STATE RULES UNDER THE CENTRAL ACT

The U.P. Minimum Wages Rules, 1952

(As amended up-to-date)

[Miscellaneous]

March 26, 1952

No 795(LL)/XVIII(L)-420(LL)-50---In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (XI of 1948), the Governor is pleased to make the following rules, the same having been previously published with Government Notification No. 209(LL)XV.111--420(LL)-50, dated January 31, 1951, as required by sub-section (1) of the said section :

CHAPTERI
PRELIMINARY

1. Short title and extent.—(1) These rules may be called, the Uttar Pradesh Minimum Wages Rules, 1952.

(2) They extend to the State of Uttar Pradesh.

2. Interpretation.--(1) In these rules, unless the context otherwise requires—

(a) "Act" means the Minimum Wages Act, 1948 ;

(b) *

(c) "Authority" means the authority appointed under sub-section (1) of Section 20 ;

(d) "Board" means the Advisory Board appointed under Section 7 ;

(e) "Chairman" means the Chairman of the Advisory Board or the Committee, as the case may be appointed under Section 9 ;

(f) *"Committee" means a* committee appointed under clause (a) of subsection (1) of Section 5 and includes a sub-committee appointed under that section ;

(g) "Form" means a form appended to these rules ;

(h) "Inspector" means a person appointed as Inspector under Section 19

(i) "State Labour Commissioner" means an officer appointed by the State Government for the time being to be the Labour Commissioner, and in respect of any of the powers and duties of the Labour Commissioner that may be conferred on or discharged by any person includes the person on whom Rich powers have been conferred or by whom such duties have to be discharged ;

(j) "registered trade union" means a trade union registered under the Indian Trade Union Act, 1926 ;

(k) "Section" means a section of this Act ; and

All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

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CHAPTER II
MEMBERSHIP, MEETINGS AND STAFF OF THE BOARD AND COMMITTEE

3. Term of office of the members of the Committee.—The term of office of the members of the Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of the constitution of the Committee, as the case may be, fir such term and may, from time to time, extend it as circumstances may require.

4. Term of office of the members of the Board.—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board, shall be two years commencing from the date of his nomination :

Provided that such a member shall notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the State Government.

4-A. Nomination of substitute member.—If a member of the Committee, or the Board is unable to attend a meeting thereof the State Government may, by notice is writing signed on its behalf and by such member and addressed to the Chairman of the said Committee or the Board, as the case may be, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting.

5. **Travelling Allowance**.—A non-official member of the Committee, or the Board shall be entitled to draw travelling and daily allowances for any journey performed by him in connexon with his duties as such member at the rates and subject to the conditions, laid down in Notes 2 and 3, under Rule 20 in Financial Handbook, Volume III.

6. Staff.—(1) The State Government may appoint a Secretary to the Committee, or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) *(1)* The Secretary shall be the Chief Executive Officer of the Committee, or the Board, as the case may be. He may attend the meetings of such Committee, or Board, but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures

to carry out the decisions of the Committee, the Advisory Committee or the Board, as the case may be.

7. Eligibility for re-nomination of the members of the Committee and the Board.—An outgoing member shall be eligible for re-nomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

S. Registration of the Chairman and members of the Committee and the Board and filling of casual vacancies.—(1) A member of the Committee or the Board other than the Chairman may by giving notice in writing to the Chairman, resign his membership. The Chairman may resign by a letter addressed to the State Government.

(2) A resignation shall take effect from the date of communication of its acceptante or on the expiry of thirty days from the date of submitting the resignation, whichever is earlier.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee or the Board the Chairman shall submit a report to the State Government immediately. The State Government shall thereupon take steps to fill the vacancy.

9. Cessation and restoration of membership.—(1) If a member of the Committee, or the Board, fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, or the Board, as the case may be, and if a majority of members present at the next meeting, is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. Disqualification.—(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, or the Board, as the case may be-

(i) if he is declared to be of unsound mind by a competent court ; or

(ii) if he is an undischarged ; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1) the decision of the State Government thereon shall be final.

