

[Shri P. C. Sethi]

Government having now appointed the Pay Commission, I am quite sure labour and their representatives would welcome it and would depend upon the sympathy and goodwill of Government which are there quite in abundance.

15.10 hrs.

DEMANDS FOR GRANTS,  
1970-71—(Contd.)

Ministry of Labour, Employment and  
Rehabilitation—(Contd.)

MR. DEPUTY-SPEAKER : We shall take up further discussion on the demands of the Labour Ministry. Shri Kundu.

श्री मोलह प्रसाद (बांसगांव) : उपाध्यक्ष महोदय, मैं ने मायोग में एक स्वास्थ्य विशेषज्ञ की नियुक्ति के बारे में जो प्रश्न पूछा था, उस का उत्तर नहीं दिया गया है।

MR. DEPUTY-SPEAKER : I have called Mr. Kundu.

SHRI S. KUNDU (Balasore) : While speaking on the demands of this Ministry it strikes me whether there is any justification for this Ministry to exist. I feel the Ministry has no policy to espouse or implement. I have gone through the report. I want to know what is the policy of the Ministry on wage. The Ministry has absolutely no policy so far as wage is concerned. The need based wage was there in 1957 and the Government had in fact partially agreed. But that was immediately repudiated by the Government policy and I shall come to this question later on.

What is the policy regarding industrial relations. The number of mandays lost has increased from 7.72 million in 1964 to 17.24 million in 1968 and a large or major portion of this is in the public sector. This clinches the issue and shows the state of affairs of Government's industrial relations policy. What is the policy of the Minister on collective bargaining ?

15.12 hrs.

[Shri K. N. Tiwary in the Chair]

The junior Minister, Mr. Azad, waxed eloquent and said : we are going to encourage collective bargaining. Have they done so ? No, they have sabotaged it. Workers have now no hope of realising anything. They have compartmentalised it by arbitration, tribunals, etc. The poor worker has nothing to do and is unable to realise anything by organised or collective bargaining because the law hangs over his head as a sword. What was the attitude of the Government to collective bargaining when the Central Government employees struck work ? We can better term this as the Ministry of employment exchanges. Government has no policy about employment.

Last but not the least, there is absolutely no policy on rehabilitation. Some money is to be spent on whoever is available to be rehabilitated in some place. The only policy seems to be the proliferation of departments and bureaucracy to rehabilitate officers and ministers ; there is no other policy of rehabilitation. That is why I asked in the beginning of my speech whether this Ministry should exist as such. Since this Ministry has been doing nothing for Labour nor has even protected the rights and privileges of, labour, it must pack up lock, stock and barrel.

In this report there is no mention of any wage policy. Last time when I spoke, I referred to it. What would be the basis of a wage policy which will give rise to productivity ? Do they not think that a need based wage policy will also give rise to productivity ? Or do you not think, as the capitalist and conservative people think, that for a need-based wage the wages must be only equated to productivity, that is, if you produce certain things, then you will get this basic minimum wage ? What is your concept of wages ? Absolutely there is no concept of wages.

SHRI S. KANDAPPAN : What is your concept ?

SHRI S. KUNDU : Now that my DMK friend has asked me, it is better that he

knows it. My concept is this. It has been found out that if you give the basic minimum amenities, productivity goes off. It has been proved in Japan; it has been proved in Israel. The shocking thing today is that the Government of India does not pay any heed to it. Today we find that they are putting so many ifs and buts in respect of the concept of a minimum wage to be paid to the Class III and IV employees. It is a most important thing that the investment of human resources is accepted in a developing country. It increases productivity. But the Government have no such policy.

Now, if the National Commission on Labour has done anything, they have done three things and in that respect they have done some good. They have analysed all the types of wages that have been paid so far. Firstly, they have said that the real wages have gone down. You must remember this. The real wage which was paid in 1939, went down in 1943 by 33 per cent. If I was getting eight annas as wage in 1939, what I was getting in 1943 would have been about five annas or six annas and a few pies. What is the picture now? In 1967, the real wage as compared to 1943, is about 40 per cent less. Today, the workers are getting 40 per cent less in real wages than what they were getting in 1939. This Ministry does not realise this. In spite of it, what does the National Commission say? In spite of it, the National Commission says that while there has been a decline in wages, the production per worker has increased by about 63 per cent between 1952 and 1964. This is the report from the National Commission on Labour. It is not from my own ingenuity or from somewhere.

