

SHRI HANUMANTHAIYA : I am thankful to the hon. Member. I will make enquiries. If the delay is merely because of the number of lawyers being less than required, I will take steps.

श्री रामचतार शास्त्री : मंत्री महोदय का आश्वासन तो ऐसे ही चलता है। बरौनी और गढ़हरा के बारे में उनका आश्वासन अब तक पूरा नहीं किया गया। मैं जानना चाहता हूँ कि क्या यह बात सही है कि जब वहाँ हड़ताल चल रही थी तब इंडियन रेलवे लोको मेकैनिकल स्टाफ एसोसिएशन के प्रेजिडेंट सरदार हजारा सिंह को हवाई जहाज में लेकर वहाँ के रेलवे अधिकारी वहाँ सम्झौता कराने के लिए गये थे? अगर गये थे, तो क्या वहाँ इस बात का आश्वासन उनके सामने दिया गया कि रेलवे मजदूरों के खिलाफ, जो लोग हड़ताल से वापस चले जायेंगे, कोई भी कार्यवाही नहीं की जायेगी? अगर इस बात का आश्वासन दिया गया था तो सरकार उस को पूरा करवाने में हीला हवाला क्यों कर रही है?

MR. SPEAKER : May I remind the hon. Member that suggestive questions are not allowed as supplementaries. You should put in it another form. Anyway this question is there.

SHRI HANUMANTHAIYA : There is no question of Government going back on assurances given. He understands the problem in one way and I understand it in another way. That is the difficulty.

Alignment of Subarnarekha Dam Construction in West Bengal

*783. **SHRI KRISHNA HALDER :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the present alignment of the Subarnarekha Dam Construction in West Bengal would affect the basin of the river ;

(b) how much amount has already been spent for this project ; and

(c) if the answer to part (a) above be in the affirmative the steps Government propose to take ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). A statement is laid on the Table of the House.

Statement

(a) to (c). A coordinated and agreed proposal for the construction of embankments along the Subarnarekha river for protecting areas against floods in West Bengal and Orissa has been drawn up after inspection and discussion of officials of the two States and the Central Water and Power Commission. The schemes have been prepared by the State Governments on the basis of the agreed decisions. The embankment scheme in West Bengal estimated to Rs. 128 lakhs has been sanctioned by the Planning Commission. The scheme for embankments in Orissa estimated to cost Rs. 10.5 crores is to be finalised by the Orissa State Government taking into account the observations made by the Central Water and Power Commission and the Ministry of Finance after scrutiny of the scheme.

After the implementation of the overall scheme, the depth of inundation in the areas on the river side of the embankments will be more than hitherto. Consequently, 35 villages, 1857 houses and 17700 people in West Bengal and 173 villages, 4774 houses and 50,000 people in Orissa will be affected

An amount of Rs. 14 lakhs has been provided in the West Bengal scheme for raising and or shifting of the affected villages. The Orissa estimate provides for Rs 4.02 crores towards compensation and shifting of the affected villages.

No expenditure has been incurred so far of the embankments in West Bengal.

SHRI KRISHNA HALDER : Is it a fact that the construction of the Subarnarekha dam in West Bengal has been given up by the Government because the construction would affect the basin of the river? What is the amount spent so far on the project? Is it also a fact that the suggestions given by the village panchayat organisations of that area was taken into consideration before the construction work was taken up?

THE MINISTER OF IRRIGATION AND POWER (DR. K.L. RAO) : It is

true that the West Bengal Government wanted to start the construction in February 1971. But the villagers there objected and the work was not resumed.

SHRI KRISHNA HALDER : What steps are being taken by the Government to construct the project without affecting the basin of the river? When is the work likely to be started and will the Government give due respect to the suggestions made by the local people?

DR. K. L. RAO : The suggestion to construct embankments on both sides of the river involves both the States of West Bengal and Orissa. The West Bengal project has been sanctioned and the Orissa project has not yet been sanctioned the Orissa Government has to send it. Even then there will be some difficulty because a lot of villages will be submerged between the embankments. Therefore the latest thinking has been whether we should not construct reservoirs higher up and reduce the excess flow in the river altogether. The matter is still under study.

SHRI SAMAR GUHA : Is it a fact that so far as the upper part of the project is concerned, there is no programme of eviction of any settlement. Is it a fact that as a result of the floods in Sabarnarekha the lower part of Midnapore district is almost every year affected and if so will the Government undertake to organise works in the upper part of the river?

DR. K. L. RAO : It is true that water spills over at Bhosra ghat inundating Midnapore district. If embankment is constructed on one side it is feared that water will go to the other side in Orissa. Therefore the Ministers of Irrigation of Orissa and West Bengal have met sometimes back and they agreed that the construction of embankments should be done simultaneously on both sides. Therefore, it is difficult to take any construction work only to benefit Bengal.

