

Twelfth Kerala Legislative Assembly  
Bill No. 221

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**THE KERALA HEADLOAD WORKERS  
(AMENDMENT) BILL, 2008**

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2008

KERALA NIYAMASABHA PRINTING PRESS.

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**THE KERALA HEADLOAD WORKERS**  
**(AMENDMENT) BILL, 2008**

819/2008.

THE KERALA HEADLOAD WORKERS (AMENDMENT) BILL, 2008

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*BILL*

*further to amend the Kerala Headload Workers' Act, 1978*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala Headload Workers Act, 1978, for the purposes hereinafter appearing ;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Headload Workers' (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 18th day of April, 2008.

2. *Amendment of section 18.*—In section 18 of the Kerala Headload Workers' Act, 1978 (20 of 1980) (hereinafter referred to as the principal Act),—

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

“(1) The Government may, by notification in the Gazette, appoint a Committee for every revenue district in the State and on the recommendation of the Board, appoint as many Special Committees as they deem fit in any area falling within any industrial township or other special areas of importance in the State, to be known by such name as may be specified in the notification for the purpose of exercising the powers and performing the function of the Committee under the Act and the Scheme in relation to that area:

Provided that if any Special Committee has been appointed, the Committee appointed for the revenue district shall cease to exercise jurisdiction over the area of the Special Committee.”

(2) in sub-sections (5) and (6), for the word “convener”, the words “District Secretary” shall be substituted.

3. *Insertion of new section 19A.*—After section 19 of the principal Act, the following section shall be inserted, namely :—

“19 A. *Appointment of Advisory Committee.*—(1) The Board may constitute as many Advisory Committees as are found necessary for any area in 819/2008.

a revenue district, for the purpose of advising the committee on any matter pertaining to that area.

(2) Every Advisory Committee under sub-section (1) shall consist of seven members nominated by the Board of whom three each shall represent the employers and the headload workers and one shall be an officer of the Board.

(3) The officer of the Board nominated under sub-section (2) shall be its Convener.

(4) The term of office of the members of the Advisory Committee and the conduct of business of the Advisory Committee shall be such as may be decided by the Board from time to time.”

4. *Special provision for dissolving the existing Committee.*—Notwithstanding anything to the contrary contained in the principal Act or in any rule or scheme framed thereunder, soon after the date of commencement of the Kerala Headload Workers (Amendment) Act, 2008, the Government may reconstitute the Committee in accordance with section 18 of the principal Act as amended by this Act and upon such reconstitution all the existing Committees constituted prior to the date of commencement of this Act shall be deemed to be dissolved and all the powers and functions hitherto exercised or performed by the existing committees in a revenue district shall be deemed to be transferred to the respective Committees reconstituted in the revenue district in accordance with the provisions of this Act.

5. *Repeal and Saving.*—(1) The Kerala Headload Workers (Amendment) Ordinance, 2008 (26 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

#### STATEMENT OF OBJECTS AND REASONS

The Kerala Headload Workers Welfare Board in its meeting held on 17-2-2007 passed a resolution recommending the Government to reduce the number of existing Committees from 34 to 14 and to retain the other committees as sub-offices for the effective functioning of the Board and the Chief Executive has requested to make necessary amendments in section 18 and 19 of the Kerala Headload Workers Act, 1978 to this effect.

2. Government have examined the matter and decided to amend the Act to replace the existing 34 Local Committees, except the newly constituted Cochin

Port Trust Area Committee, by 14 District Committees i.e., one for each Revenue District, with powers to Government to appoint special Committees in any area like Cochin Port Trust Area, where it seems necessary to do so, provided that the Committee appointed for the concerned Revenue District shall not have jurisdiction over the area of the Special Committee. It is further decided to incorporate a new section viz. section 19A for the appointment of Advisory Committees as are found necessary for any area in a Revenue District, for the purpose of advising the Committee on any matter pertaining to that area.

3. As the Legislative Assembly was not in session and the above proposal had to be given effect to immediately, the Headload Workers (Amendment) Ordinance, 2008 (14 of 2008) was promulgated by the Governor of Kerala on the 18th day of April, 2008 and the same was published in the Kerala Gazette Extraordinary No. 777 dated 18th April, 2008.

4. A Bill to replace Ordinance No. 14 of 2008 was published as Bill No. 188 of the 12th Kerala Legislative Assembly, but the same could not be introduced in, and passed by the Legislative Assembly during its session which commenced on the 23rd day of June, 2008 and ended on the 24th day of July, 2008. Therefore, the Kerala Headload Workers (Amendment) Ordinance, 2008 (26 of 2008) was promulgated by the Governor on the 1st day of August, 2008 and the same was published in the Kerala Gazette Extraordinary No. 1678 dated 2nd August, 2008.

5. The Bill seeks to replace Ordinance No. 26 of 2008 by an Act of the State Legislature.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

P. K. GURUDASAN

EXTRACT FROM THE KERALA HEADLOAD WORKERS ACT, 1978  
(Act 20 of 1980)

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18. *Committees.*—(1) The Government may, by notification in the Gazette, appoint a committee for such area and with such name as may be specified in the notification for the purpose of exercising the powers and performing the functions of the committee under this Act and the scheme, in relation to that area.

(2) Every such committee shall be a body corporate with the name specified, having perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract and may by that name sue and be sued.

(3) The committee shall consist of such number of members not exceeding fifteen, nominated by the Government, of whom two-thirds shall be persons representing the employers and the headload workers.

(4) The members representing the employers and the headload workers shall be equal in number.

(5) The Government shall appoint one of the members of the committee to be its Chairman and another member to be its Convener.

(6) After nomination of all the members of the committee and the appointment of the Chairman and the Convener, the Government shall publish their names in the Gazette and in such other places as the Government may deem necessary.

(7) The term of the office of the members of the committee shall be such as may be prescribed.

(8) The functions of the committee shall be:—

(a) to pool the headload workers who are not employed under any employer or contractor;

(b) to arrange and regulate employment to such headload workers and to pay them wages;

(c) to take disciplinary action against them wherever necessary ;

(d) to do all such acts as are necessary for the implementation of this Act and the scheme.

(9) In the exercise of the powers and the discharge of its functions the Committee shall be bound by such directions as the Board may give to it from time to time.

19. *Appointment of Officers for Assisting Committee.*—(1) The Government may appoint such number of officers as they think fit for assisting the committee in the exercise of its powers and the performance of its functions under this Act and the scheme.

(2) The officers appointed under sub-section (1) shall exercise such powers and discharge such duties as may be prescribed.

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