AN HON. MEMBER : What about other privileges?

SHRI S. KUNDU : When production has increased between 1952 and 1964, part of the production must have been due to the workers. Can anybody challenge it? The fact remains that they have been getting less wages. They have been putting more production

Another most important, glaring thing—the third point that they have mentioned—is this. It is the labour cost. The value of total production has gone down. The labour cost on production has gone down from 53.3 per cent in 1949 to 36.5 per cent in 1964. It

is an alarming position. It is a shocking position. When labour cost has gone down, when real wages have gone down, the workers have produced more. So, today they are clamouring for a need-based wage, and this Government are saying they cannot do anything and they are putting so many ifs and but's.

I will just in a minute mention what is the relevancy of this in relation to the position in Japan and other countries. In Japan, it is something astonishing to know that productivity increased by 67 per cent from 1954 to 1965, while the increase during this period of real wages was 13 per cent. The increase in consumer industries during this period was phenomenal. In steel, the increase was 89 per cent; machinery increased by 77 per cent and chemical industries increased by 104 per cent. Let my DMK friends listen to me, especially when they put me a question.

SHRI S. KANDAPPAN : I have been listening to him carefully. I did not interrupt him at all. (Interruption).

SHRI S. KUNDU : In spite of this, this Ministry is blind to our economy and is unconcerned. Human investment and human resources are such very important things. We are passing through a very bad time. I do not know what is to happen in the future. Millions of people are stagnating in sub-human level. They cannot take these things unchallenged. The future would be bleak because that Labour Ministry never intervenes. The Labour Ministers never say, "Unless you do this, I am going to resign." So, they have not made any impact.

Coming to workers' education, the minister must understand that any investment on workers' education and general education of workers will increase productivity and loyalty to industry. 80 per cent of the people are illiterate. Most of the fitters, mechanics and others do not know what is there in workers' education. I have seen horrible conditions in the Rourkela plant of HSL. I can say that Tatas give better facilities for workers' education than our public sector undertaking. It is a disgusting thing. About workers' education, the report says that in order to secure deeper involvement of the trade unions and other institutions

[Shri S. Kundu]

interested in workers' education scheme, the ministry has increased the grant from of Rs. 50,000 to Rs. 75,000—an increase of Rs. 25,000 for millions of workers! The Royal Commission on Labour made a recommendation about it in 1931. Long ago they realised that any investment on workers' education will help. Today the workers' education scheme is dominated by bureaucrats. There are no labour representatives on it. Why do you want to make it bureaucratic and management-ridden? I want a positive answers on this very important matter.

I have already referred to collective bargaining. This Government of India, which says a lot of things about collective bargaining, has not so far ratified the two important conventions of the International Labour Conference on this score. When the last meeting was attended by Mr Harhi, it was again insisted upon but charters Nos 87 and 98 which give the right of association and right of strike to workers have not yet been ratified by the Government of India. Mr. Azad waxed eloquent about their doing everything for collective bargaining.

About the Indian Labour Conference, what a sorry state of affairs! Why has HMS walked out? Why has AITUC walked out? The reason is, you and your ministry, your officers, deliberately try to sabotage everything which is in the interest of labour and that is why one by one they are walking out. You discussed only with INTUC because AITUC and HMS did not join. You must create a climate in the Indian Labour Conference whereby the interests of the labour class may be promoted.

The tragedy today is, there is a proliferation of labour statutes. The States are competing with the centre and passed a lot of statutes. Practically it has resulted in such a chaos that some of the States are making statutes which go directly against the interests of country.

An award was given by the industrial tribunal in respect of the medical workers of the TB hospital. Now, by virtue of section 17 (a) of the Industrial Disputes Act, Piloo Mody's Government in Orissa is not going to implement it. Because, under section 17 (a) the State Government can withhold the implementation of the award in the national interest, in the economic

interest. I have made a suggestion to delete this obnoxious section 17 (a).

Recently, the Supreme Court has given a judgment that workers in the hospital will not come under the definition of "workmen" in the Industrial Disputes Act. This is a decision which has far-reaching consequences. The rights which were given by the previous judgments and the rights which have been enshrined in section 2 (f) of the Industrial Disputes Act have been taken away by this judgment. I think the time has come when the Central Government must seriously think of bringing forward a Bill which would codify all the special benefits like sickness leave, casual leave, festival, holidays, retrenchment compensation, gratuity etc. which have been accepted at the all-India level and push through that legislation.

