

29.9.2020 HC 01, MBA III HR

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payment of bonus act

1965

Legal aspects.

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Penalty: If any person

- (a) Contravenes any of the provisions of this act or any rule made thereunder or
- (b) to whom a direction is given or a requisition is made under this act fails to comply with the direction of requisition.
- he shall be punishable with imprisonment for six months or with fine which may extend to 1000/- (one thousand rupees) or with both.

Offences by Companies:

- (1) If the persons committing an offence under this act is a company every person who, at the time of offence was committed was in charge of, and was responsible to, the company for the conduct of business of Co. shall be deemed to be guilty of the offence and shall be liable to the proceeded against and punished.

Cognizance of offence -

- 22 SUN 1) NO Court shall be take Cognizance of any offence punishable under this act, save, on Complaint made by or under the authority of the appropriate govt
- ii) NO Court inferior to that of a magistrate of first class shall try and any offence punishable under this act.

Protection of action taken under the act: NO Suit, prosecution or other legal proceedings shall lie against the govt or any officer of the govt for anything which is in good faith done or intended to be done in pursuance of this act.

Special provisions with respect to payment of bonus linked with production or productivity:

(i) where an agreement or settlement has been entered into by the employees with their employer before the commencement of the payment of bonus (Amendment) Act, 1976.

(ii) Where the employees enter into any agreement or settlement with their employer for payment of annual bonus linked with production or productivity in lieu of bonus based on profits payable under this act. Then such employee shall be entitled to receive bonus due to them under such agreement as case may be.

Act not to apply to certain classes of employees:

(i) employees employed by any insurer carrying on general insurance business and employees employed by the life insurance Corporation of India.

(ii) Merchant Shipping,

(iii) Dock workers, Indian Red Cross Society.

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universities and other educational institutions

Hospitals, chambers of Commerce, welfare institutions established not for purpose of profits.

employees through contractors on building operation.

employees employed by the RBI

employees employed by (a) the industrial finance corporation of india, state finance corporation.

the unit trust of india.

the industrial development bank of india.

NABARD - National bank for Agriculture and rural development.

Small industries development bank of india.

National Housing bank.

Power to make rules: The Central govt may make rule for the purpose of carrying into effects the provisions of this act

- (a) the authority for granting permission under the proviso to sub clause (ii) of clause (1) of sec(2)
- (b) the preparations of registers, records and other documents may be maintained
- (c) the powers which may be exercised by an inspector.

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Every rule made under this section shall be laid as soon as may be after it is made before each house of parliament while it is session for a total period of thirty (30) days which may be comprised in one session or a total period of (or in two or more successive sessions) and if before the expiry of the session both houses in making any modification in the rule or both houses agree that not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification.

Application of certain law not barred:

Save as otherwise expressly provided, the provisions of this act shall be in addition to and not in derogation of industrial dispute Act 1947, or any corresponding law relating to investigation and settlement of industrial disputes in force in state.

Repeal and saving: (1) The payment of bonus ordinance, 1965 is hereby repealed.

2) Notwithstanding such repeal, anything done or any action taken under the said ordinance shall be deemed to have ^{been} done or taken under this act as if this act had commenced on the 29th May 1965.