

Volume 17

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Parts 12

Hurdle Cleared

The final Hurdle for setting up High court circuit Benches at Dharwad and Gulbarga was cleared with the Karnataka High Court according approval to the modified building plans. The estimated cost of the new buildings will be Rs. 66 crores for Dharwad bench and Rs. 65.45 crores for Gulbarga bench.

CM Announces Welfare measures

Chief Minister H.D. Kumaraswamy Announced several welfare measures to Advocates while addressing the members of AAB on March 10, at city unit. He told that KAT would be shifted to MS building as a first step. He also announced that BDA is exploring ways to provide 30x40 and 20x30 sites at lesser prices to families which do not own sites. Larger sites measuring 40x60 and 50x80 would be distributed at market price. He also assured that schemes would be announced in the state budgets for economic well being of Advocates belonging to poor families. The Government would continue to pay stipend of Rs. 500/- P.M. to young Advocates for an year after their enrolment, he said. The CM also announced grant of Rs. 50 Lakhs for the golden jubilee celebration of Karnataka High Court.

Appointment of Administrator sought

A petition seeking appointment of an Administrator to the Advocates Association Bangalore was filed on March 27, before the Principal Revenue Secretary. The appointment of Administrator he sought under section 27 (A) of Karnataka Society Registration Act on the ground that Association had not held elections despite long lapse of time and that the office bearers have enrolled fake members.

CM for Comprehensive Reforms in Judicial System

Karnataka Chief Minister H.D. Kumaraswamy strongly pleaded for putting in place a judicial system which will cut delays in selection and appointment of Judges at all levels. He was speaking at the conference of Chief Ministers and Chief Justices of High Courts held at New Delhi on March 11. Mr. Kumaraswamy said "Merely appointing additional Judges may not entirely solve the problem" He demanded immediate action for filling up all the vacancies in the High Court and Subordinate Courts.

Mr. Kumaraswamy felt there is urgent need to "review the laws relating to consumer protection. Land acquisition, accident claims and family court matters". He Mooted a host of measures like amnesty with exemplary fines which can reduce the backlog of pending cases and conciliation before litigation by an independent judicial authority.

Seeking to promote usage of IT in the Indian Judiciary, he suggested that all High Courts and District Courts should make Judgments available on websites for downloading within 24 hours of their being delivered to eliminate the need to travel to courts to obtain a copy of it. He noted that the Karnataka H.C. has already initiated comprehensive programme of computerisation in the Subordinate Courts.

Kumaraswamy also pointed out that Karnataka Government has

taken steps for setting up of two circuit benches in Hubli - Dharwad and Gulbarga to ensure Justice he brought to the door steps of the litigants in the region.

The CM also pointed out that the state Government was working sincerely towards filling up of vacancies of judicial officers and to improve the overall condition of working of sub-ordinate courts in Karnataka.

Bhardwaj Dispels Misgivings

Union Law Minister H.R. Bhardwaj, speaking on the occasion, tried to dispel the misgivings about delay in appointment of High Court Judges. Saying that a record no of 200 judges were appointed to various High Courts in the last 2 years, he pointed out that as against the sanctioned strength of 750 judges an all time high incumbency of 560 judges has been achieved during the UPA regime.

AG Resigns

In a sudden development Advocate General R.N. Narasimhamurthy tendered his resignation on March 27, to the governor and the Chief Minister. In his resignation letter R.N. Narasimhamurthy pointed out that the decision to continue the team led by senior counsel Fali S. Nariman to represent the state before the Krishna River Water's Disputes Redressal Tribunal was taken behind his back. Interestingly Mr. Murthy held the office of AG perhaps for the shortest time.

Threat of Advocates stir

Karnataka State Bar Council warned the State Governor that Advocates will intensify their agitation if the hunger strike by Advocates from North Karnataka leads to any tragedy. While speaking to reporters on March 29, Mr. Y.R. Sadashiva Reddy, Chairman of the Bar Council, said that the Government will have to face the consequences. While appealing to the Advocates to call off their hunger strike organised to protest the delay in setting up the circuit bench of High Court he requested the government to take up the issue on priority basis to meet the expectations of the North Karnataka people.



Around the Courts

Tax law :

□ Levy of service tax on telecom services states have no power;

In a major financial gain to service providers in the telecom sectors the Supreme Court held that the services provided by them do not constitute "goods" under the sale of Goods Act and therefore not taxable under the sales Tax Act. In its judgment delivered on February 2, the division bench comprising Justice Ms. Ruma Pal, Mr. Justice A.R. Lakshmanan and Mr. Justice Dalveer Bhandari, the court allowed the petitions filed by service providers. While dismissing the contempt petitions filed by various states, the court laid down certain criteria for determination of sales such as articles being sold as goods, the buyer must have absolute right to use such goods and the right has to be at the exclusion of the transferor. In respect of telecom service providers it cannot be held that the transactions involve sale of goods. The court however held that hand sets and other electronic goods are "goods" within the meaning of the Sales Tax Act.

Service Law :

□ Employer has the right to close down business and abolish posts;

In a far reaching judgment delivered on March 28, the Supreme Court held that an employer, including the Central and State Government, has the right to abolish posts, increase or decrease the strength of its staff to enforce economy or for stream lining the administration as per requirement. While dismissing the petitions of 604 employees of Avas Vikas Samsthans (AVS) the apex court held that employees have no right of re-employment unless the liquidation of the organisation was proved to be mala fide. The court held that the writ of mandamus directing the employer to continue employing employees terminated from service due to abolition or abandonment of the department partly or wholly for want of funds. The apex court found erroneous the Rajasthan High Court judgment granting relief of re-employment, with pay protection, seniority and

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Roll of National Judicial Commission - A perspective

from last issue

C. JUDICIAL COMMISSION:

In S.P.Gupta Vs Union of India⁷ (First Judges case) justice P. N. Bhagwati made a fervent plea for a collegium to make recommendations to the President in regard to appointment of a Supreme Court or High Court Judge. He observed: "The recommending authority should be more broad-based and there should be consultation with wider interests. If the collegium is composed of persons who are expected to have knowledge of the persons who may be fit for appointment on the Bench- and of qualities required for appointment and this last requirements is absolutely essential - It would go a long way towards securing the right kind of Judges, who would be truly independent in the sense we have indicated above and who would invest the judicial process with significance and meaning for the deprived and exploited sections of humanity. We may point out that even countries like Australia and New Zealand have veered round to the view that there should be a Judicial commission for appointment of the higher judiciary. As recently as July 1977 the Chief Justice of Australia publicly stated that the time had come for such a commission to be appointed in Australia. So also in New Zealand, the Royal Commission on the Courts chaired by Mr. Justice Beattie, who has now become the Governor General of New Zealand, recommended that a judicial Commission should consider all judicial appointments including appointments of High Court Judges. This is a matter which may well receive serious attention of the Government of India". The National seminar on Judicial appointments and transfers organized by the Bar Council of India at Ahmadabad on October, 17, 1981 recommended a collegium for appointments to the Supreme Court consisting of: (1) the Chief Justice of India, (2) Five senior Judges of the Supreme Court, and (3) two representatives of the Bar representing the Bar Council of India and the Supreme Court Bar Association. It was of the view that the recommendation of the collegium shall be binding on the Government, though it would be open to the Government to ask for reconsideration of specific cases on grounds which per se may indicate that the choice

P.P. Rao, Senior Advocate requires to be reconsidered. Similarly for appointment of Judges of the High Court, the seminar recommended a collegium consisting of: (1) the Chief Justice of the High Court, (2) two senior-most Judges of the High Court and (3) two leading Advocates to be nominated by the Bar Association to the High Court as its representatives⁸.