Then I come to unemployment which is a colossal problem. By the end of the Fourth Plan 40 million will be unemployed. What are you going to do about it? Our planning is not employment-oriented. It is a shocking thing. The more the investment and more the production the less the employment. The steel industry gives a very revealing example. In Bhilai steel plant when the production was one million tonnes the employment figure was 26,423. When the production went up to 2.5 million tonnes there was only a marginal increase of 10,000 in employment. Similarly, in Durgapur when the production went up by 6 lakhs tonnes, the increase in employment was only 5,000. In Rourkela, again, when the production went up to 1.3 million tonnes there was only a marginal increase of 5,000 in employment. Even the draft Fourth Plan is not employment-oriented. The more you investment, the more employment comes down. This is a colossal problem.

We have the green revolution in the villages and a new class of affluent people is coming up in the countryside. In another 20 or 25 years the population will be 100 crores. Then there will be plenty of food. But, at the same time, there will be starvation deaths because the people would not have the money to buy food. Unless the Ministries of Labour, Planning and Home coordinate their activities, this problem cannot be solved.

Coming to rehabilitation, I had been to

Andaman Islands as a member of the Estimates Committee. The report of that committee on this problem is going to be presented very soon. I was shocked to find how the refugees are going to be rehabilitated in Neil islands where, according to the soil chemist, there is only stone and sand. At the same time, in Kalkaji you are not going to implement what can be done under the law. You are trying to avoid it. In Kalkaji people have been agitating for it for a long time. Why do you not accept their genuine demands?

I conclude by thanking you, Sir, for the little indulgence shown to me in the matter of time.

DR MELKOTE (Hyderabad): Sir, it is very customary on the part of members who sit on this side of the House, the Treasury Benches to compliment the Minister for the report that he has placed before the House and support his Demands. I feel the time has come when we have to call a spade a spade. We have watched for the past 23 years to see what the Labour Ministry would do for the working class in this country.

It is no doubt true that a number of legislative measures have been enacted and the benefits that ought to flow from these enactments are being implemented to some extent; but nothing more than that has happened. I feel today with the young Ministers, Shri Sanjivayya, who has been occupying this post for the second time, the dynamic personality of Shri Bhagwat Jha Azad and the young Deputy Minister, there would be a new look into the affairs of this Ministry which we failed to see all these years. The huge unemployment problem in the country is facing everyone of us; what with the increase in population, the huge population, the cost of living going up and poverty being there to which we are adding education, makes the problem a very big one. Sir, poverty, unemployment and education ill go together. These three factors contribute and have contributed to the revolutions of this world everywhere. If they do not take cognizance of these factors they must understand that they are sitting on the top of a volcano and any time they may be blown up. The country is facing this critical situation in every walk of life. Therefore, Sir, if under these conditions we come here to understand what the Labour

Ministry has been doing we felt that they would offer us something very tangible to meet the situation. We hardly see anything of this anywhere. May I say that year after year and in the beginning the details that this Ministry gave us of their doings were fairly comprehensive and many of them were valuable. We accepted them as such and we criticised them. They have now taken the cue not to mention them in the detailed information given to us. Will it help? Why are we here unless we get to know every detail of these facts? They do not give us those details nowadays and that is one of the main charges that I would like to make on this Ministry.

Apart from this may I know how this Ministry has been dealing with the question of unemployment? It is increasing galore. It is not merely the educated I am thinking of. The engineering graduates and others who get fair education, attempts are being made to get some kind of a relief for them. Sir, it is not these educated people I am thinking about. It is the so-called uneducated who do not go upto the matric standard even but who get some kind of training in many of these small schools that the Labour Department has opened—technical training schools and even here technically trained personnel who are not educated are finding difficult to get employment. If this is the situation and the number is increasing you can understand what the fate of the country would be like.

