

Twelfth Kerala Legislative Assembly

Bill No. 355

**THE KERALA HEADLOAD WORKERS' (AMENDMENT)
BILL, 2010**

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Kerala Legislature Secretariat
2010

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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 (20 of 1980), for the purposes hereinafter appearing ;

BE it enacted in the Sixty-first Year of the Republic of India as follows:—

I. *Short title and commencement.*— (1) This Act may be called the Kerala Headload Workers' (Amendment) Act, 2010.

(2) Sections 3 and 4 shall be deemed to have come into force on the 1 st day of January, 2009 and the remaining sections shall be deemed to have come into force on the 14th day of June, 2010.

2. *Amendment of section 2.*— In the Kerala Headload Workers' Act, 1978 (20 of 1980) (hereinafter referred to as the principal Act), in section 2, for clause (k), the following clause shall be substituted, namely:—

“(k) “family” means,—

(i) husband ;

(ii) wife ;

(iii) minor children ;

(iv) mentally challenged children ;

(v) dependent parents ;

(vi) unmarried or widowed daughters who are dependent ; and

(vii) physically challenged children who are dependent.”.

3. *Amendment of section 13.*— In section 13 of 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.”.

4. *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).”.

5. *Amendment of section 37.*— In section 37 of the principal Act, for the word “Government”, the word “Board” shall be substituted.

6. *Repeal and Saving.*— (1) The Kerala Headload Workers’ (Amendment) Ordinance, 2010 (24 of 2010) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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

Based on the recommendation in the 8th report of the Subordinate Legislation Committee of the 11th Kerala Legislative Assembly, the Government of Kerala have decided to include “fully dependent mentally retarded or physically handicapped children” in the definition of “family” under section 2(k) of the Kerala Headload Workers Act, 1978.

2. As per section 37 of the Kerala Headload Workers’ Act, 1978, where an employer makes default in the payment of any contribution to the fund, the Government can recover damages from him. Now, the Government have decided to entrust the Kerala Headload Workers’ Welfare Board with this power to recover damages from an employer.

3. The Kerala Headload Workers’ Welfare Board had approved the proposal furnished by the Cochin Port Trust Area Committee to extend the provisions of the Employees State Insurance 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 Headload 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 Workmen’s Compensation Act, 1923, by amending sections 13 and 24.

4. As the Kerala Legislative Assembly was not in session and circumstances existed for making immediate legislation for implementing the above said decision, the Kerala Headload Workers' (Amendment) Ordinance, 2010 (24 of 2010) was promulgated by the Governor of Kerala on 14th day of June, 2010 and published in the Kerala Gazette Extraordinary No. 1337 dated 14th June, 2010.

5. This Bill seeks to replace the above said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

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

P. K. GURUDASAN