11. Meetings.—The Chairman may, subject to the provisions of Rule 12, call a meeting of ,the Committee, or the Board, as the case may be, at any time he thinks fit :

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. Notice of meetings.—The Chairman shall fiX the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting :

Provided that in the case of an emergent meeting notice of seven days only may be given to every member.

13. Chairman.—(1) The Chairman shall preside at the meetings of the Committee, or the Board as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves one member by a majority of votes as Chairman, who shall preside at such meeting.

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14. Quorum.—No business shall be transacted at any meeting unless at least one-third of the members are present :

Provided that if any meeting less than one-third of the members are present the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. Disposal of business.—All business shall be considered at a meeting of the Committee, or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote :

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and security written opinion of the members :

Provided further that no decision on any question which is referred under the first proviso shall be taken unless supported by not less than a two-third majority of the members.

16. Method of voting.—**Voting** shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

17. Proceedings of the meeting.—**(1)** The proceedings of each meeting showing *inter alia* the names of the members present thereat, shall be forwarded to each member, to the State Government and to the State Labour Commissioner as soon after the meeting as possible and, in any case, not less than seven days befdre the next' meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III

SUMMONING OF WITNESSES BY THE COMMITTEE, AND THE BOARD AND PRODUCTION OF DOCUMENTS

18. Summoning of witness and production of documents.—**(1)** A Committee, or the Board, may summon any Orson to appear as a witness in the course of any enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) Any person may be summoned to produce a document in his possession or under his control, without being summoned to give evidence.

(3) A summon under sub-rule (I) may be addressed to an individual or an organization of employers or a registered trade union of workers.

(4) A summon under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered 'post ;

(ii) in the case of an employers' organization or a registered trade union of workers, by being delivered or sent by registered post to the Secretary or other principal officer of the organization or union, as the case may be.

(3) The provisos of the Civil Procedu!t Code relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, or the Board.

19. Expenses of witnesses.—Every person who is summoned and appears as a witness before the Committee, or the Board, shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in Civil Courts in the State.

CHAPTER IV

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS

20. Mode of computation of cash value of wages.—In computing the cash value of wages paid in kind and all essential commodities supplied

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at concessional rates, the retail price for any particular centre published by the State Labour. Commissioner and • the concessional rates at which the commodities are supplied by the employer to the employee shall respectively **be** taken into account :

Provided that if retail prices for any particular centre are not published by the Labour Commissioner, retail prices prevailing in the main market in that centre, or if there is no market in that centre, the nearest market shall be taken into account for this purpose.

21. Time and conditions of payment of wages and the deductions permissible from wages.--(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of an employee in such employment shall be paid on **a** working day before the expiry of the seventh day after the last day of the wage period.

(ii) Where the employment of any employee 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 after the day on which his employment is terminated.

(iii)The wages of an employee shall be paid to him without deduction of any kind except those authorized by or under these rules.

Explanation. ---Every payment made by the employee to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction **from** wages.

(2) Deduction front the wages of an employee in a scheduled employment shall be one or more of the following kinds, namely,—

(i) tines

(ii) deductions for absence from duty ;

(iii) deductions for damage to or loss of goods expressly entrusted to the employee for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

(iv) deduction for house accommodation supplied by the employer or the State Government or any authority constituted by the State Government for providing housing accommodations ;

(i) deductions for such amenities and services supplied by the employer as the Government may by general or special order authorize ;

Explanation --The words "amenities and services" in this clause do not include, the supply of tools and protectives required for the purposes of employment :

(vi) deductions for recovery of advances or for adjustment of overpayment of wages :

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employee and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month ;

(vii) deductions of income-tax payable by the employee ;-

(viii) deductions required to be made by order of a court or other competent authority ;

(ix) deductions for subscriptions to and for repayment of advances from any provident fund to which the Provident Fund. Act, 1925, applies or any recognized provident fund **as defined in** Section 58-A of the Indian Income-tax Act, 1922, or any provident fund appioved in this behalf, by the Government **during the** continuance of such approval ;

(x) deductions for payment to co-operative societies or **deductions** made with the written authorisation of the **person employed** for payment of any premium on his life insurance policy to **the** Life **Insurance** Corporation, established under the **Life** Insurance Act, 1956 (13 of 1956) ;

(xi) deductions for recovery or adjustment of amount **other** than wages paid to the employee in error or in excess of what is **due** to him :

Provided that prior approval of the Inspector or any other Officer authorised by the State Government in .this behalf is obtained in writing before making this deduction **unless the ..** employee gives his consent in writing to such deductions being made ;

(xii) deductions made with the written authorisation of the employee (which may he given once generally and not necessarily every time a deduction is made) for the purchase of securities of **the** Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government.

