

Twelfth Kerala Legislative Assembly
Bill No. 285

**THE KERALA HEADLOAD WORKERS (AMENDMENT)
BILL, 2009**

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Kerala Legislature Secretariat
2009

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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 Sixtieth 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, 2009.

(2) It shall be deemed to have come into force on the 1st day of January, 2009.

2. *Amendment of section 13.*—In section 13 of the Kerala Headload Workers Act, 1978 (20 of 1980) (hereinafter referred to as the principal Act), after clause (b) of sub-section (2), the following clause shall be inserted, namely:—

“(bb) for providing benefits under the Employees State Insurance Act, 1948 (Central Act 34 of 1948) to headload workers.”.

3. *Amendment of section 24.*—In section 24 of the principal Act, the following proviso shall be inserted, namely:—

“Provided that the Workmen’s Compensation Act, 1923 (Central Act 8 of 1923) shall not apply to the headload workers insured under the Employees State Insurance Act, 1948 (Central Act 34 of 1948)”.

STATEMENT OF OBJECTS AND REASONS

The Headload Workers Welfare Board in its meeting held on 3-11-2008 approved the proposal furnished by the Cochin Port Trust Area Committee to extend the provisions of the ESI Scheme to the headload workers registered under the Committee and passed a resolution to request the Government to implement the same. Accordingly Government have decided to extend the scope of the scheme framed under the Kerala Headoad Workers Act, 1978 so as to provide the benefits under the Employees State Insurance Act, 1948 to headload workers but limiting the benefits under the Workmens' Compensation Act, 1923, by amending sections 13 and 24 of the Kerala Headload Workers Act, 1978.

The Bill seeks to achieve the above object.

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 OF THE KERALA HEADLOAD WORKERS ACT, 1978
(ACT 20 OF 1980)

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13. *Scheme*.—(1) The Government may, by notification in the Gazette, make one or more scheme or schemes for any employment or group of employments in one or more area or areas specified in the notification, and by similar notification add to, amend or vary any such scheme or substitute another scheme for any such scheme :

Provided that no such notification shall come into force unless a draft thereof is published in the Gazette and unless it is finalised after considering objections and suggestions received within one month of the publication of such draft in the Gazette.

(2) Subject to the provisions of this Act and the rules made thereunder, a scheme made under sub-section (1) may provide for all or any of the following matters, namely:—

- (a) for the welfare of headload workers;
- (b) for health and safety measures for headload workers;
- (c) for the constitution of any fund or funds including provident fund for the benefit of headload workers, the vesting of such funds, the payment of contribution to be made to such funds and all matters relating there to :

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24. *Application of Workmen's Compensation Act to headload Workers*.—The provisions of the Workmen's Compensation Act, 1923 (Central Act 8 of 1923) and the rules made thereunder shall *mutatis mutandis* apply to the headload workers employed in any establishment, and for that purpose, they shall be deemed to be workmen within the meaning of that Act.

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