Sir, this unemployment problem is so great and it is so customary for every Minister to say 'Jai kisan-Jai jawan' and at the same time 'Jai mazdoor' to show that the Government is doing everything for them. What have they done? Sir, may I point out that the Agriculture Department is doing something nowadays to increase production and in agriculture it is almost an individual effort but in the industry the workers are getting workers education; the worker has produced; the export is increasing and what do we find. We find in the Expo exhibition in Japan our ladies with their fine sarees are being exhibited and admired and papers are putting out that a number of people are standing in queue to have a glimpse of these people. Should it not be the duty of the Labour

[D. Melkote]

Ministry to send our working class people there and tell those people that these products were manufactured by these workers? Have they ever made any such attempt? Instead of sending these people who have produced those things for which we are finding a market abroad, it is our beautiful girls that are being sent to these exhibitions. Can I compliment the Labour Ministry for what they are doing?

**SHRI N. SREEKANTAN NAIR :** They look at the beautiful ladies.

**DR. MELKOTE :** Then, from foreign countries labour personnel and workers come to this country; the Embassy people of those countries attend to them; they go round with them, show them round and give them all attention as if they were kings of their countries. But people also go to these countries but what with their poverty, their lack of fine dress which they cannot afford to wear, to learn to manufacture and increase the production of our export material, what attention do our embassy people pay them; not one of them ever cares for us when we go out. The Labour Department does not take any action even when we come and complain about them year after year. And then they say, "Jai Kisan" and "Jai Mazdoor"! Is this the "Jai Mazdoor" treatment that we are getting?

Every year we have been finding that Padma Shri and several other awards are being given by the President of India. Has the Labour Department ever recommended one single worker, worker who is working either in the factory or in the field, for any one of these awards? What is it that they are doing? For the production that we are increasing in this country do we not deserve such awards being given to us?

This is how the Labour Department is dealing with the working class. Sometimes we feel that this department should be blown up lock, stock and barrel.

Then, we have been noticing for the past 20 years that the President nominates to the Rajya Sabha eminent persons, musicians, artists and everybody. How many persons from the working class have they nominated to the Rajya Sabha so far? Should not the Labour Department take into consideration

what is happening in the country? Do we not deserve any one of these things?

Then, look at the composition of the productivity councils. They are such that the suggestions that we make have no impact on anyone. The productivity council should be so composed that people who produce and who can be given technical advice alone should be there. The conception of the productivity council should be modified to get the best results.

Then, people say that there is participation in management. 100 or so of these public sector undertakings have taken up this question of participation in management during the past several years. What is the result? The result is only this that today I have got to say that whereas the British used to call us coolies our own people are treating the working class people who produce goods much worse than the British did. My heart bleeds when I see these things.

The Prime Minister in one of her announcements, which has helped us very much and we compliment her for that and thank her, said that all those people whose provident funds came to Rs. 40 per year should be entitled for pensionary and other benefits. As it is in the coal mines their provident fund goes even more than Rs. 40 per annum. Should not the Labour Department immediately come forward and make an announcement in the wake of the Prime Minister's remarks. Does it need time or our reminding them to do these things? What is the Labour Department doing, I cannot understand.

With regard to youth of the country, the university youth is restive and is causing so much of senseless destruction but all attempts are being made to placate them. But here is the working class youth who is producing things for the country and still nothing is being done to help them in any one of these matters: Should he also take to methods similar to university youths? Is it correct for the Labour Department not to pay attention to this aspect of the question?

Then, on the question of the National Labour Commission, may I point out that we are investing crores and crores of rupees in this country on the setting up of our

industrial plants. We purchase the best machinery that is available in other parts of the world, we do not recognise any iron curtain, we make purchases from Russia, Yugoslavia, Japan, England, Sweden, Switzerland, etc. When our worker goes to other parts of the world and works on the machines there, shoulder to shoulder with compatriots of that country, he produces more and earns much more, at least equal to them. But when the same machine is brought to our country, the production goes down. Compared with the wages in that country, the worker gets Rs. 1500 there whereas the same worker here gets only Rs. 250. The production cannot be the same here. A foreigner sells material of his country to our country cheaper than what we sell here. What is the matter? Is it that the management is not working? Is it that the worker is not putting forth the right type of effort? If the management is not working efficiently dismiss them; if the worker is not working properly you dismiss him. We support you in that. But if it is not the fault of the worker, trace the source of the trouble? No such attempt has been made to find out what is wrong and where? We see discontent everywhere. This question has not been tackled properly by the National Labour Commission though I have asked for it.

