

SHRI VASANT SATHI: You are violating the rules completely. You are throwing the rules to the winds...

(Interruptions)

SHRI MORARJI DESAI: I do not know what my hon. friends want. I am not able to hear them at all. I do not know what they want to say. I cannot understand unless it is spoken clearly.

(Interruptions)

SHRI J. RAMESHWARA RAO: We have nothing against you. I submitted to the Deputy Speaker that the question was permitted to be raised under Rule 22. Once the question is raised under Rule 22, you cannot go back to Direction 115. The procedure under Rule 22 has to be followed.

MR. DEPUTY SPEAKER: If what you say is to be followed, then every Motion of privilege that is raised under Rule 22 will have to be sent to the Privileges Committee.

SHRI C. M. STEPHEN: There is no question of notice being given under Rule 22. What Rule 22 contemplates is permission being given.

(Interruptions)

SHRI MORARJI DESAI: Let me say something about it. If the hon. Deputy Speaker has decided a matter, anybody may say it is wrong. I am not here to dispute his freedom. Everybody is entitled to have his opinion. But if you dispute the decision of the Chair, this House will not be able to function at all. Whether it is for this side or for that side, I am afraid we are not following proper procedure at all. (Interruptions). There is a method of doing that also. I am not saying anything about it. This is not the way to do it.

SHRI C. M. STEPHEN: Then, you tell us what is the way.

SHRI MORARJI DESAI: My suggestion would be that if you are dissatisfied with the decision, do not go by passion, think calmly about it and find out a procedure as to how to do this. I am not going to object to that kind of thing. But this is not a method of doing it.

SHRI C. M. STEPHEN: You are the Leader of the House.

SHRI MORARJI DESAI: If you consider me the Leader of the House and if you are not prepared to heed even my advice, then what can I tell you? "

MR. DEPUTY SPEAKER: Now we go to the next item.

(Interruptions)

13.45 hrs.

NATIONAL HIGHWAYS (AMENDMENT) BILL

THE PRIME MINISTER (SHRI MORARJI DESAI): I beg to move*.

"That the Bill to amend the National Highways Act, 1956, be taken into consideration."

It is a simple measure to amend Section 7 of the existing Act; to enable Government to levy fees on permanent bridges on national highways; costing more than Rs. 25 lakhs which are erected or will be erected after 1st April, 1976. This in essence is the simple measure that I have put before you. Though it is simple, I cannot say that its implication is very simple, because it involves payment of fees. The justification for it is this, namely, that when these bridges are erected at heavy costs—and we want to have more such highways and more such bridges, it is necessary that they should pay for themselves. In many other countries, this is the way it is done. The State governments also want toll to be levied on bridges. But we cannot levy a toll, because toll is a subject belonging to the State. It is, therefore, that we are levying a fee; and that fee will be utilized, not for enhancing the revenues of the government for spending in other ways. This will be utilized for National Highway and bridges, after deducting the expenses on collection of the revenue. We are also taking power to see if it is necessary to exempt any bridge from this fee. So, if it is necessary in public interest to do so, we shall certainly do so. I only hope and trust that my hon. friends will agree with it.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill to amend the National Highways Act, 1956, be taken into consideration."

Before we go on with the motion moved and through the discussion on

*Moved with the recommendation of the Vice-president acting as President.

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.

13.45 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 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. SEYID 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 honorable 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

[Dr. V. A. Seyid Muhammed]

wording had been used in the main sub clause itself, making it straightaway an exception. This device of using a proviso to engraft something or to cut away something may be justified in certain circumstances. But when it is an exemption and that is what it is meant also, why don't you call it straight way an exemption and avoid— I may be forgiven for using the expression—this clumsy way of engrafting a proviso ?

In the proviso itself, I feel very strongly that the expression after the words "in the public interest", "so to do" is absolutely unnecessary. As it stands, it reads :

"Provided that if the Central Government is of opinion that it is necessary in the public interest so to do, it may, by like notification

I do not know why the expression "so to do" is necessary here. If it is necessary in the public interest, it may be like notification do such a thing. Here is an example of easyway of drafting things because of the hurry and the haste in which they are asked to draft the Bill. The conventional phraseology has become absolutely unnecessary in this case. It will read much more simpler and the people can understand it more easily if you straightway say, if it is in the public interest, "by like notification" such and such a thing will be done. This expression "so to do" could very well be deleted altogether.

Also, I have an objection to the wording "by like notification", which again, unnecessarily creates complication. You can repeat those four words "by notification in the official gazette". This is an expression used in the original section itself. Why unnecessarily complicate it by using the words "by like notification" ?

I do not want to multiply instances except to bring to the notice of this House and the Prime Minister clause 3 in the Bill which proposes to introduce or substitute sub-clause (1)(b) in the present Bill. Of course, that is an incidental and consequential modification. I fully understand that. But my objection is to unnecessarily lengthening the list of illustrations which are contained in the rule-making power. As the House is aware, there is a well-known phraseology which is used and which has been accepted in various cases starting from Shivrao Bhanerjee's case of the Private Council and subsequently other cases in Supreme Court. It has been laid down unequivocally that when a phraseology of this nature, namely, when in the first clause it is said that the rule-

making authority will have the power to make rules necessary for the implementation of the provisions of the Act or the objectives of the Act, the second clause, in particular, without prejudice to the generality of the foregoing provisions," as we know, is a standard clause which has been accepted and interpreted by various decisions, as follows. The substance of those decisions is that clause 2 does not add to or subtract from the powers contained in clause 1, namely, the authority will have the necessary powers to make the rules for carrying out the objectives of the Act or the provisions of the Act, as the case may be. Sometimes, the phraseology differs. The other clauses which follow are not exhaustive. They are only in the nature of illustrations. I am sure the position is well-settled. Then why is it that on every occasion you increase the number of illustrations, by adding one illustration after another, when without this illustration and when without making the Act itself clumsy and lengthy, you have the necessary rule-making power in clause 1 ?

That being the case, why every time, you add or amend or subtract anything from the main sections the section itself gives sufficient power, or whenever an amendment is made immediately incidental, auxiliary and other amendments are made to make the Act more clumsy and lengthy. As far as clause 3 is concerned,—it purports to substitute sub-section 1(b) of Section 9 of the present Act— my suggestion is that, instead of every time when amendments are brought, consequential amendments are not necessary to the rule ; such amendments only make the rule more complicated by multiplicity of illustrations and examples. You do not give more powers under sub-section 1(b). These are the things which I would earnestly request for the consideration of this House and the hon. Prime Minister.

15 hrs.

I wish to say one thing which may not be strictly within the ambit of this Act, but which is very relevant to the Act in the sense it will affect the area from where I come and it will affect certain things which may happen or may not happen as a result of this Act. For considerable number of years, my recollection is almost about 6-7 years, public agitation, so as to say, has been built up for the construction of a National Highways Bridge at Kotappanah on Highway No. 17. From time to time, surveys have been conducted, plans have been approved, but I do not know for what reason that has been postponed. The result is that

one of the most important and populated areas is not being properly developed. This is an area where important things are happening; an area which is well-known for trade and commerce; an area where important markets and educational centres and shrines are there and so on. But because of the absence of this bridge, a lot of hardship is being caused with the result that, that area could not be properly developed. All these things have been brought to the notice of the Minister concerned from time to time. The result is that the bridge which connects the long west coast has not been built. I come from there and I know the hardship of the public in that area. I have taken up the matter and made representations to the Minister from time to time and nobody has said that the bridge is not necessary. Everybody has accepted the necessity of that bridge. But in bureaucratic red-tape, this goes on: arguments are produced from one side or the other. Naturally some would like to have the bridge near one's courtyard. But those are not to be the grounds to postpone such an important life-line. It does not matter where you fix it, it does not matter whether it is 10 yards north of 'A' or 20 yards south of 'A' or a hundred yards east of 'A', what we want is the bridge, and I can assure the Prime Minister that the volume of traffic and use of the bridge on this highway will be so much that, as this Bill comes into operation, without any difficulty whatsoever, a substantial portion of the expenses of that bridge on the highway can be met; it may also leave enough funds to improve the approach roads and various other roads which go to Ernakulam, Guruvayur, Cranganore and various, other places to the north.