Prof. Upendra Bakshi in an article published in the Times of India on August 5, 1986 suggested a different composition of the collegium which is as follows: -

1. The President of India
2. The Speaker of the Lok Sabha
3. The Chairman of the Rajya Sabha
4. The Leader of the Opposition (if there be one):
5. The Minister of Law and Justice, Government of India.
6. The Chief Justice of India.
7. Five senior Judges of the Supreme Court.
8. The Attorney General of India.

The Law Commission of India headed by Justice D.A. Desai in its 121st report recommended a judicial Commission with the following composition: "The Chief Justice of India must be at the head of this body and must be designated as Chairman. His preeminent position should not be diluted at all. Three senior most Judges of the Supreme Court next in rank to the Chief Justice of India, because of their long judicial experience in close proximity of the bar, should be members of the Commission. The predecessor in office of the Chairman i.e. the person who has retired as Chief Justice of India to whom the Chairman has succeeded will also be a member. He would be an asset to the Chief Justice of India. Three Chief Justices of the High Courts, according to their seniority as Chief Justices would be members. Minister of Law and Justice, Government of India, by virtue of his office would be a member. He represents at the highest level, the executive. Attorney-General of India would be a member by virtue of his office. As the leader of the Bar and not owing his position to any questionable electoral process he can adequately represent the interests of the Bar. An outstanding law academic would also be a member of the Commission. "This recommendation needs careful consideration.

to be contd...

The Constitutional Perspectives of Judicial Reform

from last issue

C. B. Srinivasan, Senior Advocate

-----E. S. Venkataramiah J.

in S.P.Gupta Vs President of India

AIR 1982 S.C. 149

Victuals and viands, voluptuousness and voyeurism are elements of human nature, but ill-suit high office.

The Factual Scenes that belie noble expectations

1. Unless we refuse to believe what we see, hear and think, the staring fact that the encomiums showered on the days of farewell of judges are merely symbolic, and the recipients are not the heartily honoured ones, speaks volumes for the illusion into which the institution and the participants have fallen a prey. Every word of praise of the particular judge is a verisimilitude to personal respect and professional honour.

2. Bound, as we are to trust, by every Chief Justice of India, on the partaking day of his tenure of office, there is the declaration that there is corruption in the judiciary. Successive Chief Justices of India are united in tone but differ only in the assessment of percentage. What steps are initiated during their tenure of office to blot out the rot is the Sphinx enigma. Not one incident of dealing with the corrupt, anywhere in the country, is reported. Even the honest impartial enquiry report of a chief Justice against three of his robed brethren is put in limbo.

3. The democratic process has, inevitably, but true to the spirit, drawn into legislatures, even men of ordinary intellect. But, the judiciary is the component of high intellectual cream of society - all learned men, exponents of law and justice, jurists that hold the scales of administration of justice to dispensation from pinnacles of perfected wisdom, and in such an environment, frequent resignations of holders of high office with disgruntled miens speaks ill of the management at the top. What honoured E.S. Venkataramiah, former Chief Justice of India, used to frequently say that what rules the roost in appointments to the higher judiciary is the "My-man" theory appears to have full sway. The apprehensions expressed from before that the judiciary attracts only those who have no claim to excellent practice continue to be real factors.

4. It is intellectual snobbery of sorts to assume, proclaim, or suffer the impression that the administration of justice through the processes of court are untainted, free, and fair. From the date of presentation of plaint/ complaint till the last date of obtaining a copy of the order of the last stage of the dispute, nothing moves unless the wheels are greased. The miscellaneous expenses far out weigh the court fee, lawyers' fee, copying fee and such other legal charges. The day it is possible to stand up and say that there is no corruption in the court procedures, there is hope that it is likely to be eradicated elsewhere. The Augean stables deserve to be cleared first here. Before courts exhort other administrators to drive out corruption, it has to sing the tune; "Physician heal Thyself".

5. Courts, considered the temples of justice, deserve to be managed by persons of caliber, character and compassion. As long as the Upanishadic dictum, in Mundakopanishad Chapter II 8

"Avidyayamanthare Varthamanah
Swayam Dheerah Punditam Manyamanah
Jaghanyamanah Pariyanthi Moodah
Andhenaiva Neeyamana Yathandah.

Swimming in the pool of ignorance,
Presumptions that they are Powerful
omniscients, exposed to all natural temptations and
Consequences, they prod along
Like the blind leading the blind".

sounds real, the threat is mighty.
Let this end.
Sathyam Bhavatu
Shubham Bhavatu

to be contd...

Foreign Tours

□ Mr. S. Siddappa, Advocate, Left Bangalore on 5.3.06 for three weeks tour of United Kingdom.

□ On 22.3.2006 Mr. H.N. Nanjundaih and Mr. V. Gopinath, Advocates, Left Bangalore for one week's tour of Singapore and Malaysia.



Mr. H.N. Nanjundaih and Mr. V. Gopinath, Advocates, with their friend Mr. B.C. Prakash at Koulalampur.

Compensation to the Lawyer

A Consumer forum ordered the P and T Department to pay compensation of Rs. 25,000/- to a lawyer who missed his last chance for appearing in judicial service examination as his application sent by speed post was returned to him instead of delivering the same to the addressee. Complainant Manoj Kumar Singh, a practicing lawyer sent his application for Chhatisgarh Judicial Services commission examination via speed post on Nov 22, 2004. The complainant had posted a cover with properly affixing the stamp and writing complete address. However, the envelope containing the application was returned to him, thus spoiling his chance to appear for the examination.

Judges Kin Commits Suicide

In a reported incident Krishna Kumari (30) daughter-in-law of Yashoda Armugam, District and Sessions Judge, was found dead by hanging at Bangalore on March 31, According to the police Krishna Kumari's husband had an affair with a Rajastani girl and Krishna Kumari took the extreme step of committing suicide after she failed to persuade her husband to be royal to her. Krishna Kumari was married about 12 years before. The police were on the lookout for the husband and his parents as all the three absconded after the incident.

Kolar Diary

□ On 2.3.06 Mr T.S. Satish Babu, an Advocate from Mulbagal married S. Preethi at Bangalore.