(3) Any person desiring to impose a fine on an employee or' to make a deduction for damage or loss caused by him, shall explain to him personally and also in writing the act or omission or the damage or loss, in respect **of** which the fine or deduction is proposed to be imposed or made and given him an opportunity to offer an explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions **and** all realisation thereof shall be recorded in a register maintained in Forms **I,** II and Iii, as the case may be. A return in Form III shall be **submitted** annua•i'$_y$' by the employer.

(5) The amount of fine imposed wider sub-rule (3) shall be utilized for welfare work in the manner approved by the State Labour Commissioner.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936,

22. **Display of notices. The** following notices, in •nglish and in Hindi shall be displayed on the notice-boards of sub-divisional and district offices, the office of the Labour Commissioner, ,Uttar Pradesh, and at **such** other place or pltes. as may be selected by the Inspector :

(1) *Notice JVo. 1. Rates* of minimum wages fixed, under the Minimum Wages Act, **1948,** Form XI.

(2) Notice No. 2.—Abstract **of Minimum Wages Act, 1948, and the U. P. Minimum Wages Rules, 1952, Form XII.**

(3) Notice No. 3.—Name **and address of the Inspector concerned, Form XIII.**

23. Weekly day of rest.—(I) Where an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act has worked in the scheduled employment under the same employer for a continuous period of not less than six days he shall subject to the provisions of this rule be allowed a day of rest every week (hereinafter referred to as "rest-day"), which shall ordinarily be Sunday :

Provided that the employer may fix any other day of the week as the rest-day for any employee or class of employees in that scheduled employment

Provided further that the employee shall be informed of the day fixed as the rest-day of any subsequent change in the rest-day before the change is effected, by display of a notice to that effect in the place of employment at a place to be specified by the Inspector in this behalf.

Explanation.—For the purpose of computation of the continuous period of not less than six days specified in this sub-rule-

(a) any day on which any employee is required to attend for work, but is given onlyan allowance for attendance and not provided with work, and

(6) ally day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947, shall be deemed to be days on which the employee has worked.

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest-day unless he has had or will have a substituted rest-day for a whole day on one of the five days immediately before or after the rest-day :

Provided that no substitution shall be made which will result in the employee working for more than ten days, consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest-day and has been given a substituted rest-day on any one of the five days before or after the rest-day, the rest-day shall for the purpose of calculating the weekly hours of work be included in the week in which the substituted rest-day occurs.

(4) An employee shall be granted for the rest-day wages calculated at the rate applicable to the next preceding day and in case he works on . the rest-day and has been given a substituted rest-day, he shall be paid wages for the rest-day on which he worked at the over-time rate and wages for the substituted rest-day at the rate applicable to the next preceding day :

Provided that where the minimum daily rate of wage of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the

notified minimum daily rate of wages of the employee, no wages for the rest-day shall be payable, and in case the employee works on the rest-day has been given a substituted rest-day, lie shall be paid only for the rest-day and on which he worked an amount equal to the wages payable to him at the overtime rate :

Provided further that in the case of an employee governed by piece-rate scheme the wages for the rest-day, or as the case may be, the rest-day and the substituted rest-day, shall be such as the State Government may from time to time prescribe, having regard to the minimum rates of wages fixed under the Act in respect of the scheduled employment.

Explanation. In this sub-rule, "next preceding day" means the last day on which the employee has worked, which precedes the rest-day of the substituted rest-day, as the case may be and where the substituted rest-day falls on a day immediately after the rest-day, the next preceding day means the last day on which the employee has worked, which precedes the rest-day.

(5) The provisions of this rule shall apply to the employees in scheduled employments other than agricultural employment.

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service and in such a case, the employee shall be entitled only to be more favourable terms aforesaid.

