
**THE KERALA HEADLOAD WORKERS (AMENDMENT)
BILL, 2021**

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Kerala Legislature Secretariat

2021

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Fifteenth Kerala Legislative Assembly

Bill No. 64

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BILL, 2021

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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 Seventy-second 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, 2021.

(2) It shall be deemed to have come into force on the 27th day of October, 2020.

2. *Amendment of section 7.*—In the Kerala Headload Workers Act, 1978 (20 of 1980) (hereinafter referred to as the principal Act), in section 7,—

(1) in sub-section (1), for the words and symbol “seventy-five kilograms”, the words and symbol “fifty-five kilograms” shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) No women and adolescent headload worker shall be required to carry on their head or person at a time any article or articles weighing more than thirty-five kilograms.”.

3. *Amendment of section 43.*— In section 43 of the principal Act,—

(1) in sub-section (1), after the words “rules”, the words “either prospectively or retrospectively” shall be inserted;

(2) in sub-section (2), clause (d) shall be relettered as clause (e) and before clause (e) as so relettered, the following clause shall be inserted, namely:—

“(d) the terms and conditions of service of officers and employees of the Board including their retirement benefits.”.

4. *Repeal and saving.*—(1) The Kerala Headload Workers (Amendment) Ordinance, 2021 (127 of 2021) is hereby repealed.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

Sub-section (1) of section 7 of the Kerala Headload Workers Act, 1978 (20 of 1980) provides that no headload worker shall be required to carry on his head or person at a time any article or articles weighing more than seventy five kilograms.

2. As per the International Labour Organisation Maximum Weight Convention No. 127, no worker shall be required or permitted to engage in the manual transport of a load which by reason of its weight is likely to jeopardize his health and safety and the International Labour Organisation Maximum Weight Recommendation No. 128 provides that the maximum permissible weight to be carried by an adult worker shall not be more than fifty five Kilograms. In the case of women and adolescent workers the maximum permissible weight shall substantially be reduced.

3. In order to give effect to the recommendation of International Labour Organisation Convention, Government have decided to bring an amendment in section 7 of the Kerala Headload Workers Act, 1978 by reducing the maximum permissible weight to be carried by an adult worker from seventy five kilograms to fifty five kilograms. It is also decided to insert a new sub-section in section 7 of the said Act so as to fix the maximum permissible weight to be carried by women and adolescent headload worker as thirty five kilograms. Further, the Government

have decided to amend section 43 of the Act, so as to empower the Government to make rules retrospectively also. It is also decided to empower the Government to make rules with respect to the terms and conditions of service of officers and employees of the Board including their retirement benefits.

4. Though a Bill, the Kerala Headload Workers (Amendment) Bill, 2020 was published on this subject as Bill No. 268 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly.

5. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Headload Workers (Amendment) Ordinance, 2020 was promulgated by the Governor of Kerala on the 23rd day of October, 2020 and the same was published as Ordinance No. 74 of 2020 in the Kerala Gazette Extraordinary No. 2548 dated 27th October, 2020.

6. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, during its session which convened on 31st day of December, 2020 and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021.

7. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Headload Workers (Amendment) Ordinance, 2021 was promulgated by the Governor of Kerala on the 9th day of February, 2021 and the same was published as Ordinance No. 15 of 2021 in the Kerala Gazette Extraordinary No. 670 dated 10th day of February, 2021.

8. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021.

9. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Headload Workers (Amendment) Ordinance, 2021 was promulgated by the Governor of Kerala on the 1st day of July, 2021 and the same was published as Ordinance No. 90 of 2021 in the Kerala Gazette Extraordinary No. 1953 dated 3rd July, 2021.

10. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021.

11. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Head load Workers (Amendment) Ordinance, 2021 was promulgated by the Governor of Kerala on the 23rd day of August, 2021 and the same was published as Ordinance No. 127 of 2021 in the Kerala Gazette Extraordinary No. 2460 dated 24th day of August, 2021.

12. The Bill seeks to replace Ordinance No. 127 of 2021 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.

V. SIVANKUTTY.

EXTRACT OF THE RELEVANT PORTIONS FROM THE KERALA
HEADLOAD WORKERS ACT, 1978
(ACT 20 OF 1980).

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7. *Limitation of Employment.*—(1) No headload worker shall be required to carry on his head or person at a time any article or articles weighing more than seventy-five kilograms.

(2) Notwithstanding anything contained in this Act, no person who is more than sixty years of age shall be entitled to the benefits conferred on a headload worker under this Act.

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43. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the obligations of headload workers and employers;

(b) regulating the employment of headload workers whether registered or not and the terms and conditions of such employment which are not specifically provided in this Act;

(c) regulating, restricting or otherwise controlling the employment by any employer of headload workers not registered in his establishment;

(d) any other matter which has to be, or may be prescribed.

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