□ Under the joint auspices of the Kolar District Legal Services Authority and the District Advocates Association Kolar, a function was organised at Kolar on 8.3.06 to celebrate national womens' literacy week under International Womens Day. Mr. Mahipal Desai, District and Sessions Judge, Kolar, inaugurated. Mr. T. Amarendra President of District Advocates Association presided.

□ On 19.3.2006 a lawyers convention was inaugurated by Mr. Justice H.N. Nagamohan Das organised under the auspices of Kolar District Advocates Association and police department at KVRC Auditorium Kolar.

□ A Law work shop under the Joint auspices of Karnataka Stat Bar Council and Bar Association, Chintamani, was conducted at Chintamani between 25.3.2006 and 29.3.2006.

Bail granted

A Court of additional sessions Judge in Bangalore granted bail to Malleshaih, Advocate and member of Karnataka State Bar Council and one Syed yasin, businessman on March 8, 2006. The accused are charged by the city police of trying to bribe a judge of the Karnataka High Court in connection with a pending case. The accused were asked to furnish a bond of Rs. 1,00,000/- each to the court.

Immigration Law - UK & India

Nanda Kishore, Advocate

from last issue

- Special centers for removal and detention with rules of conduct within these centers.
- Exchange of information between medical inspectors and health service bodies.
- Exchange of information between immigration authorities and employers and financial institutions.
- Extensive regime for using carriers to control immigration, especially irregular immigration through "hard" and "soft" approaches.
- Immigration authorities given power to search business premises, seize and retain employee records.
- Information hotlines for reports about undocumented entrants
- Airline Liaison Officers to further control entry of undocumented persons.
- Extensive Visa regimes.
- Provision for creating networks of information through computers about persons.

It can be seen from the above that many of the measures may not come under control or scrutiny within the "rights" system. It is hard to imagine which concrete rights are actually violated by these measures. But nonetheless, these measures play their part in creating a system of surveillance and control, which may well be dehumanizing. For example, if immigration officers in a plane search and examine the only two black men in the plane, which human right have they violated? Or if a migrant worker is subjected to an "eye detection" test, which right is violated? Which human right does asking an immigrant to register with the police violate? Whilst it may be argued that an extension of the right to privacy may cover some instances, by and large, such surveillance and control measures escape the system of rights.

It may not be too far-fetched here to make an analogy here with the conceptions of Michel Foucault. For Foucault, there are two kinds of power. One is the direct, obvious kind of power. The other is a subtle kind of power. In "Discipline and Punish: The Birth of the Prison" Foucault writes about the dramatic changes that came about in 18th Century Europe which appeared to be humanizing changes: the penal system became more humane, punishments such as torture disappeared, punishment also became less harsh, etcetera. At the same time, a complex series of changes took place in society whereby stricter modes of surveillance, tighter partitioning and observation of the population, and subtler forms of control emerged. Foucault sees these changes as not really humanizing processes, but as part of a strategy for bringing into force newer, deeper and subtler forms of control and power in society. The reform of the criminal law is seen by Foucault as "a strategy for the rearrangement of the power to punish, according to modalities that rendered it more regular, more effective, more constant and more detailed in its effects" (Foucault 1979: 82). He writes: "Through-out the 18th Century, inside and outside the legal apparatus, in both everyday penal practice and the criticism of institutions, one sees the emergence of a new strategy for the exercise of the power to punish. And 'reform', in the strict sense, as it was formulated in the theories of law or as it was out-lined in the various projects, was the political or philosophical resumption of this strategy, with its primary objectives: to make of the punishment and repression of illegalities a regular function, coextensive with society; not to punish less, but to punish better, to punish with an attenuated severity per-haps, but in order to punish with more universality and necessity; to insert the power to punish more deeply into the social body" (Foucault 1979: 82) What is sought to be pointed out here is that besides the typical manifestation of state power in the form of arrest, detention and deportation, there are much subtler systems of surveillance and control in force in immigration control and we need to make a distinction between the different types of control in order to appreciate them, just as Foucault makes a distinction between "sovereign power" and "bio-power" in order to drive home the point about "bio-power"⁵.

to be contd...

Bi-Decennial celebration



The inauguration of Bi-Decennial celebration of Lahari Movement (L-R) Mr Justice Cyriac Joseph, Mr. Ashok Harnahalli Mr. Y.R. Sadashiva Reddy and Mr. V.N. Murthy.

Hon'ble Justice Cyriac Joseph, Chief Justice of Karnataka High Court, inaugurated the Bi-Decennial Celebration of Lahari Movement at Yavanika auditorium, in Bangalore on Thursday March 23, 2006. Mr. Y.R. Sadashiva Reddy, Chairman, Karnataka State Bar Council, was the Chief guest in the function. Mr. Ashok Harnahalli, President, Lahari Advocates Forum, Presided.

Mr. Cyriac Joseph in his inaugural speech lauded the array of activities conducted by the forum during the last two decades and expressed the hope that the forum has a bright future. Being always formal when it is not required is not acceptable to me, he said. I believe that irrespective of the position a person holds he can be social beyond the period when he is not discharging his official responsibilities. This will help that person to fully blossom into an amiable person acceptable to all sections of society, he said. In his elaborate address his lordship recalled the various stages in the development of a person who could achieve supreme state of happiness. It is in this direction Lahari Movement is doing yeomen service, his Lordship said.

Mr. Sadashiva Reddy, in his

address, recalled his interaction with the functionaries of Lahari and commended the excellent work carried on by the forum. He said that all sections of the Advocates community would feel proud to associate themselves with Lahari Advocates Forum. He felt that the forum has a bright future.

In his welcome address Mr. Ashok Harnahalli, president of the forum, gave a brief resume of the various projects undertaken by the Lahari movement. Apart from this he also gave details of the future projects Lahari has in mind.

Past Presidents of Lahari advocates forum Viz, Mr. P.G.C. Changappa, Mr. N.S.S. Gupta and Mr. N. Jaiprakash Rao, were honoured by presenting Mementoes.

The function ended with vote of thanks proposed by Mr. N. Jaiprakash Rao, Ms. Anu Changappa anchored the function very well.

Bharatanatyam by Kum. Shruti and Kum. Smriti, daughters of Mr. G.K. Bhat, Advocate added lustre to the evenings programme. Mr. Richard G. Louis provided humorous background to the Cultural Programme.

This part of the Cultural Programme was anchored by Ms. N.S. Rachana, Advocate.

Miscellany

Mr. N.D.B. Raju, Advocate, Supreme Court, Member, International Criminal Bar and Governing Council Member, Bar Association of India attended the council meeting and General Assembly of the International Criminal Bar at Hague, Netherlands from 25 to 27 November 2005. He also attended the Fourth session of Assembly of State of parties organised by the United Nations for the International Criminal Court at Hague from 28th November to 3rd December 2005. Between 20th and 24th January 2006 Mr. Raju attended and addressed Arab Lawyers Union at Damascus, capital of Syria. The topic of address by Mr. Raju was Alien Countries interference over the sovereignty of independent nations.

