

it, I have to say that we are having the Lunch Hour from to-day. Actually, we should have adjourned for lunch at 1 p.m., but because of the passion, we could not do it. We now adjourn and will re-assemble at 14.45 hrs.

13.48 hrs.

*The Lok Sabha adjourned for Lunch till Forty-five minutes past fourteen of the Clock.*

*The Lok Sabha re-assembled after Lunch of at forty-seven minutes past Fourteen of the Clock*

[SHRI M. SATYANARAYAN RAO in the Chair]

#### MESSAGE FROM RAJYA SABHA

SECRETARY: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:

"In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Insecticides (Amendment) Bill, 1977, which has been passed by the Rajya Sabha at its sitting held on the 18th July, 1977."

#### INSECTICIDES (AMENDMENT) BILL

AS PASSED BY RAJYA SABHA

SECRETARY: Sir, I lay on the Table of the House the Insecticides (Amendment) Bill, 1977, as passed by Rajya Sabha.

#### NATIONAL HIGHWAYS (AMENDMENT) BILL—Contd.

DR. V. A. SRYID MUHAMMED (Calicut): Mr. Chairman, Sir, I support the Bill. While doing so, I think it is necessary to raise certain points by way of clarification. Obviously, it is a Bill intended to raise fees for the improvement of the highways, for running certain services for the users of permanent bridges, which were not originally included in section 7 of the Act. While admitting that it is necessary to raise such additional fees or revenue for the purpose of improvement of the facilities available for the users of highways, bridges, ferries etc. I would point out certain possible hardships and difficulties which may arise for the users of these bridges, ferries etc. In course of

time, instead of strictly confining to the purpose, namely, to charge a few which will more or less be *quid pro quo* for the service rendered, a tendency will be there to go further than that limit and use it indirectly as a source of revenue. This should be guarded against while fixing the rates. There must be a necessary correlation between the service rendered and the expense incurred for the service rendered. Already there are a large number of octrois and various impositions which a user of a highway or road has to bear. Recently I had the occasion to go to Mussoorie from Delhi. At six places I had to pay varying amounts, from one rupee to Rs. 2.50, by way of octrois and other charges. So, when there are already such heavy impositions which the various municipalities and other local authorities impose on the users of the highway, I am sure the Prime Minister and those who are concerned and entrusted with the task of fixing the rates will take into consideration the existing octrois, fees, and various other charges which one has to bear. I do not propose to elaborate that point.

Coming to the drafting of the Bill from my experience and from what I have heard and understood from others, I fully appreciate the difficulties which the drafting department of the concerned Ministries, particularly the Law Ministry, face. I know that quite often they have to work in great hurry and haste and naturally they take the line of least resistance, adopting some existing and traditional phraseology and drafting devices, while fully appreciating those difficulties, I will be failing in my duty if I do not bring to the notice of this hon'ble House the criticism which, with justification, has been raised from time to time that is a tendency to make the drafting so unnecessarily complicated, clumsy and elaborate that it becomes difficult not only for the general public to understand the real meaning and the intention of the enactment, but even the Supreme Court often finds it difficult to grasp the correct objective and intention of the drafters and the framers of the law. It is from that point of view that I wish to offer certain suggestions. I will not call them criticisms, because they are not intended as criticism, they are more in the nature of suggestions.

For instance, the proviso to clause (2) is in the nature of an exemption, stating that when circumstances justify, in the public interest, the exemption of certain permanent bridges from the pur view of the operation of this Act, may be given by the Government by notification. It would have been better if, instead of engrafting this proviso, the appropriate