SHRI SAMAR GUHA : Work in the upper part could be done.

SHRI SURENDRA MOHANTY : The reply of the hon. Minister says that the scheme for embankments in Orissa estimated to cost Rs. 10.5 crores is to be finalised by the Orissa State Government taking into account

the observations made by the Central Water and Power Commission and the Ministry of Finance. May we know what suggestions have been made by the CWPC and the Finance Ministry?

DR. K. L. RAO : These are usual technical observations. That is to say, the bank is so high and the bank should be at such and such a distance or the village should be raised and so on. These are technical observations. The estimates are returned to the State to incorporate these things and they are to send them back; they have not yet come back. Even then, the main difficulty is, the bank, if constructed, would submerge a large number of villages both in West Bengal and Orissa. The submergence is very heavy, sometimes like four to five feet above the normal level. So I have been thinking whether the problem could be tackled afresh by the construction of an upper reservoir to reduce the flow in the river.

SHRI SUBODH HANSDA : May I know whether the Government is aware of the fact that there is a great resentment from the people on both sides of the river, on the West Bengal and the Orissa sides, and that they have represented to the Government of West Bengal.....

MR. SPEAKER : Ask a question; no speeches.

SHRI SUBODH HANSDA : Yes, Sir;... that the alignment of the embankment should be changed? I want to know whether they have decided to change the alignment.

DR. K. L. RAO : The alignment has been the subject of discussion, and finally both the Governments have accepted the alignment for which estimates have been framed and they have been accepted by both the Governments.

SHRI S. C. SAMANTA : The Governments of West Bengal and Orissa are not agreeing to the site. I would like to know whether the Central Government has consulted the Bihar Government so that the site may be available from their State?

DR. K. L. RAO : So far as the embankments are concerned, both the West Bengal

and Orissa Governments have accepted both the alignment and the proposal. But taking the picture as a whole, I feel that the mere construction of the embankment, without any further reservoir, will not be of much use. In fact, the damage will be more. Therefore, I have been thinking whether the construction of a reservoir is better at the moment and I am investigating that aspect also.

SHRI CHINTAMANI PANIGRAHI : The Minister has stated that both the Governments have accepted the present alignment and the embankment. I would like to know whether the Orissa Government have accepted this alignment recently, or it was the previous alignment which they have accepted.

DR. K. L. RAO : This is the latest one. But as I submitted earlier, they have got some reservations ; both these Governments are not anxious to implement this project.

Changes suggested by Law Commission in
Indian Penal Code

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*785. **SHRI P. GANGADEB :**
SHRI NIHAR LASKAR :

Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Law Commission has submitted its report on gheraos ;

(b) if so, whether Law Commission in its report has suggested drastic changes in the Indian Penal Code ; and

(c) what are the main suggestions made ?

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE) : (a) The Law Commission has not submitted any separate report on 'Gheraos' as such, nor was the Commission asked to do so. Taking note of 'gheraos', the Commission has recommended in its report on the Indian Penal Code that the offences of wrongful restraint and wrongful confinement, when jointly committed by 10 or more persons, should be regarded as aggravated forms and be more severely punishable.

(b) The Law Commission has suggested a number of changes in the Indian Penal Code.

(c) The changes are too numerous to be dealt with. The principal changes are summarised by the Commission in Chapter XXV of its report. The report has been submitted recently to this Ministry and it has yet to be studied in depth. The report will be laid on the Table of the House as soon as printed copies become available.

SHRI P. GANGADEB : As the Law Commission has not submitted its report on gheraos as such, I would like to know how soon it will be possible for the Government to bring out a legislation on these gheraos.

SHRI H. R. GOKHALE : It is not contemplated ; gherao is only an extenuated form of the already existing offences under sections 341 and 342 of the Indian Penal Code. Even from a little study which we could make in the short time, of the recommendations of the Law Commission, what the Law Commission has said is, when wrongful confinement or wrongful restraint which are offences under the Indian Penal Code, are committed by 10 persons or more jointly, then it becomes an offence of gherao, and for that, a more severe punishment is recommended by the Law Commission. Therefore, no separate legislation pertaining to gherao as such is either necessary or is contemplated.

SHRI P. GANGADEB : Is not the Government conscious of the urgency of his legislation for gheraos in the light of the fact that it has become a big law and order problem in this country ?

SHRI H. R. GOKHALE : This supplementary really does not arise out of the original question at all, Sir.

SHRI BIRENDER SINGH RAO : I would like to know when the Government proposes to bring forward a Bill to amend the Indian Penal Code.

SHRI H. R. GOKHALE : The Commission has given a report which is voluminous. If I remember right, there are at least four or five volumes in cyclostyled copies. It is not more than a month that we have received the report. We are really studying it in depth because the recommendations cover a very large field. The Indian Penal code has been an old statute and has been regarded all