Two more points remain to be raised. In the original Act there was provision for imposing the fees only on temporary bridges: regarding temporary bridges, there was no date-line when it was to be built and there was no limitation of Rs. 25,000 on the cost. The present Bill enables fees being levied on permanent bridges costing more than Rs. 25 lakhs and opened to traffic on or after 1st April, 1976. of course, no Bill is drafted arbitrarily without any reason whatsoever. But I have not understood the logic behind fixing the figure of Rs. 25 lakhs as the cost and also the date-line of 1st April, 1976. I would be very thankful if the reasons are explained.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Regarding this Bill, Sir, the cost of bridge has been specified as more than Rs. 25 lakhs. It would have been desirable if the levy also had been specified. In fact, Government should go to the extent of specifying the

maximum and minimum rates so that here is no unfair practice anywhere. We also want the Government to ensure that the common people are not affected by this Amendment Bill, that the Bill does not spiral down on poor consumers. It is a must that the pedestrains, bullock-carts, cycles and carries of essential commodities should be exempted from payment of any additional levy—in addition to what is already in existence.

During the last 30 years, the Congress Government had talked about planning, about planned economy, but they really did not know anything. They are a bundle of wind-bags. We had told them repeatedly, 'You pronounce a national integrated coordinated transport policy'. In 30 years they have not been able to do it. They did not quite understand what it meant. When they were talking about planned economy and planning, they should have pronounced what was their policy with regard to national integrated and coordinated transport. Rural roads are practically non-existent in most of the areas of the country. The rural roads report of 1968, even after a lapse of ten years, has not seen the light of the day. The whole thing has been shelved.

I will now quote certain paragraphs from the Rural Roads Report, 1968, by the Committee on Rural Roads. On page 3, it is mentioned:—

"For a country with agrarian economy like ours, a system of roads, well serving the rural areas, is one of the basic requirements for the development to quicken its pace".....

"A National Sample Survey conducted in 1957-58 revealed that only about 27 % of all our villages had an all-weather road connection available to wholesale markets."

How do you expect that a grower will get a remunerative price for his produce unless he is provided with an all-weather road connection? Further:

"More recently, similar deficiencies have been brought to light in surveys carried out in the last two years by the Regional Transport Survey Units in different parts of the country.

.... Rural Roads, therefore, are an unmistakable need. Without these, it will not be possible to break the present isolation of the village communities and to draw them into the mainstream of our national life."

[Shri Jyotirmay Bosa]

Then on page 5, paragraph 10, sub-para (ii), it is stated:

"Rural roads, that is, roads which serve predominantly the needs of villages and provide communication, not only between one village and another, but also from a village to a mandi (market place) or to a main route."

Further, in paragraph 11, it is stated:

"While National Highways constitute the arterial routes through the length and breadth of the country, State Highways are the arterial routes through the length and breadth of a State and Major District Roads for the main routes through the length and breadth of a district....."

The real village roads thus have not received adequate attention so far."

Para 13, on page 7 of this Report reads :

"There are 5,64,000 villages in India spread over an area of 3 276 million sq. kms. (1.267 million sq. miles). To provide access to each village, however small, has to be the objective of a democratic set-up....."

As the Demands for Grants of this Ministry were quillotined, I am taking this opportunity to highlight this very vital factor and bring it to the notice of the Prime Minister. My request to the hon. Prime Minister is to see that a cell is created in the Ministry of Transport and Shipping and in the Planning Commission specially to ensure that rural roads grow to the extent, these should. Our Prime Minister's first statement that he wants to solve the unemployment problem was remarkable. I appreciate his conscience. Unemployment is one of the biggest problems that we are facing and we are sitting on a volcano. If we build rural roads, we will be able to solve unemployment problem to a great extent. At the same time, we would be giving opportunities to the producers of agricultural commodities to bring their produce to the Mandis.

I would therefore, like to take this opportunity and earnestly request the Prime Minister, who is holding the charge of this Ministry for the time being, to kindly constitute a Cell in his Ministry and the Planning Commission to see that the rural roads grow at a much faster speed to what has been done till now.

There are many other reports showing the inadequacies of the rural roads in our country, for example, the report of

the Committee on Unemployment shows how badly the problem of rural roads system has been treated. There are reports of the Estimate Committee and the Public Accounts Committee, but I do not want to quote them and take the time of the House.

Therefore, I would request once again that this Bill should not be used as a handle for putting any levy on the weaker sections of the society. I have said and I repeat once again that pedestriains, bullock-carts, cycles and carriers carrying essential commodities for the weaker sections should be exempted from the additional levy that they are going to impose.

श्री ज्योतिरमय (कांगड़ा) : सभापति महोदय, इस समय हम नेशनल हाईवेज (एमेंडमेंट) बिल, 1977 पर विचार कर रहे हैं ।

इस बिल का सेक्शन 7 जो है, उसमें एक एमेंडमेंट यह लाई गई है कि 1 अप्रैल, 1976 से जो पुल आपरेशन में होंगे, उन पर लेवी लगाई जाएगी। इस बिल में जो कमी मुझे दिखाई दे रही है वह यह है कि जो फी आप लेवी करना चाहते हैं उस का शेड्यूल होना चाहिए था कि कितनी फी लेवी की जाएगी और किस वैटिकल पर कितना चार्ज होगा। यह शेड्यूल में ब्राना चाहिए था।

दूसरी कमी मुझे इस बिल में यह दिखाई दे रही है कि जो इस का इन्फ्लेक्शनल मेमोरण्डम है, उस में खर्चा तो बताया गया है लेकिन यह नहीं बताया गया है कि इस से कितनी इन्कम प्रोफिटेबिलिटी हो सकती है। तीसरी बात यह है कि इस एमेंडमेंट बिल में यह दिया गया है कि कुछ बिजनेज को एग्जेंप्ट किया जाएगा लेकिन यह नहीं बताया गया है कि एग्जेंपशन के लिए किन-किन बातों को नजर में रखा जाएगा। इस में कोई शक नहीं है कि नेशनल हाईवेज की इम्पोर्टेन्स हमारे राष्ट्र के जीवन में बहुत ज्यादा है। मैं तो यह सचबता हूँ कि ये राष्ट्र की विप्लवी की रेखाएं हैं और इन से ही देश का वायव्य भवकता है। नि०एच० मूलगोचर का जो इस बारे में

स्टेटमेंट है, उस को मैं कोट करता चाहूँगा। वे लोकोमोटिव और इंजीनियरिंग इंस्ट्रुमेंट्री के एक्सपोर्ट हैं और उन्होंने हाईवेज की इम्पोर्ट्स के बारे में यह कहा है:

“There are as many as 1400 octroi posts in Maharashtra alone, and the time lost in transit from Bombay to Delhi due to such check-posts and other harassments which the vehicle driver inevitably encounters is no less than a third of the total time taken to travel the distance. Surely, it is not beyond the ingenuity of the State Governments who are levying the octroi to work out and implement a substitute for octroi as has already been done by some States.”

