

**No. S8/5044/2012**

Police Headquarters, Kerala  
Thiruvananthapuram  
Dated 26/03/2012

**CIRCULAR No. 07/2012**

**Sub : Curbing of "Nokkukooli" - instructions issued.**

**Ref :** (1) Kerala Head Load Workers Act, 1978  
(2) Judgement dated 01/12/2006 in W.A No. 3717 of 2001 of High Court of Kerala.  
(3) Judgement dated 27/05/1993 in W.A 502/93 of High Court of Kerala.  
(4) Judgement dated 29/09/1999 in OP No. 23688/99 of High Court of Kerala

"Nokkukooli" is conventionally understood as the amount demanded by any group of persons claiming to be head load worker/workers of an area when a person or organization loads material on to or unloads from a vehicle with the help of friends or lawful helpers instead of employing those who stake the claim for such amount. The recipient of "Nokkukooli" does not do any physical work either in loading or unloading and is not engaged by the owner or consigner or consignee of the load. When loading/unloading is done through machines like forklift and cranes, then also "Nokkukooli" may be demanded by local head-load workers or unions without having any claim on the management.

(02) The demand for "Nokkukooli" is based on an unlawful claim that some group has sole rights to receive payment for any sort of "loading and unloading" happening in their respective area, even if the group has not done any work. Often the perpetrators threaten and intimidate the owner/contractor for extorting these illegal charges. Such threatening and intimidation is illegal and infringes on constitutional rights of the citizens.

(03) Under the circumstances it is the bounden duty of the police to take all legally possible measures to curb the practice and to ensure peace and tranquillity. The demand or claim of any amount without executing any work or for the work done or to be done by the others from any person by intentionally putting that person in fear of any injury to him or to any other person or damage to his goods or property; intimidating such person by threat or violence to compel him to engage any person or group of persons; intentionally causing damages to the articles or vehicles or machinery or goods, used to carry out loading and unloading; indulging in acts of threat, violence, force, using abusive language; etc are all illegal and strict legal action should be taken against the culprits immediately under the relevant section.

(04) Demand for “Nokkukooli” accompanied by either an express or implied threat of criminal use of force or use of force or harm or injury to any person is a clear violation of several laws and attracts the following criminal provisions of law:

1. Section 383 IPC (Extortion)
2. Section 503 IPC (Criminal Intimidation)
3. Section 149 IPC (unlawful assembly) & other relevant sections.

Where fear of harm caused or the threat of use of force is immediate, then the offence of Robbery can be invoked.

(05) On receipt of information /complaint of use or threat of force while demanding/extorting “Nokkukooli” the SHO concerned should immediately reach the place of occurrence and give adequate police protection to the employer/owner/contractor. He shall register case under relevant sections of law against the perpetrator/perpetrators. The case shall be investigated and charge sheeted with top priority. The jurisdictional Labour Officer may be consulted with regard to legality as per laws relating to labour, before finalising the case. The details of any licensed head-load workers actually involved in such crimes shall be forwarded to the Labour Officer concerned.

(06) A monthly report on the reported cases on “Nokkukooli” and progress in investigation shall be sent to the Sub-Divisional officer. The SDPO shall closely monitor the progress of investigation and furnish monthly report to the DPC. The DPC will report the statistics and action taken in the monthly Crime Review meetings. DPC will send a monthly report to PHQ in the name cover of IGP (HQrs).

(07) It is also instructed that while implementing the above directions care should be taken that the legitimate rights of labours guaranteed by lawful labour contracts, agreement with management, rights of labour according to them under any law are not infringed.

**State Police Chief**

**To**

All officers in List B