iv) No. of employees who were granted leave during the calendar year.

Adult		Young Person	
Employed in the Industrial premises	Employed in home	Employed in the Industrial premises	Employed in home

- (v) Number of female employees who were given maternity benefit during the year.
 (a) employed in the Industrial Premises (b) employed in home.

Digital Signature / Signature of the Employer / Manager _____

Place:

Date:

Name of the signatory _____

Designation in the establishment _____