चेयरमैन साहब, मेरे कहने का मतलब यह है कि इस में कोई शक नहीं है कि इस से स्टेट को आमदनी होगी। जो सरकार करों से रुपया पुलों और सड़कों आदि पर खर्च करती है, उस को कुछ आमदनी होनी चाहिए लेकिन इस से लोगों की मुश्किलत भी और बढ़ जाएगी। मैंने जो पैराग्राफ पढ़ा है, उस से पता चलता है कि आम्बराम पोस्ट्स पर प्राइवेट बैट्रिकल्स को कितनी रकाबट आती है। वहाँ पर स्टेट्स की टोल टैक्स पोस्ट्स लगी हुई हैं और नेशनल हाईवेज पर जब इस लैबी को वसूल करने के लिए और पोस्ट्स (बौकियां) होंगी, तो लोगों की और ज्यादा रकाबटों का सामना करना पड़ेगा। इस चीज को हमें महसूस करना चाहिए और इस तरह की कोसिस करनी चाहिए कि और कोई बेहतर तरीका इस को वसूल करने का हो। उन्होंने आगे कहा है:

“While massive revenues are generated by the Road Transport Industry, a grossly insufficient fraction of these revenues is ploughed back into the construction and maintenance of roads. Why back in 1959-60 the revenue to the exchequer from road transport aggregated to Rs. 135 crores and the expenditure on roads amounted to Rs. 99 crores, namely 73% of the revenue. In 1974-75, the revenue jumped to Rs. 7,238 crores, but the expenditure on roads was a mere Rs. 333 crores, which is only 4% of the revenue from road transport.”

“The famous Bookings Institution carried out some time ago, as on the spot study in several developing countries, and found that when new roads are opened, a sharp rise in agricultural production took place in all cases. Government should recognise the rich source of revenue and employment potential of such expenditure and cease to accord step-motherly treatment to the development of roads which are the veritable arteries of our nation.”

The employment potential of the entire Road Transport Industry, both down-stream and up-stream, is hardly exceeded by any other industry. Every additional vehicle that comes on the road provides employment for at least a dozen people. Support to such an industry should therefore form an integral part of Government's economy programme. According to a recent study by the NCAER the construction of every kilometre of a national highway in our country creates employment of 141-150 man-years, the corresponding figures for state highways being 85-96 man-years. On this basis, if the road construction projects included in the Draft 5th Plan had been implemented they would have generated employment of 10-8 million man-years mostly for the unskilled, poor people.

It would be no exaggeration to state that the actual amount spent on road construction over the years have been niggardly. For example, in the Draft 5th Plan an outlay of Rs. 501 crores was provided for the development of national highways. In the revised Plan this has been reduced to Rs. 328 crores. In effect, this means that a mere Rs. 75 crores is included for new road schemes during this Plan period. This is the magnificent amount that has been provided for the creation of highly productive and employment oriented capital assets of our nation.”

चेयरमैन साहब मेरा कहना यह है कि नेशनल हाईवेज की इम्पोर्ट्स हमारे देश में बहुत हैं। पहाड़ी इलाके में तो इसकी इम्पोर्ट्स और भी ज्यादा है। इससे सम्बन्ध में मेरा एक निवेदन यह भी है कि कोई स्टेट रोड जो दूसरी स्टेट से मिलती हो उसको नेशनल हाईवे बना देना चाहिए।

[श्री दुर्वाचन्द]

पीछे मैंने एक प्रश्न पूछा था कि पठानकोट-मन्वी स्टेट हाईवे पर ट्रेफिक बहुत ज्यादा है जिसके बारे में स्टेट गवर्नमेंट ने भी रिकमण्ड किया था कि इस स्टेट हाईवे को नेशनल हाईवे बना देना चाहिए, उस प्रश्न के उत्तर में सरकार ने कहा था कि बोर्डर रोड डवलपमेंट की तरफ से वहाँ सड़क बनायी जा रही है। मैं प्रधानमंत्री जी से दस्तावेज कसंग कि इस रोड की इम्पार्टेंस को देखते हुए इसे नेशनल हाईवे बना देना चाहिए। यह सड़क दूसरी जगहों—सहाब, पंजाब, कश्मीर से मिलती है। इसलिए इस सड़क पर ट्रेफिक बहुत है। आपको सड़क के मामले में वैसे की बसूली का ध्यान रख कर ही सड़कों नहीं बनानी चाहिए बल्कि आपको यह भी सोचना चाहिए कि सड़कों पर सफर करने वालों को कोई तकलीफ न हो, उन्हें अधिक से अधिक सुविधा हो।

*SHRI A. MURUGESAN (Chidambaram): Hon. Mr. Chairman, Sir, I rise to make a few suggestions on the National Highways (Amendment) Bill which has been piloted by the hon. Prime Minister.

The development and maintenance of the national highways, which are vital for the nation's speedy economic growth, are in the Centre's jurisdiction. As the States do not have adequate resources to undertake this important job, naturally the Central Government will have to attend to this. This Bill empowers the Central Government to levy fees on permanent bridges on national highways. It is proposed to levy fees on all permanent bridges costing more than Rs. 25 lakhs and opened to traffic on or after 1st April, 1976. It is mentioned that the annual recurring expenditure on the employment of staff and other incidental matters would be of the order of about Rs. 52 lakhs in the beginning for all the bridges to be covered by the proposed levy. If the Government had given the approximate annual revenue from this levy along with the above figure, it would have helped us to appreciate the rationale behind this import. I am sure that the hon. Prime Minister would give the figure of likely revenue from this levy when he replies to this debate.

As the hon. Prime Minister, in his introductory speech, mentioned that the resources raised through this fee would be utilised for the construction of new national highways, I make bold to refer to the East Coast National Highway, which is the essential prerequisite for Tamil Nadu's economic development. This East Coast National Highway will open up the backward areas of Tamil Nadu. As the Janata Party Government is committed to the eradication of backwardness from the country by laying emphasis on rural industrial development, I would like to stress that this East Coast National Highway is essential for the removal of backwardness in Tamil Nadu and the Central Government must come forth to develop this arterial route. This highway will give a boost to agriculture, fishery, salt and such other products from the coastal areas of Tamil Nadu. This East Coast National Highway will connect all the important cities of historical importance which will give a fillip to national and international tourism in Tamil Nadu. This will also be connecting the major and minor ports on the east coast.

Sir, you are aware of the fact that the Indian Ocean has become the hot bed of international rivalry. During the Bengal Desh liberation war, the Seventh Fleet of U.S.A. entered the Bay of Bengal and posed a threat to the entire east coast. Bearing this in mind, if the East Coast National Highway is developed, then we can move the tank, artillery etc. through this highway giving protection to the east coast. As it is common knowledge that metre gauge is the main means of communication in Tamil Nadu, it is difficult to move fast the armaments etc. during such a crisis. It is all the more necessary, in the interest of expeditious movement of men and material, to have a double lane in the East Coast National Highway. It is estimated that this highway would cost Rs. 44 crores. With the slender resources at its disposal and with the depletion of resources for revenue raising, it is impossible for the State Government to spare this much money through the East Coast National Highway is very necessary for economic upliftment of backward areas. I appeal to the hon. Prime Minister that he should ask this money for the development and maintenance of East Coast National Highway immediately.