Campus Watch

Mr. Justice S.R. Bannurmath, Judge, High Court of Karnataka called upon Law graduates to uphold truth and integrity. He was addressing the students at the sixth mini-convocation of the Bangalore Institute of Legal Studies (BILS) on March 18. He also called upon the Law graduates to keep themselves updated on the latest developments in the field of Law. While mentioning that the days when the Law degree was considered the last career option was over Justice Bannurmath said that in today's competitive world, Avenues for Law students are enormous. In spite of the fact the information technology revolution a career in Law is still the most sought after option, he said.

Socialising How much?

How much should a judge socialise? Should a judge be not careful against over-exposure in public life? These were some of the issues raised by chief justice of India Justice Y.K. Sabharwal at a function recently. In his Lordships view a Judge should not be "too accessible".

Know This

With a view to clear backlog of pending work Karnataka High Court has decided to work on first and third Saturdays of each month commencing from June 2006.

News Panorama

Recently a Chinese court has ruled that a child born through artificial insemination and its mother are legitimate inheritors of the deceased father's property according to Chinese Law of inheritance. One zhang, who died of Cancer in May 2004, when his wife Li (42) was still carrying. The couple failed to conceive a baby after 6 years of married life. At the end of 2003 they agreed to try artificial insemination and both signed a application and submitted it to a local hospital in ginhuai of manjing in eastern China. But zhang later executed a will bequeathing his estate in favour of his parents, with recital in the will that he will not accept the baby as his. He also mentioned in the will that his mother paid him 15 thousand xuans (1875 Dollars), less than 1/10th of the price of his house. While rejecting the claim of the parents the court held that the child was born out of the mutual consent of the parents. However, the court directed wife li to pay 8750 Dollars to zhang's parents.



Around the Courts

(1st page)
pension regarding 46 daily wagers of AVS as not tenable and therefore the judgment is not enforceable.

In 1989 Rajasthan Government setup 9 Avas Vikas Sansthan and employed several hundred employees to mar them. However, in March 1999 all those AVS were closed down for want of budgetary support. Consequently the services of employees were terminated. The State Government formulated a scheme for absorption of those employees in local bodies on priority basis. The scheme envisaged that such appointments would be in the minimum of the grade, and without benefits of past service. The Government also offered VRS to the employees.

Municipal Law

□ Section 14-A of The Town and Country Planning Act-whether a hotel can run in a residential area;

In a recent judgment a bench of the Supreme Court comprising Mr. Justice S.P. Sinha and Mr. Justice P.K. Balasubramanyam held that running a hotel in a residential area is impermissible. Change of land use cannot be permitted under the provisions of Town and Country Planning Act. The Court also laid guidelines for exercising power under Sec. 14-A of the Act. The court said that change of land use should be in public interest, change should not contravene any provisions of the Act and proposed change should be intimated to the public in one or more daily news papers.

A person had purchased a house in Jayanagar, a residential area in Bangalore. He applied to the BDA for change of landuse. The same was granted. However, when he started a restaurant in the building some residence of 5th block Jayanagar challenged the validity of running the restaurant by filing a repetition in the High court. The repetition came to be dismissed on the ground that the Welfare Association of Jayanagar had given no objection when objections were called for in this regard. The petitioners approached the Supreme Court against the High Court Judgment. While setting aside the Karnataka High Court Judgement the apex court held that no public interest was involved when BDA granted permission for change of landuser and such a permission cannot be sustained having regard to the zoning regulations.

Obituary

We report, with regret, that:

□ On 6.3.2006 N. Chakravarthy (48), Advocate, Passed away at Bangalore.

□ On 6.3.2006 K. Narasimha murthy (64) Advocate Passed away at Bangalore.

ನಮ್ಮ ಪರಂಪರೆಗೆ ಏನಾಗಿದೆ?

ನಮ್ಮ ಪರಂಪರೆ ಪತನಗೊಳ್ಳುತ್ತಿದೆ ಎಂದು ಪರಿತಪಿಸುವವರು ಕೆಲವರು, ನಮ್ಮ ಸಂಸ್ಕೃತಿ ನಶಿಸುತ್ತಿದೆ ಎಂದು ಹಲಬುವವರು ಹಲವರು! ಎಲ್ಲೆಲ್ಲೂ ನಮ್ಮ ಜೀವನ ಮೌಲ್ಯಗಳು ಕುಸಿಯುತ್ತಿವೆ ಎಂಬ ಕೋಲಾಹಲ ಕೇಳಿಬರುತ್ತಿದೆ. ಆದರೆ ಸಾವಿರಾರು ವರ್ಷಗಳ ನಮ್ಮ ಪರಂಪರೆ, ಪರಕೀಯರ ದಾಳಿಯ ನಂತರವೂ ಉಳಿದುಕೊಂಡು ಬಂದದ್ದು ಈಗ ಕೆಲವೇ ದಶಕಗಳಲ್ಲಿ ಪತನಗೊಳ್ಳುತ್ತಿದೆ ಎಂದರೆ ಪ್ರತಿಯೊಬ್ಬ ಭಾರತೀಯನೂ ಯೋಚಿಸಬೇಕಾದ ಗಂಭೀರ ವಿಷಯವಲ್ಲವೇ?

ಭಾರತೀಯ ಸನಾತನ ಧರ್ಮ, ಸಂಸ್ಕೃತಿ ಮತ್ತು ಪರಂಪರೆ ಜಗತ್ತಿನಲ್ಲಿಯೇ ಉತ್ತಮವಾದದ್ದು ಎಂದು ಜಗತ್ತಿನ ಜನ ನಮ್ಮ ದೇಶದ ಕಡೆಗೆ ನೋಡಿದರೆ, ನಾವು ಅದನ್ನು ನಿಕ್ಕಷ್ಟವಾಗಿ ಕಾಣುತ್ತಿದ್ದೇವೆ. ವಿದೇಶಿಯರಿಗೆ ಸಂಸ್ಕೃತಿ ಇಲ್ಲ ಎಂದು ತಾತ್ಕಾರದಿಂದ ನಾವು ಅವರನ್ನು ಕಂಡರೂ ಅವರು ತಮ್ಮ ನೂತನ ಸಂಸ್ಕೃತಿಯ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೆಚ್ಚಿಸುತ್ತಿದ್ದಾರೆ. ಯಾವುದೇ ವಿಧಾನವನ್ನು ಪರಿಷ್ಕರಿಸಿ, ಅದನ್ನು ನಿರ್ಮಲವಾಗಿ ವ್ಯವಸ್ಥಿತವಾಗಿ ಬೆಳೆಸುವುದಕ್ಕೆ Culture ಅಂತ ಕರೆಯುತ್ತಿದ್ದಾರೆ. ಉದಾಹರಣೆಗೆ Agriculture, Sericulture, Horticulture. ಅಷ್ಟೇ ಯಾಕೆ ಮೀನು ಮತ್ತು ಮುತ್ತುಗಳನ್ನೂ Culture ಮಾಡುತ್ತಿದ್ದಾರೆ! ಆದರೆ ನಾವು ನಮ್ಮ ಮುತ್ತಿನಂಥ ಮಕ್ಕಳಿಗೇ Culture ಇಲ್ಲದ ಹಾಗೆ ಬೆಳೆಸುತ್ತಿದ್ದೇವೆ. ಮಗುವಿನ ಮನಸ್ಸನ್ನು ಪರಿಷ್ಕರಿಸಿ, ಸನ್ಮಾರ್ಗಕ್ಕೊಯ್ದು ಮಾನವೀಯತೆಯ ಮೂರ್ತಿಯಾಗಿ, ಸಮಾಜ ಕಲ್ಯಾಣಕ್ಕಾಗಿ ಮಹಾಮಾನವನಾಗಿ ಬಾಳುವ ಹಾಗೆ ಬೆಳೆಸುವುದೇ ನಮ್ಮ ಸಂಸ್ಕೃತಿ.

