

[Shri N. R. Ghosh]

and you are encroaching upon its fundamental right to make contributions,

My hon. friend has referred to section 17. I think there is some misconception there. If the memorandum of association is to be altered, there must be a general meeting and it must be passed by a certain majority. Then it has to be placed before the High Court. As a matter of fact, if in the Memorandum of Association, there are certain objectives, you cannot alter them in a manner which will be in conflict with those objectives. Section 17 requires confirmation by court. I am reading a portion from an authority.

"All that the High Court has to satisfy is whether the alteration is fair and equitable as between members and the company. It is not concerned with the wisdom or desirability of the proposed alteration, which is a question for the directors and members."

Shri Mahanty: That was an annotation and not the law.

Shri N. R. Ghosh: That is a quotation from an authority.

Shri Mahanty: Annotation cannot be law.

Shri N. R. Ghosh: Here I am not convincing a judge of a court. My friend is not a Judge.

17.28 hrs.

[MR. DEPUTY SPEAKER in the Chair]

I was going to submit that section 17 has nothing to do with it. As a matter of fact, the High Court has got no power whatsoever in that direction. The Companies Act deals with public companies. As a matter of fact, these companies, as I was submitting, have also got certain rights, which cannot

be encroached upon by any observation of any High Court judge. They have got their fundamental right to make a contribution if they consider that for the safety of the industry, for the progress of the industry, they have to make a contribution to a particular party which broadly fits in with their policy and progress of industry and of the country.

श्री० रणबंर सिंह (रोहतक) : उपाध्यक्ष महोदय, मैं समझता हूँ कि इस सिलसिले में हमें सोच समझ कर ही कोई राय बनानी चाहिये। हमें फैसला करना है कि देश के अन्दर हम किस ढंग का ढाँचा चाहते हैं। इस सभा ने फैसला किया है कि यह सभा समाजवादी ढाँचा चाहती है। आपको अब दूसरा फैसला करना है कि आया आप उस तरह से देश को बनाना चाहते हैं जिस तरह से कि चीन में और रूस में बनाया गया है या आप इस देश को डिमाक्रेटिक ढंग से आगे बढ़ाना चाहते हैं।

उपाध्यक्ष महोदय : यह हम फिर अगले दिन फैसला करेंगे।

17-30. hrs.

BUSINESS ADVISORY COMMITTEE

THIRTIETH REPORT

Shri Rane (Buldana): Sir, I beg to present the Thirtieth Report of the Business Advisory Committee.

17-30½ hrs.

SOCIAL SECURITY SCHEME*

Shri T. B. Vittal Rao (Khammam): Mr. Deputy-Speaker, Sir, I raise this half-an-hour discussion on the points arising out of answers given to Starred Question No. 26 on the 11th

*Half-an-hour discussion.