Before I conclude, I would refer to another important point. It is regrettable that the State Government do not have powers to have even a cut-off across a National Highway without the permis-

*The original speech was delivered in

Tamil.

sion of the Central Government, though it is necessary to have it for agricultural purposes. Even when the crops are likely to wither without such a culvert, the State Governments cannot dare undertake this job without the Centre's express sanction. I request that the hon. Prime Minister should look into these things and remedy such things which hamper economic progress in the States.

With these words I conclude my speech.

SHRI B.P. KADAM (Kanara): While desiring to participate in this debate, it is rather difficult for me to welcome this, because, it seems to me that there is no sound principle behind this Amendment. Only certain bridges are to get revenue which have cost more than Rs. 25 lakhs. I do not understand why those bridges which have cost less than Rs. 25 lakhs have been left out. Then again only those bridges opened after 1-4-76 are to be taxed. I don't understand why those bridges opened earlier should not be taxed unless of course there is some reasoning that there has been a galloping rise in the construction cost after this particular date. That also we cannot accept. There is also a proviso by which Centre can exempt any bridge, provided the Central Government is of the opinion that it is necessary in the public interest to do so. It may be notification specify any bridge in regard to which such fee shall not be leviable under this sub-section.

There is nothing to show that the Government of India has given any reason behind this amendment. That is why, I say, that this seems to have been done in an arbitrary manner. What I am afraid of is that there may be discrimination. I can very well understand if the Government has come forward with an amendment requiring exemption in certain border areas where security, defence questions etc. are involved. That is not there.

Therefore, it is difficult to understand this unless, of course, the Prime Minister spells out the reason or the principle involved in this amendment. For example, take the case of the bridge on the river Kali, in my constituency, Karwar Taluka on the west coast. This has been under construction for over a decade now. Still one cannot be sure when it will be completed. An ordinary Sinking was going, it was followed by piecemeal Sinking. I do not know what type of Sinking would follow and when would the bridge take shape.

Naturally, there would be pressure upon Government to see that a large number of bridges are exempted. And Government will have to face a lot of

pressure and there will be scope for some influence. I do not think the principle is spelt out. For example there is one amendment already that from 1st April, 1976 it should be extended by one more year. Naturally, there would be pressure to see that this is also extended because the reason for this amendment is not clear.

I would, therefore, urge upon the Prime Minister to come out boldly with the reasoning or the principle behind this. It is not, of course, convincing as to how the revenue should be utilised. No doubt it may be utilised for the construction and maintenance of highways. Unfortunately, though the national highways are so vital and so important, in certain States, the highway is in a very bad condition, especially in the rainy season when it is horrible to look at.

If its well maintenance is quite necessary, then, I think, the principle is to be spelt out. I think that in the year 1916 or when Germany bombarded the Madras Coast, the idea took a shape and, after our Independence and upto the end of Second World War, these highways were considered to be of so much importance from the national and defence point of view. And therefore it is equally necessary to see that they are well maintained and the revenue that is collected under this measure is very well utilised. These are the observations that I want to make.

श्री श्री बलवीर सिंह (होशियारपुर) :

समाप्त महोदय, मैं आपसे जरिने प्रश्नान नदी जी से यह प्रार्थना करूंगा कि यह यह समझेंद कायस ले लें। यह टैक्स बतल करने का 18वीं सदी का कानून है। एक तरफ तो देश में यह कात चल रही है कि म्युनिसिपल कमिटीया जो हैं इन्होंने जो रास्तों पर आपने गृहे चुंगी के लगाये हैं वह बन्द हो जायें और ऐसा सिस्टम चले जिस से देश में ट्रांसपोर्ट ठीक ढंग से और जल्दी चल सके। इससे कितने पैसे आयेगे और कितने नहो आयेगे, यह सवाल नहीं है। सवाल यह है कि इससे कितने नैन केब हूय हुए करेंगे। मोटर कारों ही और पुल का क्या बहाने पर खड़ी हो काम और बहाने पर चुंको लगाने काझा बीडा है। 18वीं सदी में एक दिनासत से दूसरी दिनासत में जाने वाले कहते थे कि हमारी दिनासत में आ गये हो, जहले जैसे दो दिन अन्तर आयेगे।

[श्रीधरी बलवीर सिंह]

इस ढंग से जो टैक्स वसूल करने का तरीका है वह मौजूदा जमाने में ठीक नहीं है। बाणभय जो अर्थशास्त्र के पंडित थे उन्होंने कहा है कि टैक्स इस तरह से लगे जैसे सूरज जमीन से पानी खींचता है और फिर वापस देता है तो पता नहीं लगता। और जब खींचता है तो भी पता नहीं लगता। यहां तक कि वह गन्दी जगह से भी पानी लेता है और बावत बन जाता है और फिर जमीन को बावत पानी दे देता है। लेकिन हर जगह इस तरह से टैक्सेशन सिस्टम से लोगों को तकलीफ न हो। भापको टैक्स तो मिल जाये लेकिन टैक्स का यह क्या सिस्टम हुआ कि कोई मरीज को लेकर मोटर में जा रहा है, रास्ते में दरिया पर कोई पुल आ गया तो मरीज को वहां रोक कर उस पुल का टैक्स दे और फिर पुल को कास करे? इतनी देर में तो मरीज मर जायेगा।

मैं प्रधान मंत्री से निवेदन करूंगा कि इस टैक्सेशन के सिस्टम का वापिस ले, यह बहुत पुराना सिस्टम है। सारे मुल्क में इस बात पर चर्चा हो रही है कि जगह जगह पर जो चुंगी हैं, उनको खत्म कर दें। जो गवर्नमेंट की एजेंसीज बनी हैं, उन्होंने लोगों से इस बारे में राय सलब की थी और राय चल रही है। अब कोई नया टोल-टेक्स लगाया जाये तो वह मुनासिब नहीं है। इस किस्म के टैक्सों से लोगों की परेशानी ज्यादा होती है और आमदनी कम होती है।

इन शब्दों के साथ मैं प्रधान मंत्री से दरखास्त करूंगा कि वह इस अर्धवैध को वापस ले लें। यह जनता सरकार के लिये कोई अच्छी बात नहीं होगी कि हम, जो जाने वाले हैं, उन पर टैक्स लगायें। यह तो सरकार का फ्रॉड है कि वह पुस बनाये। वह टैक्स तो दूसरे तराफों से लेती है। अब अगर कोई नई सड़क बनाई जाती है, और कल यह कैसला कर लिया जाये कि सड़क पर चलने

वालों से भी टैक्स लिया जायेगा, इसके लिये लोग सैदा देना शुरू करें, तो यह तरीका ठीक नहीं है।

SHRI C. K. CHANDRAPAN
(Cannanore): Sir, I rise to extend support to this Bill which has been introduced by the Prime Minister.

Sir, to save time I should say that I share the views expressed by my friend, Shri Jyotirmy Biju about the new levy which will be imposed and how it will affect the common man and the ordinary people. I hope the Minister might make it clear.

Sir, about the highway I would like to know this. For the last so many years the national highway construction is going on. Even today there are many important bridges on the national highway which are under construction for the last so many years but not completed. Dr. Seyid Muhammed has mentioned about such a bridge in Kattapuram. There are many other bridges on the West Coast of this country on the national highway which are yet to be completed. I would like to mention in this connection the Ottapattanam bridge which has taken years and years for completion.