ಅಂದರೆ ಮೊಳಕೆ ಬೆಳೆದು ಫಲಪುಷ್ಪಗಳನ್ನೂ, ನೆರಳನ್ನೂ ಕೊಡುವ ಹೆಮ್ಮರವಾಗಿ ಬೆಳೆಯಬೇಕಾದರೆ ಹೇಗೆ ಅದಕ್ಕೆ ಫಲವತ್ತಾದ ಭೂಮಿ, ಸೂರ್ಯನ ಕಿರಣ ಮತ್ತು ನೀರು ಅವಶ್ಯಕವೋ ಹಾಗೆ ಮಕ್ಕಳಿಗೆ ಒಳ್ಳೆಯ ತಂದೆ ತಾಯಂದಿರೇ ಫಲವತ್ತಾದ ಭೂಮಿ ಮತ್ತು ಪೂರಕವಾದ ಉತ್ತಮ ವಿದ್ಯೆ. ಸೂರ್ಯನ ಕಿರಣದ ಹಾಗೆ ಅವರನ್ನು ಪ್ರಜ್ವಲಿಸುವಂತೆ ಮಾಡಲು ಇವು ಅಗತ್ಯ.

ಆದರೆ ಆ ಸಸಿ ಫಲವತ್ತಾದ ಭೂಮಿ ಮತ್ತು ಬಿಸಿಲು ಇದ್ದರೂ ಕೂಡ ಪ್ರತಿನಿತ್ಯ ಅದಕ್ಕೆ ನೀರುಣಿಸದಿದ್ದರೆ ಒಣಗಿ ಹೋಗುತ್ತದೋ ಹಾಗೆ ಮಗುವಿಗೆ ಒಳ್ಳೆಯ ತಂದೆ ತಾಯಿ ಮತ್ತು ಅತ್ಯುತ್ತಮ ವಿದ್ಯೆ ಇದ್ದರೂ ಕೂಡ ಅವರಿಗೆ ಒಳ್ಳೆಯ ಸಂಸ್ಕೃತಿ, ಅಂದರೆ Culture ಎನ್ನುವ ನೀರನ್ನು ನಿತ್ಯ ಕೊಡದಿದ್ದರೆ ಆ ಮಗು ಬಾಡಿದ ಸಸಿಯಂತೆ Educated ಆಗುತ್ತದೆ. ಅಂದರೆ ಬುದ್ಧಿವಂತನಾಗಿ ಬದುಕಿದರೂ ಸಮಾಜಕ್ಕೆ ನಿಷ್ಪ್ರಯೋಜಕವಾದ ಜೀವನವನ್ನು ಮಾಡುತ್ತಾನೆ. ಆದ್ದರಿಂದ ಯಾವುದೇ ಸಮಾಜದಲ್ಲಿ

ಮೂಲದಾವೆಯ ಮೂಲ ಸಮಸ್ಯೆ

ಸಿವಿಲ್ ಪ್ರಾಕ್ಟೀಸ್ ಮಾಡುವ ವಕೀಲರಿಗೆ ತಲೆನೋವು ತರುವ ಅಂಶವೆಂದರೆ ಮೂಲದಾವೆಯ ವಿಲೇವಾರಿ ಏಕೆಂದರೆ ಸಾಧಾರಣವಾಗಿ ಈ ಮೂಲದಾವೆಗಳಲ್ಲಿ ತೊಡಕು ಹೆಚ್ಚು. ಅದನ್ನು ನಮ್ಮ ವಕೀಲರು ಪ್ರತಿವಾದಿಗಳು ಮತ್ತಷ್ಟು ಗೊಂದಲಗೊಳಿಸಿ ಕೇಸು ವಿಲೇವಾರಿ ಮಾಡುವುದನ್ನು ಮತ್ತಷ್ಟು ತಡ ಮಾಡಿಸುತ್ತಾರೆ. ಸಾಧಾರಣವಾಗಿ ಇಂತ ಕೇಸುಗಳು ಮುಗಿಯಲು ಅಧೀನ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಕಡೆಯ ಪಕ್ಷ 4ರಿಂದ 5 ವರ್ಷಗಳಾದರೂ ತೆಗೆದುಕೊಳ್ಳುತ್ತವೆ. ಆ ನಂತರ ಮೇಲಿನ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಮತ್ತೆ ನಾಲ್ಕೈದು ವರ್ಷ. ಇನ್ನು ಸುಪ್ರೀಮ್ ಕೋರ್ಟ್‌ಗೆ ಹೋದರೆ ಆ ಕಕ್ಷಿದಾರರನ್ನು ಆ ದೇವರೇ ಕಾಪಾಡಬೇಕು. ಈ ವಿಧಾನದಿಂದಾಗಿಯೇ ಜನರಲ್ಲಿ ನ್ಯಾಯಾಲಯ, ನ್ಯಾಯಧಾನವೆಂದರೆ ಅಸಡ್ಡೆ. ನಮ್ಮ ಜನನಾಯಕರು, ನ್ಯಾಯದಾನ ಹೊಣೆಹೊತ್ತವರು ಕೇಸುಗಳನ್ನು ಶೀಘ್ರ ವಿಲೇವಾರಿ ಮಾಡುವ ಬಗ್ಗೆ ಸುಳ್ಳು ಆಶ್ವಾಸನೆಗಳನ್ನು ನೀಡುತ್ತ ಜನರನ್ನು ದಾರಿ ತಪ್ಪಿಸುತ್ತ ಯತ್ನಾಂತರಗಳನ್ನು ಉಳಿಸುತ್ತಿದ್ದಾರೆ. ಯಾವ ಲೋಕ ಅದಾಲತ್ತು ಕೂಡ ಈ ದಿಶೆಯಲ್ಲಿ ಯಶಸ್ವಿಯಾಗಿಲ್ಲ ಉಚ್ಚನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕೂಡ ಮೂಲದಾವೆಯ ಸಂಬಂಧದ ಮೆಲ್ಮನವಿಗಳು ಬಹಳಷ್ಟು ವರ್ಷಗಳಿಂದ ಬಾಕಿ ಇವೆ. ಬಹಳಷ್ಟು ಕೇಸುಗಳು ವಿಲೇವಾರಿಯಾಗುವ ಹೊತ್ತಿಗೆ ಮೂರು ತಲೆಮಾರು ಕಳೆದಿರುತ್ತದೆ. 'ಸೋತವನು ಸತ್ತ ಗೆದ್ದವನು ಸೋತ' ಎಂಬ ಗಾದೆ ಇಂತಹ ಮೂಲದಾವೆ ಕೇಸುಗಳಿಗೆ ಬರೆದ ಹಾಗಿದೆ. ವರ್ಷಗಳು ಕಳೆದಷ್ಟು ಒಂದು ತೆರನ ಉದಾಸೀನ ಭಾವ ನಮ್ಮ ನ್ಯಾಯಧೀಶರಗಳಲ್ಲಿ ನ್ಯಾಯವಾದಿಗಳಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳಲ್ಲಿ ಮೂಡುತ್ತದೆ, ಕೇಸ್ ದಾಖಲಿಸಿದ ವಾದಿ ಹಾಗೂ ಅವನ ಕುಟುಂಬ ಮಾತ್ರ ಪರಿಹಾರ ನೀಡುವಲ್ಲಿ ಕುಟುಕು ಜೀವ ಉಳಿಸಿಕೊಂಡು ನಿರಾಶಾದಾಯಕ ನೋಟ ಬೀರುತ್ತಿರುತ್ತಾರೆ. ನನಗೆ ತಿಳಿದ ಕಕ್ಷಿದಾರರೊಬ್ಬರು 12 ವರ್ಷವಾದರೂ ದಾವೆಯಲ್ಲಿ ವಿಚಾರಣೆ ಆರಂಭವಾಗದಾಗ ದೇವಸ್ಥಾನಕ್ಕೆ ಹೋಗಿ ಕೇಸಿಗೆ ಎಳ್ಳುನೀರು ಬಿಟ್ಟು ವಕೀಲರಿಗೆ ಇನ್ನು ಮುಂದೆ ಏನು ಮಾಡಿದರೂ ನಾನು ನ್ಯಾಯಾಲಯದ ಕಟ್ಟೆ ಹತ್ತುವುದಿಲ್ಲ ಎಂದು ಬಿಟ್ಟರು. 40-50 ಲಕ್ಷ ಬಾಳುವ ನಿವೇಶನದ ವಿಚಾರ ಅದು. ಅವರಿಗೆ ಯಶಸ್ಸಾಗುವ ಭರವಸೆಯೂ ಇತ್ತು ಆದರೆ, ಎಂದಿಗೆ? ಈ ಪ್ರಶ್ನೆ ಅವರನ್ನು ಕಂಗಾಲು ಮಾಡಿಬಿಟ್ಟಿತು.

