

**SHRI P. CHIDAMBARAM:** That judgment is the Punjab High Court judgment. That judgment had struck down a particular detention made before the 8th of June, 1988. We have said "notwithstanding anything is that judgment" you can make a detention under section 14A. Now this judgment is under appeal to the Supreme Court. We have the power to make a validating law. Of course, we are not really resting it on the validating power. The power is there. We are resting this Bill on 22(7) read with Parliament's power to make a law. We are making a new law. The old 14A was struck down but the judgment has been stayed and a new 14A has been added again. Whether 14A is valid or not, will have to be eventually pronounced by the Supreme Court.

Sir, I am absolutely clear in my mind and we have legal advice, that Parliament has the competence to make this law. Whether the law is valid or not—not the competence—whether 14A as it is worded now is valid or not will be decided by the Supreme Court. So, the question really does not arise. Now, we can debate the merits of the Bill.

**MR. DEPUTY-SPEAKER:** The question is:

"That leave be granted to introduce a Bill further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh."

*The motion was adopted.*

**S.BUTA SINGH:** Sir, I introduce the Bill.

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STATEMENT RE. NATIONAL SECURITY  
(AMENDMENT) ORDINANCE, 1987.

[*English*]

**THE MINISTER OF HOME AFFAIRS (S.BUTA SINGH):** I bet to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate leg-

islation by the National Security (Amendment) Ordinance, 1987.

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13.14 hrs.

*The Lok Sabha adjourned for Lunch till fifteen Minutes past Fourteen of the Clock.*

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*The Lok Sabha re-assembled after Lunch at twenty Minutes past Fourteen of the Clock*

[MR. DEPUTY-SPEAKER *in the Chair*]

PAYMENT OF GRATUITY (AMENDMENT) BILL- *CONTD.*

[*English*]

**MR. DEPUTY-SPEAKER:** Now, we take up further discussion on the Bill further to amend the payment of Gratuity Act, 1972.

[*Translation*]

**DR. G.S. RAJHANS (Jhanjharpur):** Mr. Deputy Speaker, Sir, gratuity and provident fund are two such items on which the future of a worker depends. It is well known that these two are the source of malpractices and dishonesty in the industrial establishments. You may make any law. They will find out some loop-holes in it and the poor worker is always the victim.

You propose to amend the Payment of Gratuity Act, 1972, according to which the establishments engaging more than ten workers shall make payment of gratuity to the workers. But you must have seen reports that some establishments which engage 400 or 500 workers are avoiding payment of gratuity because they have appointed only nine or ten workers on permanent basis and the rest are shown as casual workers. Their plea is that only the casual workers work, so why would they employ permanent workers? The provisions of the law are mostly implemented by the State Government machinery. Government machinery is not