Another aspect which I would like to bring to the notice of the Hon'ble Minister is apart from the national highways there are certain important highways which deserve special consideration of the government. For example the highway connecting the hill areas in our country. In Kerala there is a plan to construct a highway connecting the entire hills from the Trmal Nadu border near Kanyakumari to Mysore border in the northern part of the State. It is called hill highway and the whole alignment is ready. The expenditure involved would be Rs. 70 crores. If that highway is constructed it will help those who are producing cash crops like tea, rubber, cardamom, etc. in the hills of Coorg, Peccumeda, etc. to get a remunerative price for their produce. They will be able to reach the market in a more easy way. So, I would like to urge upon the Minister that he should give due consideration to this kind of highways which are also equally important as the National Highways. I take this opportunity to bring this matter to the notice of the Prime Minister and I conclude by saying that I support this Bill.

SHRI P. RAJAGOPAL NAIDU (Chittoor) : Mr. Chairman, Sir, I congratulate the Prime Minister for bringing forward this Bill. Andhra Pradesh has already introduced a similar Bill and that Bill has defined as to how levy is to be imposed and also how much levy is to be imposed. By that way, in one year, our State got Rs. 1-0 crore. In 1943, the roads in our country were divided into four categories. One was the national highway, second the State highways, the third district roads and the fourth, village roads. Then these national highways were defined as highways running throughout the length and breadth of the country connecting the major ports, foreign highways and the capitals of the Provinces. In 1943, it was defined like that. But now, because of the development in the various fields and also because of other reasons, the definition should be changed. The roads connecting big projects and big trade centres must be taken as highways and also the important like roads which connect the strategic points should be considered as highways.

Now, the national highways that are passing through the municipal towns which have more than 20,000 population have been given to the municipalities for maintenance. This came as a detriment to the maintenance of roads within municipalities. Some hon. Members on that day itself warned that these parts of national highways which are existing in municipalities should be given to the municipalities. Therefore, I request the hon. Prime Minister to bring forward another amendment to the Bill so that those parts of the national highways which are within the municipalities of the various States can be vested in the national highways authorities. I also want the Prime Minister to bring forward another amendments to punish those who indulge in cutting away the trees on the national highways which pass through many States. It is quite necessary for us to maintain trees on both sides of the national highways. If it is not possible to bring forward a legislation to this effect, I have a suggestion to make, that is, all these trees should be given to the adjacent agriculturists on free patta basis so that they can take care of the trees and also derive usufructuary benefits from them. That will be a good thing, as an alternative. There are many encroachments on the national highways and they must be evicted. There are railway crossings and it is becoming increasingly difficult for our transport; vehicles have to wait for more than half an hour sometimes

and so the transport ministry and the railway ministry must sit together and find out ways and means to reduce this waiting time and construct over-bridge or find out some other means. The national highways are passing through villages and towns. Diversion roads must be made so that there may be traffic congestion within cities. With regard to the maintenance of national highways which are passing through big project areas, that is worse than state highways or even district roads. Therefore much money has to be invested in them. People of my state are disappointed because from the first Plan upto this, our people were being neglected in giving money for national highways and overbridges and other roads. Therefore, I request the Prime Minister to consider this and compare investments made in different states and do justice to Andhra Pradesh.

श्री लक्ष्मी नारायण नायक (खजुराहो) : सभापति महोदय, माननीय प्रधान मंत्री ने जो राष्ट्रीय राजमार्ग संशोधन विधेयक रखा है मैं उस में कुछ सुझाव के रूप में निवेदन करना चाहता हूं। मेरा ऐसा मत है कि जो भी टैक्स लगाए जायें उन का तरीका कुछ बदलना चाहिए क्योंकि जब हम अपने देश में एक समता लाना चाहते हैं, जो नीचे हैं उन को ऊंचे उठाना चाहते हैं तो कम से कम जिन की आमदनी कम है उन पर किसी कर का बोझ नहीं पड़ना चाहिए। इस सिद्धांत को हमें मानना चाहिए। जो इस तरह का टैक्स लगाया जा रहा है के संबंध में मैं यह कहना चाहता हूं कि जब पुल पर से कोई ट्रक या दूसरे वाहन निकलते हैं तो आखिर उस में बोझ होता है, उसी को ले कर तो वह टैक्स वसूल करते हैं, तो व्यापारी वहां जितना टैक्स दे देता है उतनी कीमत वह उस माल की बढ़ा देता है और इस तरह से भले ही यह टैक्स आदिवासी, हरिजन या गरीब आदमी स्वयं नहीं देता लेकिन अपरोक्ष रूप में उस से यह वसूल हो जाता है। तो मैं कहना चाहता हूं प्रधान मंत्री महोदय से कि जब भी कोई टैक्स लगाएं तो वह आमदनी पर लगाना चाहिए। जिन की बड़ी बड़ी आमदनियां हैं उन्हीं पर टैक्स का बोझ पड़े ऐसी

[श्री सश्री नारायण नायक]

तरकीब निकालनी चाहिए। इसलिए मैं निवेदन करूंगा कि मासन के जो अधिकारी हैं जो अपनी सूझ बूझ रखते हैं वह उसे इस तरह से रखें कि जब भी टैक्स लगे तो उस का बोझ बड़े-बड़े धावमियों पर ही पड़े जिन की भांजी हालत बहुत अच्छी है। इस तरह से तो व्यापारी जो भी टैक्स देता है वह उसे अपने माल की कीमत में जोड़ देता है और आम जनता से वह टैक्स वसूल हो जाता है। इसलिए मेरा पहला निवेदन है कि जो टैक्स लगाने का तरीका है वह बदलना चाहिए जिस से कि गरीब धावमी पर वह टैक्स न पड़े, बड़े-बड़े धावमियों पर पड़े।

दूसरी बात मैं यह निवेदन करना चाहता हूँ कि कम से कम जिस पुल पर आप टैक्स लगाना चाहते हैं उस की कोई सीमा होनी चाहिए। उस पुल के निर्माण पर जितना पैसा खर्च हुआ है उतना ही वसूल हो तो बात आम धावमी की समझ में आती है क्योंकि इस के निर्माण पर इतना पैसा लगा है इसलिए इतना ही वसूल हो रहा है और इस टैक्स वसूली की कोई अवधि निश्चित होनी चाहिए।

तीसरी बात—अगर एक ट्रक को इन्दौर से बम्बई जाना है और कई पुल पार करना है तो क्या उसे सभी पुलों पर टैक्स देना पड़ेगा? अगर सभी पर देना पड़ेगा तो आप देखिए कितना उस को टैक्स लग जायेगा और फिर उकनी ही वह उस की कीमत बढ़ा देगा। इस तरह से बढ़ी होना जिस महंगाई का प्राज हूला हो रहा है और जिस की चर्चा हो रही है कि चीजों की कीमतें बढ़ रही हैं जिस के ऊपर आप भी शोक रहे हैं। इस तरह से चीजों की कीमतें बढ़ जाती हैं। इसलिए मैं चाहता हूँ कि कम से कम यह भी उस में लिखा हो कि कितने पुलों पर वह दे, एक या दो नदियाँ पुलों पर दे या एक पुल पर दे दे तो खाने वह उस से मुक्त हो जायेगा ?

