

THE UTTAR PRADESH WORKMEN'S COMPENSATION RULES, 1975

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Notification No. 242 (V) XXXVI-5-400 (i)-(V)-72, dated 28th April, 1975.¹

In exercise of the powers conferred under sub-section (1) of Section 32 of the Workmen's Compensation Act, 1923 (Act No. 8 of 1923) read with clauses (j) and (o) of sub-section (2) of the said section, the Governor is pleased to make the following rules after their previous publication with Government Notification No. 365 (Aa)/XXXVI (D)-386 (Aa)-58, dated August

16,

1971 as required by sub-section (1) of Section 34 of the said Act.

1. Short title and commencement

- (1) These rules may be called the Uttar Pradesh Workmen's Compensation Rules, 1975.
- (2) They shall come into force with effect from the date of their publication in the

2. Definitions

1. In these rules, unless there is anything repugnant in the subject or context,
 - (a) "Act" means the Workmen's Compensation Act, 1923 ;
 - (b) "Section" means a section of the Act ;
 - (c) "Commissioner" means a Commissioner as defined in the Act ;
 - (d) "Abstract" means such abstract of the Act as the State Government may prescribe.

2. ²[Workmen covered

Workmen means any person (with the exception of casual labourer employed otherwise than for the employer's trade or business) who is employed on monthly wages not exceeding one thousand rupees, in any such capacity as is specified in Schedule II of the Act. In addition, a railway servant not permanently employed in any administrative department or sub-divisional office of a Railway, and not employed in any capacity specified In Schedule II of the Act is also covered. Persons working in the capacity of a member of the Armed Forces are, however, excluded. The exercise and performance of the powers and duties of a local authority or of any department acting on behalf of Government shall be deemed to be their trade or business. The State Government may, after giving not less than three months' notice employed in the opinion of Government in any hazardous occupation in respect of specified injuries only.

3. Scale of costs under Sections 26 and 32(i)

- (1) Where the Commissioner directs that costs shall not follow the event, he shall state his reasons in writing.
- (2) The costs which may be awarded shall include,
 - (a) The charges necessarily incurred on account of Court-fees;
 - (b) The charges necessarily incurred on subsistence money to witnesses and
 - (c) Pleader's fees on the scale prescribed in the following rules.
- (3) In any proceeding involving an application for compensation in the form of a lump sum, an application for commutation or an application for indemnification, the fee allowed shall be Rs. 10 subject, to special order of the Commissioner, to diminution to a sum not less than Rs. 5 and to increase to a sum of not more than Rs. 50 for each such proceedings. In all other applications, the fee allowed shall be Rs. 5 subject to increase by special order to a sum not exceeding Rs. 20.
- (4) When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.
- (5) When several defendants, having substantially one defence to make, employ several pleaders, they shall be allowed one set of costs only. In such cases, it will be for the applicant at the time of hearing, to ask for a direction of the Court that separate costs be allowed.
- (6) When two or more dependants having separate substantial defences have engaged the service of one pleader, they shall be allowed separate sets of costs. In this case, it will be for the defendant's interest to apply at the hearing for separate costs.
- (7) When several defendants having separate defences are represented by separate pleaders, they shall be entitled to separate costs.

4. Scale of fees : Under Section 32 (i)

- (1) The following fees shall be payable in respect of proceedings under the Act

I.	Application for compensation (a) Where compensation is claimed in the form of recurring payments. (b) Where compensation is claimed in the form of a lump sum, one rupee, where the sum does not exceed Rs. 500. For each additional sum of Rs. 500 or fraction thereof, a fee of one rupee	Fifty Paise
II.	Application for commutation (a) by agreement between the parties (b) In all other case	Fifty Paise Two rupees
III.	Application for the deposit of compensation Under Section 8 (1) of the Act Under Section 8 (2) of the Act (in respect of each person to whom compensation is payable)	Nil Fifty paise

IV.	Application for distribution by dependants for each dependant	One rupee
V.	Application for review (a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments (b) Where the half-monthly payments are sought to be converted into a lump sum (c) In all other cases	Fifty paise Two rupees. One rupee
VI.	Application for the registration of agreements (a) Where the application or the memorandum of agreement signed by both parties (b) In all other cases	Nil Fifty paise
VII.	Application to summon witnesses (a) For the first witness mentioned in the application (b) For every subsequent witness	Fifty Paise Twenty-five paise
VIII.	Application, the indemnification	Three rupees
IX.	Application for the recovery of compensation (a) Under an order already passed by the Commissioner (b) In all other cases. The same fee as is payable on a similar application for	Fifty paise
X.	All applications not otherwise for	Fifty paise

- (2) In the case of any application falling under the Head "X" the Commissioner may, if he thinks fit, permit the application to be made without fee.
- (3) If in any case, the Commissioner considers that he should pass orders granting relief of a different kind or to a different extent from that claimed by the applicant, and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fee which has actually been paid, the Commissioner may require the applicant to deposit fees to the extent of the difference.

5. Display of abstract of the Act by the employers under Section 32 (2) (o)

- (1) Every employer shall exhibit, in his establishment, at a conspicuous place, an abstract of the following provisions of the Act and such other provisions as may be prescribed by the State Government from time to time.
 - (i) Definition of 'dependant', 'partial disablement' and 'total disablement', contained in clauses (d), (g) and (I), respectively of sub-section (1) of Section of the Act.
 - (ii) Workmen covered
 - (iii) Employer's/liability for compensation
 - (iv) Amount of compensation
 - (v) Occupational diseases for which compensation is payable
 - (vi) Compensation not to be assigned, attached and charged
 - (vii) Notice and claim
 - (viii) Contracting
 - (ix) Contracting out
 - (x) Appearance of parties
- (2) The abstract to be exhibited under these rules shall be exhibited in such a manner that it can be seen and read by persons concerned.
- (3) The abstract shall be in English as well in Hindi in Devanagri script and any other such regional language as may be understood by the majority of the workmen employed by the employer in his establishment.
- (4) The abstract shall be brought up to date and/or suitably revised as and when necessary and also renewed promptly by the employers whenever it becomes defaced or otherwise illegible.

² Substituted by 1975-AM (1)/-1977, dated 21st December, 1977 published U.P. Gazette (Extra) dated 21st December, 1977 p-4 Sec. 1.