

SHRI B. K. DASCHOWDHURY : Mr. Deputy Speaker, Sir, yesterday we had an occasion to hear the hon. Minister of State, Shri Azad. But I must say that the Minister would not show his dynamism and he could not make his dynamic leadership felt in the Department for which he is in charge.

I must say one word about the Labour Ministry. The entire Labour Ministry has got three ministers.

MR. DEPUTY-SPEAKER : The hon. Member may continue on Monday.

16.00 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of articles 16, 19, etc.)

श्री मधु लिमये (मुंगेर) : मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

श्री मधु लिमये : मैं विधेयक को पेश करता हूँ।

COMPANIES (AMENDMENT) BILL*

(Insertion of new Sections 224A, 224B, and 224C)

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : I beg to move for leave to introduce a Bill further to amend the Companies Act, 1956.

MR. DEPUTY-SPEAKER : Motion moved :

"That leave be granted to introduce a Bill further to amend the Companies Act, 1956"

SHRI S. S. KOTHARI (Mandsaur) : I rise to oppose introduction of the Bill. This is a very important matter. I am surprised a senior member like the Mover has sought to introduce a Bill entitled the Companies (Amendment) Bill, 1970, which suggests that no person shall be an auditor of more than five companies. This is an unwarranted attack on an honourable profession. They are entitled to attack any profession they like—that is a different matter. What I am concerned with is the constitutional aspect. Art. 19(1) (g) says that all citizens shall have the right to practise any profession or to carry on any occupation, trade or business. It also provides in clause 6 :

"Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes or prevents the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause..."

Reasonable restrictions can be imposed on the right to exercise any profession. The question is whether this restriction that a person shall not audit more than five limited companies is reasonable or not. It is like prescribing that a labourer shall not work for more than half an hour and if he does, he would be violating a provision like this. In this case, if an auditor has only five companies to audit during a whole year, he would starve all the while. He can finish his work in 5 to 15 days and then probably he would have to come to Parliament and sit here like me.

Basu in his Commentary says on the constitutional aspect in p. 503 :

"It also follows that the court is not concerned with the necessity for the impugned legislation or the wisdom of the policy underlying it put only whether the restriction is in excess of the requirement"—

this is very important—

"and whether it is imposed in an arbitrary manner".

Further :

"The expression 'reasonable restriction' connotes that the limitation

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