चीजी बात मैं यह कहना चाहता हूँ क्या केन्द्रीय सरकार ही टैक्स वसूली करेगी? प्रांतीय सरकारों की भी हों हैं और प्रांतीय सरकारों का भी हिस्सा रहता है तो क्या केंद्रीय सरकार भी वसूली करेगी और प्रांतीय सरकारें भी वसूली करेंगी? इसलिए मेरा निवेदन है कि इसमें इस प्रकार की व्यवस्था होनी चाहिए कि अगर केन्द्रीय सरकार वसूल करती है तो प्रांतीय सरकारें वसूल नहीं करेंगी।

इसके अतिरिक्त मैं एक और उदाहरण देना चाहता हूँ। बेतवा नदी पर 33 लाख की लागत से एक पुल बना है जिसमें केन्द्रीय सरकार मध्य प्रदेश शासन और उत्तर प्रदेश शासन का पैसा लगा है। उस पुल पर उत्तर प्रदेश शासन ने टैक्स लगा दिया और कई लाख वसूल कर लिया। उत्तर प्रदेश सरकार ही उस पैसे को अपने खजाने में रखती है। उसमें से न तो केन्द्रीय सरकार को हिस्सा दिया गया और न मध्य प्रदेश सरकार को को हिस्सा दिया गया। तो इस प्रकार की घांघली भी रकनी चाहिए क्योंकि जब तीनों का पैसा लगा है तो जो आमवनी हो रही है वह तीनों जगह बटनी चाहिए। मैं प्रधान मंत्री जी से निवेदन करूंगा कि उन्हें इस बात को भी देखना चाहिए कि बेतवा नदी पर जो नोटबाट पर पुल बना है वहाँ किस तरह से कर वसूली हो रही है। अब बन्द होना चाहिये।

SHRI T. A. PAI (Udipi) : Mr. Chairman, Sir, I would strongly support this amendment. I wish it had been brought earlier. The cost of construction of the bridges has gone up enormously now and we have so many jobs to do without resources. Hon. Members who spoke before me have pleaded for the poor people. Well, I am afraid, if everything on the national highways is going to be free, the poor people in this country will have to wait for a longer time for their own rural communication and I am, sure, nobody intends to tax the pedestrians on the national highways. They are being used by

trucks, buses and cars and there is no reason why the cost of these could not be recovered so that additional resources may be generated for new works to be taken up. In view of this, I wish the Government changes its policy in order to construct new national highways with the resources that are collected from those who use these so that these may be expedited and we might have a network of better roads and better communications early.

I would also like to point out some problems the people have faced on account of the construction of the bridges on the national highways. First of all, it takes longer time than necessary to complete these bridges. We must find out a time-frame within which this work could be completed. There are instances where the approach roads are ready, but the bridge is not ready. When the bridge is ready, the approach roads are not ready, so that these bridges are not usable within the time the people would expect.

I would also like the Prime Minister to consider the scrapping of the old bridges wherever new bridges are constructed. I find all over the country even after the new bridges are constructed the old bridges are allowed to continue. There are valuable materials of both steel and girder which could be utilised in bridges which can carry lesser weight in other parts of the country and within the State. I do hope that these resources which are discarded, are better used than now.

I would also like to stress the need for the improvement of the transport. That is also very relevant. When the prices of trucks went up, we wanted to encourage the use of trailers. We wanted to develop the truck trailer system. We wanted to take them up with the national highways. But we were told that most of the bridges are weak. Now it would be much more economical from the country's point of view both in terms of the diesel use and the cost of these vehicles has our road system, the national highway are strengthened so that there is no objection for the truck trailer to be utilised.

Lastly, I would also like to point out mainly when a thousand national permits were introduced, the object was to see that the country was thrown open to traffic without any restriction. But I do not know why we fixed that one thousand as the figure. I am sure that distribution of this quota statewide really creates problems because nobody knows the criteria under which these are given. I very much wish that

this system is liberalised and whoever wants to have a national permit may be able to get it without much difficulty, if certain qualifications which may be laid down are fulfilled.

We were very much worried about controlling in the way of a paper development of the transport system in the country. We find that about Rs. 140 crores would be the loss as a result of the abolition of control, but at the same time if control was abolished there would be a saving of 17% on diesel, which is being wasted apart from the wastage of time in the trucks being made to wait. I thought if this abominable tax which has become part of our tax system is replaced by a more sensible and civilised method, it might result in a better transport system being developed and also a lot of savings on diesel.

PROF. P. G. MAVALANKAR, (Gandhinagar): Sir, I am happy that Prime Minister is piloting this Bill. I believe he is doing this exercise after a lapse of several years. There are no two opinions about the importance of the development of national highway. Previous speakers have emphasised that not only the roads should be maintained in a good condition but various other facilities should be available. I want to know whether the government has gone into the quantum of revenue which will accrue to the government as a result of this. I feel the amount of money that will come because of this new levy will be just a couple of crores. Of course, the government can say that this is only the beginning, and as new bridges come up, the revenue will increase. But in terms of the entire budget of the Government of India, I do not know whether a couple of crores will mean a significant addition whereas the amount of harassment and the breeding ground for corruption that this will introduce will be most unfortunate. This should be looked into. Our experience is that where there are stoppages, because you have to pay toll tax, control or some levy, the tax collecting authorities behave not only rudely but in such a way that it causes delay, and greater the delay, greater is the urge on the part of the person concerned to pay something and get out of the situation because he is in a hurry. What is the rationale behind the abolition of control, and what is the new rationale behind this new levy which gives even lesser revenue?

The Bill does not contain details as to what will be the respective shares of the various States and what will

[Prof. P. G. Mawalankar],

be the establishment cost. If the establishment cost is very high and if the revenue collection is small the net result will be that you will not get much revenue. There will be some advantage if the Prime Minister can assure the House that a suitable machinery will be devised to avoid corruption and that the establishment cost will be kept to minimum.

15.59 hrs.

[Mr. DEPTI Speaker in the chair

A new bridge over Narmada has been recently built on National Highway No. 8. When the old bridge was there, it meant so much delay on both sides because of traffic jam. We thought after the new bridge was built, people could move faster. But with the introduction of this levy, I am afraid there will be again delay in movement of traffic. I hope this aspect also will be taken care of.

On the National Highway No. 8 which includes the road from Bombay to Ahmedabad, one finds at a lot of places that the road needs to be widened and two-way channel needs to be provided so that more traffic can move more freely, and accidents can be avoided. It is a tragedy to find that so many fatal accidents take place on this particular National Highway No. 8. So, when you think in terms of development of roads, you should also think in terms of widening the roads and specially those roads where the traffic is very heavy, as for example the road between Ahmedabad and Baroda and such other areas in the country. These are areas where traffic is very heavy and the number of cars going is very large and therefore, something in terms of development of National Highways in this regard needs to be done.

16 hrs.

My friend, speaking from the Congress benches, said about trees. I am happy to tell him that the Gujarat Government has already started implementing the scheme of planting trees on both sides on several state and National Highways. I can tell you that this has really added to the pleasure of travellers going by car or bus, and it also gives some shelter to the people when they want to take rest after travelling about 100 miles or so on the road.

These are my views which I thought I should express by taking advantage of the Prime Minister's piloting the Bill and the development of National High

SHRI VASANT SATHE (Akola): Sir, while congratulating the Prime Minister in bringing this valuable Bill, I only want to suggest that if the centre that we were thinking of abolishing could be merged with a measure like this and if you have the modern method of avoiding delays with the help of automatic machines by which if you put the coin, the car goes and otherwise not, there will not be any delay. This thing is possible. You can avoid the delays by this. This is the best way of earning the revenue for maintaining our National Highways all over the country. I congratulate you and wish you success. But if the delay which is caused by octroi could be avoided by having some method I suggested here, I think it would be a good measure.