ಇತ್ತೀಚೆಗಿನ ಒಂದು ಉದಾಹರಣೆ, 90 ವರ್ಷದ ವಾದಿಯೊಬ್ಬರು ಇಪ್ಪತ್ತು ವರ್ಷದ ನಂತರ ಆಸ್ತಿ ವಿಭಾಗದ ಕೇಸಿನಲ್ಲಿ ತಮ್ಮ ಪರವಾಗಿ ತೀರ್ಪು ಪಡೆದುಕೊಂಡು ಆದೇಶದಂತೆ ತಮ್ಮ ಭಾಗದ ಹಕ್ಕನ್ನು ಪಡೆಯಲು ಉತ್ಪುಕರಾಗಿದ್ದಾಗ ಅವರ ತಮ್ಮ ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಮೇಲ್ಮನವಿಸಲ್ಲಿಸಿ ಅವರಿಗೆ ನೋಟೀಸು ಕೊಡಿಸಿದರು. ಸದರಿ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿ ಎರಡು ವರ್ಷಗಳಾಗಿದ್ದಾಗ ಈ ಹಿರಿಯರ ವಕೀಲರು ವಯಸ್ಸಿನ ಕಾರಣ ನೀಡಿ ಬೇಗ ಅಂತಿಮ ವಿಚಾರಣೆಗೆ ಬರುವಂತೆ ಪ್ರಯತ್ನ ಮಾಡಿದರು. ಈ ಸುದ್ದಿ ತಿಳಿದ ಕಕ್ಷಿದಾರರು ಬಹಳ ಉತ್ಪುಕತೆಯಿಂದ ಪ್ರತಿ ದಿನವೂ ತಮ್ಮ ವಕೀಲರಿಗೆ ಫೋನ್ ಮಾಡಲು ಆರಂಭಿಸಿದರು, 'ವಿಚಾರಣೆ ಮುಗಿಯಿತೆ' ಎಂದು. ವಕೀಲರ ದುರಾದೃಷ್ಟ ಕೇಸು ಪಟ್ಟಿಯಲ್ಲಿ ಪ್ರತಿದಿನ ದಾಖಲಾಗುತ್ತಿದ್ದರೂ ಕಾಲಾವಕಾಶದ ಅಭಾವದ ಕಾರಣ ವಿಚಾರಣೆಗೆ ನಾಲ್ಕು ತಿಂಗಳಾದರೂ ಬರಲಿಲ್ಲ. ಕಡೆಗೆ ಮತ್ತೆ ಒಂದು ತಿಂಗಳು ಕಳೆಯುವಷ್ಟರಲ್ಲಿ ಆ ಹಿರಿಯರು ಈ ಲೋಕವನ್ನೇ ತ್ಯಜಿಸಿದರು. ಇದೊಂದು ನ್ಯಾಯದಾನದ ಮುಖ.

ಇದನ್ನೆಲ್ಲ ಕಾಳಜಿಯಿಂದ ಯಾರಿಗಾದರೂ ವಿವರಿಸಿದರೆ ಅದಕ್ಕೂ ತಣ್ಣಗಿನ ಪ್ರತಿಕ್ರಿಯೆಯೇ. ನ್ಯಾಯದಾನದ ಪದ್ಧತಿ ತಿಳಿದವರು ವಿಷಾದದಿಂದ ನಗುತ್ತಾರೆಯೇ ವಿನಃ ಸುಮ್ಮನೆಯೇ ಇರುತ್ತಾರೆ. ಲೋಕ ಅದಾಲತ್‌ನಿಂದ ಇಂತಹ ಕೇಸುಗಳ ಶೀಘ್ರ ವಿಲೇವಾರಿಯಾಗದೆ ಉಳಿಯಲು ಕಾರಣವೇನೆಂದರೆ ಇಲ್ಲಿರುವ ಸರಳವಲ್ಲದ ವಿವಾದಗಳು. ಮನುಷ್ಯರ ಮನುಷ್ಯರ ನಡುವಿನ ಹೊಂದಾಣಿಕೆ ಸಮಸ್ಯೆಯಿಂದಾಗಿಯೇ ವಿವಾದಗಳು ಹುಟ್ಟಿ ಹಾಕಿಕೊಳ್ಳುತ್ತವೆ. ಕುಟುಂಬಗಳಲ್ಲಿ ಮನಸ್ಸಾಪ ಬಂದಿರುತ್ತದೆ. ಒಬ್ಬರನ್ನೊಬ್ಬರು ದೂಷಿಸುತ್ತಾ ಪಾರ್ಟಿಗಳೂ ಗುದ್ದಾಡುವ ಮನಸ್ಸಿನಲ್ಲಿಯೇ ಇರುತ್ತಾರೆ. ಕಾದು ಕಾದು ಬೇಸತ್ತವರಲ್ಲರೂ ಅನಾಸಕ್ತ ಯೋಗಕ್ಕೆ ಹೋಗುತ್ತಾರೆ. ಹೀಗಿದೆ ನಮ್ಮ ಮೂಲದಾವೆಗಳ ನ್ಯಾಯದಾನ ಸ್ಥಿತಿ.