Explanation. For the purposes of this rule, "week" shall mean a period .of seven days beginning at midnight on Saturday night.

24. Number of hours of work that shall constitute a" normal working day.-(l) The number of hours of work constituting of a normal working day shall--

(a) in the case of an adult employee, be 9 hours, inclusive of intervals for rest as specified in sub-rule (2) below ;

(b) in the case of a child, be 44 hours ; and

(c) in the case of an adolescent, be 9 hours or 44 hours, as the case May be, according as the adolescent may be certified to work as an adult or a child by a registered medical practitioner approved by the State Government.

(2) The period of work of an adult employee each day shall be so fixed that no period shall exceed five hours and that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The provisions of sub-rules (1) and (2) of this rule shall, in the case of employees in agricultural employment, be subject to such modifications as may from time to time be notified by the State Government.

24A. The provisions of Section 13(1) and Rules 23 and 24 shall apply to the classes of employees specified in Section 13(2) only to the extent and subject to the conditions specified below :

(i) No employee shall be allowed or required to work continuously for a period of more than fourteen days without a rest day of 24 consecutive hours.

(ii) Every employee shall be allowed a substituted rest day within a fortnight of the rest day on which he is allowed or required to work and an intimation thereof shall be sent to the Inspector so as to reach him at least 24 hours before the substituted rest day is allowed.

(iii) No employee shall be allowed or required to work for more than 13 hours in a day.

(iv) The payment for the work done in excess of the normal working hours fixed in Rule 24 shall be made at the overtime rate fixed by the State Government under the Act.

A fixed work also be work. (v) notice of qvertime work to be taken from the employees shall be in tfie premises of the employment before the commencement of he mentioning the names of the persons put on overtime work and the purpose and duration of such employment. A copy of such notice shall sent to the Inspector concerned within 24 hours of the start of the

25. The provisions of Rules 23 and 24 shall not operate to the prejudice of any rights to which an employee may be entitled under the U.P. Factories Act, 1948, or the U. P. Shops and Commercial Establishments Act, 1947, where either of these Acts, is applicable.

25-A. (i) Where an employee in a nheduled employment is governed by the provisions of the Factories Act, 1948 or the Uttar Pradesh Dookan Aur Vanijya Adhisthan Adhiniyam, 1952 or any other enactment prescribing such extra wages for overtime as are more beneficial than the extra wages for overtime prescribed hereinafter in this rule, he shall receive overtime wage at 'the rates prescribed by the said enactment.

(ii) In cases not covered by sub-rule (1) when an employee in a Scheduled employment works for more than the number of hours of work constituting normal working day or for more than 54 hours a week he shall in respect of every hour or part of an hour so worked in excess be paid at the following overtime rates namely—

(a) in the case of employment in agriculture and tea plantation one and a half times the ordinary rates of wages ;

(b) in case of any other Scheduled employment at double the ordinary rates of wages :

Provided that the period of overtime in all the scheduled employments other than employment in agriculture and tea plantation shall not exceed 200 hours in the aggregate in any calendar year.

(iii) No child shall be allowed to work overtime.

However, an adolescent who has been certified under Section 70 of the U. P. Factories Act, 1948 (Act No. LXIII of .1948) to work as an adult, may be required to work overtime within the limit prescribed under clause ***(b)*** of sub-rule (ii).

Explanation. The expression "ordinary rates of wages" means the basic wages plus cost of living allowance and value of the concessions in respect of

Supplies of essential commodities at concessional rates where so authorized but dose not include bonus.

(v) Register showing overtime payment shall be kept in Form XVII

26. Form of registers and records.—(1) A Register of Wages shall be maintained by every employer and kept in such form as may be notified by the Government and shall include the following particulars—

(a) the gross wageS of each employee for each wage period ;

(b) all deductions made from wages, with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of Rule 21,

(c) the wages actually paid to each employee for each wage period and the date of payment ;

(d) "rates of wages paid."

(z) Wage slip containing the aforesaid particulars and such other particulars as may be notified by the State Government shall.be issued by every employer to every employee employed by him at 1.e.b.St a day prior **to** the disbursement of wages.