THE PRIME MINISTER (SHRI MORARJI DESAI): Sir, I am thankful to all those who have supported this measure. I must also thank the hon. Member who wanted it to be withdrawn because by comparison it enhances the value of the Bill.

The first hon. Member who spoke on this, Dr. Seyid Muhamed, found fault with the drafting of the Bill. He found fault generally with the draftsmen in the Law Ministry. But this, I believe, was drafted in his own time in 1976. So I do not know with whom he is finding fault. I thought he had improved the working of the Ministry then. But there can be differences in viewing this. I therefore, do not dispute the statement, but at the same time I do not notice any fault in this drafting particularly. There will always be scope for improvement in drafting.

Any suggestions that he will give us in future, we will certainly bear them in mind. I can understand the anxiety of hon. Members about delays likely to be encountered by those who pass the bridges. We will try to see that the delays are minimized. Some delays have to be put up with. They cannot be helped. I have to be patient; and hon. Members also have to be patient.

Therefore, in the matter of taxation, it is not always easy to satisfy all conditions. We are a poor country. And, therefore, occasionally tax falls on poor men. We cannot say that we will not tax them at all. But in this particular taxation, no pedestrians or bullock carts will be taxed. Therefore, you need not be worried about it. Only mechanized vehicles will have to pay the tax. When I say 'mechanized' cycles are not included in it. Certainly cycles will not be taxed. Why should they be taxed? They are like pedestrians. But motor-bicycles will certainly be taxed.

Moreover, this is a tax on permanent bridges on national highways, and not on State highways. Therefore, there is no question of sharing it with the States. But the Centre does help the States in the matter of rural roads also. And we will continue to do so. If hon. Members cooperate in increasing the revenue of the Centre, we will certainly go on helping the States because we consider it our duty to do so. After all, the interests of the States and of the Centre are not in conflict. They coincide. Therefore, both have to enrich each other. As I have always said, it is in the strength of the States that the strength of the Centre lies. If the States are not strong and the Centre alone is strong, it will be a calamity for this country. I have no doubt about it. Both have to strengthen each other; and in the respective spheres, they must be completely independent—but complementary. Independence does not mean that they should counter each other. There can be no question of double taxation, here, because this will be only on bridges on national highways; and metropolitan areas are going to be exempted. Octrois are confined to these areas; and, therefore there will be no octroi in conflict with this on the bridges, as the bridges in the metropolitan areas are not going to be subject to this taxation.

The revenue from this is estimated at about Rs. 5 crores. I did not deliberately mention it, because I did not want to be a prophet in financial matters, because formulation of an estimate is not very easy. I know it from my own experience. But it is estimated that we will get about Rs. 5 crores a year. It is not net income, but gross income; and the expenditure may be about 12%. We will try to minimize it, if possible. And all this revenue will be utilized only for improvement of national highways and for having more such bridges, so that we have more conveniences as time goes by. I think this is a very equitable tax as far as I can see, because it will be paid by the user of mechanised vehicles that is by those who can afford. Of course, an instance was cited, where it was said that a sick man might pass on that bridge; and if he is delayed, he might pass away. If that is the contingency, he will pass away in any case before he reaches the destination. I do not know how he is going to be saved that way. It is an extreme case I do not know why such a case is cited. This shows how the argument was over-stretched. This detracts from the merit of the argument that was advanced against the provisions of the Amendment Bill.

Some cases of bridges were cited, where there were delays. Well, there has been some delay on account of some difficulties in the case of one bridge. There was a foundational difficulty.

श्री छवि राम अर्गल (मुरैता) :
जो पुल टूटे हुए हैं, जिन के टैंडर नहीं हो रहे हैं ?

श्री मोरारजी देसाई : टूटे हुए हैं तो जरा स्टेट को कहना चाहिए । हर चीज के लिए यहां से दबाएंगे तो कोई फायदा नहीं होगा । स्टेट को समझाना चाहिये । हम भी समझाएंगे । मैं दबाना नहीं चाहता हूँ किसी को —

श्री छवि राम अर्गल : घोटाले भी हैं ।

श्री मोरारजी देसाई : दूसरों के घोटाले आप क्यों देखते हैं ? अपनी तरफ देखना ही बेहतर होगा । हर बात में दूसरों को दोष देंगे तो कैसे काम चलेगा ।

श्री छवि राम अर्गल : जहां दोष दिया जाना चाहिए वहां तो दिया जाएगा ।

श्री मोरारजी देसाई : दोष देने के बजाय भद्दगार बनना चाहिए ।

श्रीधरजी हरी राम मन्कासर (बीकानेर) :
सात सात महीनों से पांच पांच सौ लोम भड़कियों की तरह से जंटे हुए हैं पाकिस्तान जाने के लिए उनके कार्ड नहीं बन रहे हैं ।

श्री मोरारजी देसाई : इसका यहां सवाल नहीं उठता है । हर वक्त कुछ भी बोल देना अच्छा नहीं होता है । इस में समय नशा जाता है । इस हाजस का खर्च बहुत भारी है, कम नहीं है । इसको भी हमें सोचना चाहिए ।

Therefore, these bridges also are being looked after.

[Shri Morarji Desai]

There was a question raised about a bridge between Madhya Pradesh and Uttar Pradesh, when it was said that money was contributed by both the States and the amount is being appraised only by UP. This question is before the Zonal Council. It is already seized of it. I am quite sure that the Zonal Council will do justice to both of them, and that Madhya Pradesh will not be done any injustice.

The bridge in Karnataka, the Keli Bridge, which was referred to is under construction. The contractors were doing it and the company is under liquidation. Therefore, it got delayed. Now think it is coming up properly. It will be done as soon as it is possible to do so. I may assure my hon. friends that wherever the suggestions have come, we will go into them and wherever it is possible to improve matters, action will be taken in time.

I am thankful to all the hon. Members for supporting the Bill in the national interest. I can only say on behalf of the Government that we will try to see that it is worked also in the national interest, and the revenue is used in the interest of the national highways; that is, the national interest.

श्री महोलाल (बिजनौर) : मैं एक स्पष्टीकरण चाहता हूँ। जब किसी पुल की कास्ट पूरी हो जाएगी उसके बाद तो टैंक्स खत्म हो जाएंगे ?

श्री मोरारजी देसाई : खत्म कर दिया जाएगा। इस में हम प्राक्टिकल करना नहीं चाहते हैं। वह बिजिनसमें का काम है, हमारा नहीं है।

MR DEPUTY-SPEAKER: The question is:

"That the Bill to amend the National Highways Act, 1956, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We will now take up clause by clause consideration.

There are three amendments to clause 2.

Clause 2—(Amendment of Section 7)

SHRI ANNASAHEB GOTKHANDI (Sangli) : I beg to move:

Page 1, line 10,—

for "1976" substitute "1977" (1)

Page 1, line 14,

after "bridge" insert "ferry or tunnel" (2)

SHRI K. LAKKAPPA (Tumkur): I beg to move:

Page 1, line 10,—

add at the end—

'and after the words "national highways", the words "provided all the national highways in all the States are fully developed", shall be inserted;' (3)

SHRI ANNASAHEB GOTKHANDI: My submission is that instead of levying fee for the bridge which are opened to traffic from 1st April, 1976, it should be from 1st April, 1977. As the Bill was introduced in June this year, it may be from the beginning of the financial year 1977-78.

