

## **Topic: Reasonable Restriction On Fundamental Right Guaranteed By Article 19 (1) (A) To (G)**

Name of the Case: Papnasam Labour Union v. Madura Coats Limited, AIR 1995 SC 2200

Bench: Justice GN Ray and Justice BL Hansaria

Ratio: The Supreme Court has stated that the following principles and guidelines should be kept in view while considering the constitutionality of a statutory provision imposing restriction on our Fundamental Right guaranteed by Article 19 (1) (a) to (g) when challenged on the ground of unreasonableness of the restriction imposed by it:

The restriction must not be arbitrary or of an excessive nature so as to go beyond the requirement of felt need of the society and object sought to be achieved.

There must be a direct and proximity access of a reasonable connection between restriction imposed and object sought to be achieved.

No abstract or fixed principle can be laid down which may have universal application in all cases. Such consideration on the question of qualify of reasonableness, therefore, is expected to vary from cases to cases.

To protect constitutional provision, the court should be alive to the felt needs of society and complex issues facing the people which the legislature intends to solve through effective legislation.

In appreciating such problems and felt need of society judicial approach must necessarily be dynamic, pragmatic and elastic.

It is imperative that for consideration of reasonableness of restriction imposed by a statute, the court should examine whether the social control as envisaged in Article 19 is being effectuated by restriction imposed on the Fundamental Right.

The rights granted to a citizen by Article 19 do not confer any absolute or unconditional right. Each right is subject to reasonable restriction which the legislature may impose in public interest. It is therefore necessary to examine whether such restriction is meant to protect social welfare satisfying the need of prevailing social values.

The reasonableness has got to be tested both from the procedural and substantive aspect. It should not be bound by procedural perniciousness or jurisprudence of remedies.

How restriction imposed on Fundamental Right s guaranteed by Article 19 must not be arbitrary, unbridled, and uncanalised and excessive and also not unreasonably discriminatory.

In judging reasonableness of restriction imposed under Article 19 (6), the court has to bear in mind directive principle of state policy.

Ordinarily, any restrictions or imposed which has the effect of promoting effectuating a directive principle can be presumed to be reasonable restriction in public interest.

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