

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

over the world as a model statute on punishment of crime. Therefore, we want to be careful in examining all the recommendations. The report also will be laid on the Table of the House.

SHRI BIRENDER SINGH RAO : *rose*—

MR. SPEAKER : No, Sir.

SHRI BIRENDER SINGH RAO : It is a very pertinent question.

MR. SPEAKER : No, that is not the practice.

SHRI BIRENDER SINGH RAO : The Criminal Procedure Code is being amended. I would like to know from the Minister whether he would like to take up both the Bills together. It would be much better if both the Bills are considered together.

MR. SPEAKER : No, Sir. Order please.

SHRI DINEN BHATTACHARYYA : May I know whether there is any yardstick to differentiate between a legal demonstration to ventilate genuine grievances of workers and intimidation? It is always easy to call any demonstration as *gherao*. Is there any yardstick to define what is a *gherao* and what is a demonstration?

MR. SPEAKER : You are asking for opinion.

SHRI DINEN BHATTACHARYYA : It is arising out of his definition. He says that if ten persons demonstrate, that will be a *gherao*. It is the most dangerous thing.

MR. SPEAKER : I am not concerned with the definition; I am concerned with the relevance of the question.

SHRI DINEN BHATTACHARYYA : It is my personal experience. If the employer does not give due wages, what is the alternative? The Government does not take any step. If they hold a demonstration, it will be called a *gherao*.

MR. SPEAKER : Do not give me a discourse.

PROF. MADHU DANDAVATE : Does the Law Commission report indicate that in most of the cases *gherao* is a result of the failure of the Government to implement the awards given by the industrial courts? In that case what does the Government propose to do?

MR. SPEAKER : I think, this is too far-fetched a question.

Railway Line from Satna Station to Govindgarh Via Rewa

*790. MAHARAJA MARTAND SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether a survey was conducted for laying Railway line from Satna Railway Station (Central Railway) to Govindgarh via Rewa in the Rewa Commissioner's Division;

(b) if so, whether the above project was sanctioned and that work on it was about to start when Vindhya Pradesh was a Lt. Governor's State;

(c) if so, the reasons for dropping the project; and

(d) whether Government propose to go ahead with the project now and if not, the reasons therefor?

THE MINISTER OF RAILWAYS (SHRI HANUMANTHAIYA) : (a) Yes, Sir,

(b) No, Sir.

(c) The project was found to be unremunerative and hence not taken up for construction.

(d) No, Sir. Due to difficult resources position and the unremunerative nature of the line, its construction will have to wait for better times.

MAHARAJA MARTAND SINGH : Will the hon. Minister for Railways be pleased to state whether the Government