ಮೇಲ್ಮನವಿಗಳ ಕೇಸ್ ಇತ್ಯರ್ಥ ಮಾಡುವುದು ಉಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೂ ಸಾಧ್ಯವಾಗುತ್ತಿಲ್ಲ. ಏಕೆಂದರೆ ಅವಸರದ ಅಡುಗೆ ಸಲ್ಲ. ವಾದಿ ಪ್ರತಿವಾದಿಗಳ ಭವಿಷ್ಯ ಹೆಚ್ಚು ಕಮ್ಮಿ ಇಲ್ಲಿಯೇ ಇತ್ಯರ್ಥವಾಗುತ್ತದೆ. ಏಕೆಂದರೆ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಹೋಗುವುದು. ಅತಿ ದುಬಾರಿ ಕೆಲಸ. ಹಣವಂತರಾದ ಬೆರಳೆಣಿಕೆಯ ಮಂದಿ ಅಲ್ಲಿ ಹೋಗಿಯಾರು ಅಷ್ಟೆ. ಅದರಿಂದಾಗಿ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ನ್ಯಾಯದಾನವು ಎಚ್ಚರಿಕೆಯಿಂದ ನಿರ್ವಹಿಸಲ್ಪಡಬೇಕಾಗಿದೆ. ಮೂಲಸಮಸ್ಯೆಯನ್ನು ನಿರ್ಮೂಲ ಮಾಡಬೇಕೆಂದರೆ ಇದಕ್ಕಾಗಿ ವಿಶೇಷ ಹೆಚ್ಚುವರಿ ನ್ಯಾಯಾಲಯಗಳಾಗಬೇಕಿವೆ. ಈ ಬಗ್ಗೆ ಯೋಚನೆ ಮಾಡುವಂತಾಗಲಿ ಅನ್ನುವುದೇ ನಮ್ಮ ಆಶಯ.

ನಮ್ಮ ಪರಂಪರೆಗೆ ಏನಾಗಿದೆ?

(೧ನೇ ಪುಟದಿಂದ)

ಮಾನವೀಯತೆ ಮೆರೆಯಬೇಕಾದರೆ ಆ ಸಮಾಜದ ಮಕ್ಕಳಿಗೆ ಚಿಕ್ಕಂದಿನಿಂದಲೇ ನಮ್ಮ ಭಾರತೀಯ ಸಂಸ್ಕೃತಿ ಎಂಬ ಜಲಧಾರೆಯಿಂದ ಬೆಳೆಸಬೇಕು.

ಈ ಸಂಸ್ಕೃತಿ ಒಂದು-ಎರಡು ದಿನಗಳಲ್ಲಿ ಬರುವಂಥದಲ್ಲ. ಪ್ರತಿದಿನ ಮಗುವಿಗೆ ಪ್ರೀತಿಯಿಂದ ಹಾಡು ಮತ್ತು ಕತೆಯ ಮುಖಾಂತರ ಹೇಳಿಕೊಡಬೇಕು. ಹಿಂದೆ ಮಕ್ಕಳಿಗೆ ನೀತಿ ಕತೆ, ದೊಡ್ಡವರಿಗೆ ಹರಿಕಥೆಗಳಿದ್ದವು. ಇಂದು ಅವೆಲ್ಲ ಕಣ್ಮರೆಯಾಗಿವೆ. ಮಕ್ಕಳು ಕೆಟ್ಟದಾಗಿರುವ Comic ಓದುತ್ತಾರೆ. ಇಲ್ಲವೆ ದೊಡ್ಡವರೊಂದಿಗೆ ವಿನಾಶಕಾರಿಯಾದ ಸೆಕ್ಸ್, ಸಿಟ್ಟು, ಸೇಡು, ಸೆಡುವು ಮತ್ತು ಸೊಕ್ಕನ್ನು ತೋರಿಸಿ ಮನಸ್ಸನ್ನು ವಿಕಾರಗೊಳಿಸುವ ಚಿತ್ರ ಮತ್ತು ಧಾರಾವಾಹಿ ನೋಡುತ್ತಾರೆ.

ಇದರಿಂದ ನಮ್ಮ ಸಂಸ್ಕೃತಿ ಮತ್ತು ಪರಂಪರೆ ನಾಶಗೊಳ್ಳುತ್ತಿದೆ. ಮಕ್ಕಳಿಗೆ ಬುದ್ಧಿಬೋಧನೆ ಮಾಡುವ ಶಿಕ್ಷಕರೇ ತಮ್ಮ ತಮ್ಮಲ್ಲೇ ಕಿತ್ತಾಡಿಕೊಳ್ಳುವುದು ಅಮಾಯಕ ಬಾಲಕಿಯರ ಮೇಲೆ ಆತ್ಮಾಚಾರ ಎಸಗುತ್ತಿರುವುದನ್ನು ಕೇಳಿದರೆ, ಬೇಲಿಯೇ ಎದ್ದು ಹೊಲವನ್ನು ಮೇಯ್ದಂತೆ ಅನ್ನಿಸುತ್ತದೆ.

‘ಗುರುವೇ ದೇವರು’ ಎನ್ನುವ ನಮ್ಮ ಸಮಾಜದಲ್ಲಿ ಇಂದಿನ ಕೆಲವು ಶಿಕ್ಷಕರು ಮಕ್ಕಳ ಭವಿಷ್ಯದ ಭಾಷಿಕರಾದರೆ, ಅಮೆರಿಕದಲ್ಲಿ ಮಕ್ಕಳಿಗೆ ನೀತಿ ಬೋಧನೆ ಕಥೆ ಹೇಳುವುದಕ್ಕೆ ಶಿಕ್ಷಕರಿಗೆ ವಿಶೇಷ ತರಬೇತಿ ನೀಡುತ್ತಿರುವುದನ್ನು ಕಂಡು ಕೇಳಿ ನಾನು ಆಶ್ಚರ್ಯಚಕಿತನಾಗಿದೆ.