(3) Every employer shall get the signature or the thumb-impression of every employee on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

Nc:r_tA muster roll should be maintained by every employer and kept in Form **IV.**

(6) Every employer shall keep exhibited the following notices in a conspicuous place in the factory, workshop or place where the employees in the scheduled employment are employed and in the case of out-workers, in such factory, workshop or place as is used for giving out-work to them.

Notice No. 1—Rates of minimum wages fixed under the Minimum Wages Act, 1948, Form XI.

Notice No. 2—Abstract of the Minimum Wages Act, 1948, and the Minimum Wages Rules, 1952, Form XII.

Notice Xu. 3—Name and address. of the Inspector concerned, Form XIII.

Notice No. 4—Weekly holiday, Form XIV.

Notice No. 5—Working hours of employees, Form XV.

Notice No. 6—Time for payment of wages, Form XVI.

(7) The provisions of sub-rules (1) to (5) shall apply in the case of establishment or concerns covered by the Factories Act, 1948, the Payment of Wages Act, 1936, or the U. P. Shops and, Commercial Establishments Act, 1947, with such modifications as the State Labour Commissioner or the State Government may by notification- specify :

Provided that where the State Labour Commissioner or the State Government is satisfied that in relation to any class or employees in a scheduled employment generally or in a local area it is not possible to maintain any of the aforesaid prescribed form or registers and records, he or it may by a notification in the official Gazette direct the employment in such cases to maintain an alternative form of registers and records.

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26-A. Preservation of registers.—The registers required to be maintained under Rules 21(4) and 26(1) and the muster roll required to be maintained under Rule 25(5) shall be preserved for a period of three years after the date on which the last entry is made therein.

26-11. 'Production of registers and other records.--All registers and records required to be maintained by an employer under these rules shall be produced on demand before the inspector :

Provided that where an establishment has been closed, the Inspector may demand the production of the registers and records in its office of such other public place as may be nearer to the employer.

27. Save as otherwise provided in Standing Orders in force in any establishment under the Industrial Employment (Standing Orders) Act, 1946, or any other law for the time being in force, no employee shall be entitled to receive wages for a full normal working day if failure to work is caused owing to justifiable play-off resorted to by the employer.

Explanation.--The expression "justifiable play-off" meant a play-off resorted to by an employer in the event of a fire, catastrophe, breakdown of machinery or stoppage of the power supply, epidemic, civil commotion, illegal strike, shortage of orders or any other trade reason, or other causes, whether of a like nature or not, beyond the control of the employer.

CHAPTER V

CLAIMS UNDER THE ACT

28. Applications.—(1) An application under sub-section (2) of Section 20 or sub-section (1) of Section 21, by or on behalf of an employee or a number of employees shall be made in duplicate in Forms V, V-A or VI, as the case may be, the prescribed court-fee being payable on one copy only.

A single application under Section 2e read wifli sub-section (1) of Section 21 may be presented on behalror in respect of any number of employees, if they are borne on the same establishment and their claim relates to the same wage period or periods.

29. Authorization.--The authorization to act on behalf of an employee or employees, under sub-section (2) of Section 20 or sub-section (1) of Section 21 shall be given in Form VII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

30. Appearance of parties.—(1) If an application under. subsection (2) of Section 20 or Section 21 is entertained the authority shall serve upon the employer by registered post a notice in Form VIII to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex park.*

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order and the application shall then be reheard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule (l).

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

31. Costs.--(l) The Authority for reasons to be recorded in writing, may direct that the costs of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include-

(i) expenses incurred on account of court fee ;

. (ii) expenses incurred on subsistence money to witnesses ; and

(iii) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleader or more than one applicant or opponent the Authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

32. Court fees.—The court fee payable in respect of proceedings under Section 10 shall be-

(i) for every application to summon a witness—one rupee in respect of each witness ;

(ii) for every application made by or on behalf of an individual—one rupee ;

(iii) for every application made on behalf or in respect of a number of employees—one rupee per employee subject to a maximum of twenty rupees :

Provided that the Authority may, if in its opinion, the applicant. is a pauper, exempt him wholly or partly from the payment of such fees :

Provide' further that no fee shall be chargeable—

(a) from empolyees in Agrculture ; or

(b) in respect of an application made by an Inspector.