SHRI MORARJI DESAI: I am sorry I cannot accept it because it will restrict the revenue, and it is in the interests of revenue, that it should come from that time.

SHRI K. LAKKAPPA: My intention in moving the amendment is to focus the attention of the Government on the necessity of giving assistance and help to develop the national highways in the country more rationally rather than by bringing forward these amendments.

There was a Twenty-Year Plan drawn up in 1961 to develop the national highways in the country. I would like to say that a number of national highways are still not developed properly and that marketing and traffic facilities have not been fully provided, especially in the border areas. In respect of Highway No. 30, from Delhi to the Pakistan border, a lot of money has been misappropriated. The money that was allotted for this purpose has not been utilised in a proper manner. Similarly, on highways passing through hilly areas or difficult terrain, they are not spending money.

We have drawn your attention to the Keli Bridge and I hope that as promised you will see that progress is made

soon. Similarly, on the Mangalore-Cochin Highway, 40 k.m. have still not been completed due to meagre allocation of funds. Out of Rs. 50 crores, only Rs. 2 crores have been allotted. Maintenance construction of bridges and other things have been pending for a long time in Karnataka because of meagre allocation of funds. Therefore, it is necessary that a rational approach has to be made. A time target has to be fixed for the development of the national highways.

' We have no objection to this Bill. It is a very good measure that you have brought in order to get income to the Government but, though roads can be developed very easily, in the financial allocation for the development of the national highways there is no rational approach. Though it is a small Bill, the hon. Prime Minister has had the patience to sit here and hear us and we appreciate it very much. I hope he would assure us that in the matter of financial allocation, the development of the national highways and the progress of all the States, they will be dealt with equally, without any discrimination, on a rational basis. If that is assured, with this permission I shall withdraw my amendment.

SHRI MORARJI DESAI: If the amendment is moved only to get an assurance from me, that assurance has been given by me even on the very first day that all the states will be treated with equal respect and without any discrimination and with full justice. But it also means that the richer States will have to consider about the poorer states. Both things will have to be considered: who is to be helped more and who is to be helped less. That is also a criterion which will have to be borne in mind.

The amendment which has been moved by my hon. friend would only negative the whole thing. It says that no fee should be levied until all the national highways are completed. This will never happen because the number of national highways will go on increasing and they will never be finished. Therefore, this can never be done. This is an impracticable amendment. I am glad that he is going to withdraw it and, I hope, he does so.

SHRI ANNASAHAB GOTKHINGDE: Sir, my amendment No. 2 is very reasonable. I would bring to the notice of the hon. Prime Minister that in the statement of Objects and Reasons, it is stated:

"It is also proposed to include an enabling provision to exempt

any bridge from the payment of fees if it is considered necessary in the public interest."

I am suggesting that the words "ferry or tunnel," should be included in this proviso because if it is in the public interest to exempt any bridge from collecting any fee and if the Government thinks that the exemption is in the public interest also for any ferry or tunnel, the enabling provision should be there. The enabling provision would then be complete, not till then. Therefore, in the fitness of things, these two things should also be added. Here, four things are included in Section 7 of the Principal Act. If we mention only one of them, the enabling provision would not be available for the Government even though it is in the public interest to exempt any ferry or tunnel. I would, therefore, request the hon. Prime Minister to accept this amendment at least.

SHRI MORARJI DESAI: The metropolitan bridges are going to be exempted. Therefore, there is no question of ferry or anything like that. That is why they are not included in this. I am very sorry I cannot accept the last demand that is made by my hon. friend. But if there is any case of any ferry which requires to be exempted at any time, even without this amendment, the Government will certainly consider it. That I can tell him.

SHRI ANNASAHAB GOTKHINGDE: Tunnel also.

SHRI MORARJI DESAI: Tunnel or whatever you want.

MR. DEPUTY-SPEAKER: Do you want to press Amendment Nos. 1 and 2?

SHRI ANNASAHAB GOTKHINGDE: No, Sir. I withdraw them.

Amendments Nos. 1 and 2 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Lakkappa, are you withdrawing your amendment?

SHRI K. LAKKAPPA: Yes, Sir. I withdraw my amendment.

Amendment No. 3 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clauses 3 and 4 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI MORARJI DESAI: Sir, I beg to move:

"That the Bill be passed".

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed"

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I only want to make a mention of one or two things. I am taking this opportunity of drawing the kind attention of the House and also of the hon. Prime Minister that the Second Hubli project is hanging fire for several years. Mrs. Indira Gandhi went and made promises several times but the work has come to a standstill. The second thing is about the lack of communication in a very sensitive area, that is, Sunderbans which faces the Bay of Bengal. After the Diego Garcia issue has come on the surface, the importance of Sunderbans has gone up tremendously. Therefore, through the medium of this House, I draw the attention of the Government for taking remedial measures.

SHRI VAYALAR RAVI (Chirayinkil): I only want to make one submission. I want to draw the attention of the hon. Prime Minister to the National Highway No. 47—Alleppey Bypass. I want to bring it to his notice that it has been still pending since 1972.

SHRI A. C. GEORGE (Mukandaram): The most important National Highway is No. 17. Some three years back, it was decided that this National Highway would be realigned from Kuttipuram to Cochin, so that it may form part of the West Coast. When this concept of National Highway was considered, it was suggested that No. 17 Highway would be diverted from Kuttipuram to join the National Highway No. 47 near Cochin. This project costing nearly Rs. 9 crores was sanctioned and it was thought that it would enable the entire West Coast of Kerala to be developed. It is still in a sort of cold storage and nothing has happened. There are two most important bridges which are called Kuttipuram and Chertua. As far as these two bridges are concerned, the laying of foundation-stone ceremony is just kept pending.

So, I am requesting the hon. Prime Minister who is holding charge of the important portfolio is now to see that the National Highway No. 17 is expedited.

श्री राजबीबन सिंह (बलिया) : उपाध्यक्ष महोदय, बिहार में हर वर्ष राष्ट्रीय राजपथ न० 31 की स्थिति ऐसी हो जाती है कि बाढ़ के दिनों में गंगा नदी का पानी उठे, प्लावित कर देता है, जिस के कारण बरीली से लेकर धासनखोल तक का रास्ता बिल्कुल बन्द हो जाता है। इस लिए सरकार से मेरा अनुरोध है कि या तो उस राजपथ की सुरक्षा की व्यवस्था की जाये, झरका कोई वैकल्पिक मार्ग बना दिया जाये, जिस से बाढ़ के दिनों में वह रास्ता बन्द न हो।

श्री गंगा सिंह (गढी) : उपाध्यक्ष महोदय, मैं बार्डर रोड्स के बारे में कुछ कहना चाहता हूँ।

SHRI MORARJI DESAI: The border roads are being made. So, you need not be anxious about it. I do not want to be charged with a breach of promise by my hon. friend Shri Jyotirmoy Bosu as he charged my predecessor, Sir, I won't make any promise of doing a particular thing, but I would say that I will certainly give full consideration to what all the different hon. Members have said and do whatever I can. That is all I can say.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

CARDAMOM (AMENDMENT) BILL

THE MINISTER OF COMMERCE AND CIVIL SUPPLIES AND CO-OPERATION (SHRI MOHAN DHARLA): I beg to move:

"That the Bill to amend the Cardamom Act, 1965, be taken into consideration."

It is a small Bill incorporating two provisions. One is regarding cess that is levied on the export of cardamom.