In regard to the implementation of the wage board awards, in public undertakings, some have recommended interim relief. The recommendations of the wage board in any public sector undertaking, in a particular factory, has repercussions on the other public sector undertaking, more particularly, in that locality. In Hyderabad, in a synthetic drugs factory, under the I.D.P.L., the strike has been going on for the last 47 days and they want interim relief which is being denied to them. Still nothing is being done. How can we carry on in this manner? Why should you differentiate between one group of workers and another group of workers. In the implementation of these awards, how far does this Labour Department take stock of the situation and its impact on other industries and what action it should take? They have not looked into this question. I feel they are not imaginative.

Then, there is the question of misappropriation of provident funds. It is increasing

day by day and the Government seem to be taking no action whatsoever. Is it the socialist pattern that the present Government is trying to usher in? The Prime Minister herself has given lead. But in what direction are we in the Labour Ministry moving? Something should be done to improve matters here also.

The Birlas and other industrialists, in Calcutta, were saying all these years that communists and others were responsible people and were more realistic in their approach than the INTUC leaders and, therefore, they helped communists to form unions in their factories. We warned them of the consequences. Now, they are trying to run away from the communist friends. If they come to our side, to Andhra Pradesh, Tamil Nadu and Bangalore, we would like to warn them that so far as the working class is concerned, we make no difference between different rival trade unions. The Birlas and others are hitting the working class as such. When they come to our part, we will ask them not to go there and will not help them. I would like to say that it is the industrialists who have been ruining the country and making profits for themselves and not paying adequate wages and looking after the welfare of the working class. These industrialists have got to be treated properly. Have they understood the present tempo of the country? Let them stay in Calcutta and give a proper deal to the working class. But how and what has the Labour Ministry done to prevent such an exodus of industrialists?

The question of agricultural labour is a very important one. It is a problem which has got to be tackled seriously. It is not a small problem. There may be an individual worker or labourer or peasant who has got some land and produces a little agricultural product. It includes these but ultimately it is the landless labourer who has got to be looked after properly. The Labour Department has done nothing whatsoever in this direction. I feel crores and crores of rupees ought to be spent in order to help this working class to have their own unions to carry on work for them.

In the end, I would like to say that many of the welfare schemes have not been working satisfactorily. Once a person becomes a working class man, he continues to remain as a worker at the lowest rung

[Dr. Melkote]

throughout his life. Do you want him to remain an ordinary worker throughout his life? Should not the worker rise higher and go upto the managerial positions? What is the type of education that you are imparting in the Worker Education Schemes? The Labour Ministry may also look into this question and do something to deal with the problems of the working class to improve their status in life.

DR. MAITREYEE BASU (Darjeeling): Mr. Chairman, Sir, I would like to point out some mistaken information given by Mr. Umanath yesterday about us and I would like to correct it. He said that our Union, the INTUC Union, was the recognized union in Rourkela. It is not so. It is the HMS Union which got recognition in spite of its breaking the code of discipline. (*Interruptions*)

SHRI S. KUNDU: After long struggles...

DR. MAITREYEE BASU: You went on maligning the INTUC, I never said a word.

SHRI S. KUNDU: I did not say that.

SHRI SURENDRANATH DWIVEDY (Chandrapara): May I correct her, Sir?

DR. MAITREYEE BASU: You cannot correct me. I did not say that you spoke.

SHRI SURENDRANATH DWIVEDY: I am the President of the Union. What you say is wrong.

DR. MAITREYEE BASU: Mr. Umanath said yesterday that the Durgapur union affiliated to the INTUC was involved in some sabotage. It was proved beyond doubt that it was not so. This kind of information is supplied to the House. This is only by the way. I do not want to join issue with people who do not know anything and who give wrong information.

Sir, the Labour Ministry is really the whipping boy of the country. The Labour Ministry cannot do anything. I have pointed it out earlier and again I point out that the Labour Ministry is merely there to carry on

conciliation and things like that. It is the economic policy of the Government and the Planning Commission giving advice to the Government on economic policy which can really ameliorate the condition of the labour in the country. The import licences, the import policy, the utilisation of coal, the coal economy, the import of crude oil—these are the things which are most important. Molasses are not being utilised because our alcohol based industry is going out of fashion. It is no use for alcohol producers to lift the molasses. They leave it there. The imported crude oil producing petrol is replacing the indigenously produced alcohol. These things are of more importance. Imported crude oil is replacing the coal. I am citing these only as examples and the import policy and the licensing policy not only giving licences to the Birlas—it is not that—it is the licensing policy of several other industries as well that matter. How is this done? What about the production patterns that are being followed? How is the Planning Commission advising the Government about the industrial development of the country? If the policy continues as it is there is bound to be retrenchment. The fluctuation of employment will go on. Therefore I say that the Labour Ministry is a whipping boy. On the one side there is the economic policy of the Government and that of the Planning Commission and on the other there is the political interference in the labour movement. Due to the colonial conditions prevailing in the country naturally the desire of the working class was to achieve national independence and all their aspirations and hopes were bound up firmly with that idea of national liberation. I will quote from a newspaper cutting—this is dated September 6, 1906 from Indian Telegram, not in existence now—showing this political influence in the early days of the Trade Union movement. It says:

“A few menials and ninety per cent of the Railway staff at Asansol have struck work. A large gathering on the private grounds of Messrs Hazra and Company met in the Railway Union under Mr. A. C. Banerjee's presidency, where all swore solemnly to remain true to the Union's cause. The President, Babu Premtosh, and two dismissed railway men addressed the meeting

amidst great enthusiasm and repeated cries of "Bande Mataram." After addressing the meeting Mr. Banerjee owing to indisposition left it. Shortly after his departure, a large number of Eurasian and European Railway men armed with lathis and some with guns and revolvers ..."

So, it is not Naxalites only who are using lethal weapons, but at that time Europeans and Eurasians used it—

"guns and revolvers, forced their way into the centre of the assembly, flourished their lathis and took an aggressive and threatening attitude, dancing and singing obscene songs."

It is a long passage and I don't want to read the whole of it. But there is one important thing which I will read. It says :

"The Union has been reorganised new and called Indian Railwayites' Union with Babu Surendra Nath Banerjee as President ; Messrs. Subodh Mullic, A. C. Banerjee, A. K. Ghosh, A. Rasul, Rabindra Nath Tagore as Vice-Presidents ; Babu Bhupendra Nath Bose as Treasurer ; Babus Kristo Kumar Mitter and P. K. Roy Choudhuri, Barrister, as Secretaries."

Thus, you see, political influence was there in the trade union movement from the very inception of the trade union movement.

15.52 hrs.

[Mr. Deputy-Speaker in the Chair]

At that time, because of the colonial conditions in our country, the most important thing, was desire for National with which the aspirations and wishes of the working classes, were bound up. This political influence continues even now. This is not a desirable thing any longer to continue. The working class must be united irrespective of politics. The working class must have one united force. The only enemy is—not the INTUC to H.M.S. or AITUC to INTUC and other organisations—the exploiters and nobody else.

Things have not changed at all. I shall read out an open letter written by somebody who is not he e but he is an hon. Member of this House written to the Indian Jute Mills Association. This letter was written on 17th February, 1931 by Shri Bakar Ali

Mirza and Dr. Prabhavati Das Gupta. All that they had written, could have been written now with some of the figures changed after so many years. The situation has not changed. It is there still. The exploitation is still there. What can the Labour Ministry do ? Can the Labour Ministry do anything in these matters ? Can the Labour Ministry change the economic policy of the country ? Can the Labour Ministry give more employment to the people than before ? They cannot. Why should they then pretend to the country that they can do it ? Let them say openly and honestly that they cannot do.

MR. DEPUTY SPEAKER : The hon. Member should conclude now.

DR. MAITREYEE BASU : I shall finish. I only say that they can do many things. They can give drinking water to the people. You will see what they have put in their report. They say that having completed the construction of 352 houses during the year 196-69, for Docker in Bombay, the Bombay Dock Labour Board plans to take up construction of 250 during 1970-71. They think this is a great achievement. Construction of these 162 houses would be completed by Bombay Dock Labour. This is something good. But Look at the record of Calcutta. After completing the construction of houses numbering 288, the Calcutta Dock Labour Board has started construction of the second batch of 96 houses during 1968-69. What is the total registered labour for whom these houses are being built ? In Bombay, it is 4, 967 ; in Calcutta it is 11,668.

MR. DEPUTY SPEAKER : Please conclude your speech.

DR. MAITREYEE BASU : Since you have asked me to conclude, I do not want to take much time of the House.

Thank you.

MR. DEPUTY SPEAKER : Shri Daschowdhury.

SHRI B. K. DASCHOWDHURY (Cooch Behar) : Will the debate continue on Monday ?

MR. DEPUTY-SPEAKER : You go on with your speech. Do not anticipate anything.

**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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