

THE KERALA HEADLOAD WORKERS (AMENDMENT) BILL, 2008

(As passed by the Assembly)

BILL

further to amend the Kerala Headload Workers Act, 1978 and to repeal the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002.

Preamble.— WHEREAS, it is expedient further to amend the Kerala Headload Workers Act, 1978 and to repeal the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002 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 come into force at once.

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

(a) in clause (g) for the words "or in groups for the purpose of engaging them in such establishment and includes a sub-contractor and a broker", the words "for the purpose of engaging them in such establishment and includes a sub-contractor, a broker, a clearing and forwarding agent, commission agent, mercantile agent, consignment agent or the owner of a vehicle laden with goods" shall be substituted:

(b) in clause (i),—

(1) in sub-clause (i), after the words "headload worker", the words "employed or" shall be inserted;

(2) in sub-clause (ii), after the words "not employed", the words "or engaged" shall be inserted;

(3) after sub-clause (ii), the following "Explanation" shall be inserted, namely:—

"Explanation.— For the purpose of this sub-clause, a 'headload worker' means a person who is registered under the Scheme and paid wages by the Committee either through employer or contractor."

(c) for clause (m), the following clause shall be substituted, namely:—

"(m) 'headload worker' means a person employed or engaged directly or through a contractor in or for an establishment, whether for wages or not, for loading

or unloading or carrying on head or person or in a trolley any article or articles in or from or to a vehicle or any place in such establishment or stacking articles excluding delicate or sophisticated articles in a vehicle or unloading by sliding using manual labour from a mechanically propelled vehicle or a person who does in connection with the work in ports, the works like filling of fertilizers in sacks, weighing and stitching of sacks, bundling, breaking seals of containers, stacking and includes any person not employed by any employer or contractor but engaged in the loading or unloading or carrying on head or person or in a trolley any article or articles for wages in or from or to a vehicle, or any place in such establishment or stacking articles excluding delicate or sophisticated articles in a vehicle or unloading by sliding using manual labour from a mechanically propelled vehicle but does not include a person engaged by an individual for domestic purposes.

Explanation I :— For the purpose of this clause, "a person engaged by an individual for domestic purposes" means any person engaged by an individual for,—

- (i) shifting including transportation of furniture, personal effects and other household articles for domestic use; or
- (ii) working in connection with the shifting of articles of a dwelling house of a person including work in connection with religious or social or public functions; or
- (iii) cutting, removing shifting and transportation of trees and wood for personal use; or
- (iv) constructing or repairing and maintenance of house including the shifting and transportation of construction materials, equipments or machinery for personal use and not for the purpose of trade ; or
- (v) dismantling, demolishing and shifting of old building materials or equipments including their transportation which is not for industrial or commercial purpose ; or
- (vi) shifting and transportation of animals for personal use; or
- (vii) shifting and transportation of materials including agricultural implements, agricultural machinery, raw-materials, agricultural produces, other materials related to agricultural operations in such person's land ; or
- (viii) doing such other work or activity or process which the Government may, by notification in the Gazette, specify to be a domestic purpose.

Explanation II :—for the purpose of this clause, "delicate or sophisticated articles" mean articles which require to be handled by trained or skilled persons."

3. *Amendment of section 9*.— In section 9 of the principal Act, the following proviso shall be added, namely:—

"Provided that every headload worker shall give a signed receipt to the employer in token of the amount received towards wages."

4. *Repeal and savings.*— (1) The Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002 (10 of 2002) is hereby repealed.

(2) Notwithstanding such repeal, the provisions of section 4 of the Kerala Interpretation and General Clauses Act, 1125 (Act VII of 1125) shall apply upon the repeal of the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002.

This Bill was passed by the Legislative Assembly of the State of Kerala on the 23rd day of July, 2008.

SPEAKER