ಕೆಲವು ವರ್ಷಗಳ ಹಿಂದೆ ಅಮೆರಿಕಾದಲ್ಲಿರುವ ನನ್ನ ಆಪ್ತ ಸ್ನೇಹಿತೆ ಡಾ. ವಿದ್ಯಾಳನ್ನು ನೋಡಲು ಹೋದೆ. ಆರೋಗ್ಯದ ಬಗ್ಗೆ ವಿಶೇಷ ಕಾಳಜಿ ತೆಗೆದುಕೊಳ್ಳುವ ಅವಳು ನನ್ನನ್ನು ಅವಳ ಜೊತೆಗೆ ಮುಂಜಾನೆಯ ವಾಯು ವಿಹಾರಕ್ಕೆ Lake Earieಯ ದಡಕ್ಕೆ ಕರೆದುಕೊಂಡು ಹೋದಳು. ಆಗ ಅವಳ ಅಮೆರಿಕನ್ ಗೆಳತಿ, ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕಿ. ನಮ್ಮೊಡನೆ ನಡೆಯುತ್ತ ಸ್ವಲ್ಪ ಅಂತಕ ಮತ್ತು ಸಂಕೋಚದೊಂದಿಗೆ ‘ನಾಳೆ ನಾನು ಮಕ್ಕಳಿಗೆ ಕಥೆ ಹೇಳುವ ವಿಧಾನದ ಬಗ್ಗೆ ಪಾಠ ಮಾಡಬೇಕು ನಿಮ್ಮಿಬ್ಬರಿಗೂ ಆಕ್ಷೇಪ ಇಲ್ಲದಿದ್ದರೆ Please ನಿಮ್ಮ ಮುಂದೆ ನಾನು ಅದರ Practice ಮಾಡಲಾ?’ ಎಂದು ಕೇಳಿದಳು. ನಾವಿಬ್ಬರೂ ಖುಶಿಯಿಂದ ಒಪ್ಪಿಕೊಂಡೆವು.

ಆಗ ಆ ಶಿಕ್ಷಕಿ ಚಿನ್ ಚಿನ್ ಚೂ ಎನ್ನುವ ಪುಟ್ಟ ಬಾಲಕಿ ಬಾವಿಯಲ್ಲಿ ಹಣಕಿ ನೋಡುವಾಗ ಕಾಲು ಜಾರಿ ಬಿದ್ದದ್ದು ಅವಳು Help..... help..... ಅಂತ ಕಿರುಚುವುದನ್ನು ಕೇಳಿದ ಇನ್ನೊಬ್ಬ ಚಿನ್ ಚಿನ್ ಚಿನ್ ಎನ್ನುವ ಚಿಕ್ಕ ಹುಡುಗ ಓಡೋಡಿ ಹೋಗಿ ಎಲ್ಲರನ್ನೂ ಸಹಾಯಕ್ಕೆ ಕರೆದು ಏಣಿ ಹಗ್ಗ ತಂದು ಇನ್ನಿತರ ಮಕ್ಕಳೆಲ್ಲ ಸೇರಿ ಆ ಪುಟ್ಟ ಬಾಲಕಿಯನ್ನು ಉಳಿಸಿ ಉಪಚರಿಸಿದ್ದನ್ನು ಎಷ್ಟು ರಸವತ್ತಾಗಿ, ಭಾವಪೂರ್ಣವಾಗಿ ಅಭಿನಯದೊಂದಿಗೆ, ಆತಂಕ, ಉದ್ವೇಗ ತುಂಬಿದ ಧ್ವನಿಯಲ್ಲಿ ಹೇಳಿದರೆಂದರೆ ನಾನು ಮಂತ್ರಮುಗ್ಧನಾಗಿದೆ.

ಆ ಒಂದು ಚಿಕ್ಕ ಕಥೆಯಿಂದ ಆ ಶಿಕ್ಷಕಿ ಮಕ್ಕಳಿಗೆ ಬಾವಿಯ ಹತ್ತಿರ ಜಾಗರೂಕರಾಗಿರಬೇಕು, ಕಷ್ಟದಲ್ಲಿದ್ದವರಿಗೆ ಶತ ಪ್ರಯತ್ನ ಮಾಡಿ ಸಹಾಯ ಮಾಡಬೇಕು ಮತ್ತು ನೀರಿನಲ್ಲಿ ಮುಳುಗಿದವರಿಗೆ ನೀಡುವ ಚಿಕಿತ್ಸೆ ಎಲ್ಲವನ್ನೂ ತಿಳಿಸಿದ್ದರು!

ನಮ್ಮ ದೇಶದಲ್ಲಿ ಅಡಗೂಲಜ್ಜಿಯ ಕಥೆ ಪಂಚತಂತ್ರದ ಕಥೆ ಹೀಗೆ ಹಲವಾರು ಅದ್ಭುತ ಕಥೆಗಳ ಭಂಡಾರವೇ ಇದೆ. ಆದರೆ ಕಥೆ ಹೇಳುವ ವಿಧಾನದ ತರಬೇತಿ ಕೊಡುವುದನ್ನು ಕೇಳೋ ಇಲ್ಲ, ಕಂಡೋ ಇಲ್ಲ!

ನೋಡುವುದಕ್ಕೆ ಇದು ವಿಚಿತ್ರ ಅನ್ನಿಸಿದರೂ ಮಕ್ಕಳ ಮನ ಒಲಿಸುವುದಕ್ಕೆ ಅದೆಷ್ಟು ಉತ್ತಮ ವಿಧಾನ ಎನ್ನಿಸಿತು. ಅಮೆರಿಕದ ಶಿಕ್ಷಣ ಪದ್ಧತಿ ನೋಡಿ ಆಶ್ಚರ್ಯವಾಯಿತು. ಈ ವಿಧಾನ ಅಳವಡಿಸಿಕೊಂಡಲ್ಲಿ ನಮ್ಮ ಮಕ್ಕಳಿಗೆ ಎಷ್ಟು ಉತ್ತಮ ಅನ್ನಿಸಿತು.

ಇದರಿಂದ ಪ್ರೇರಿತನಾದ ನಾನು ನನ್ನ ವೈದ್ಯಕೀಯ ಭಾಷಣಕ್ಕಾಗಿ ಮಿನಿಸೋಟಾ ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಹೋದೆ. ಅಲ್ಲಿ ಆಂಧ್ರ ಪ್ರದೇಶದ ದಂಪತಿಗಳು ನನ್ನನ್ನು ಅವರ ಮನೆಗೆ ಊಟಕ್ಕೆ ಕರೆದರು. ಅವರ ಮನೆಯಲ್ಲಿ ಅವರ ಆರು ವರ್ಷದ ಮಗಳಿಗೆ ಪಂಚತಂತ್ರದ ಮೀನಿನ ಕಥೆ ಹೇಳಿದೆ. ನನ್ನ ಕಥೆಯಿಂದ ಸಂತಸಗೊಂಡ ಆ ಮಗು ನಾನು ಅವರ ಶಾಲೆಗೆ ಅವಳ ಅಜ್ಜಿಯಾಗಿ ಬರಬೇಕೆಂದು ಹಟ ಹಿಡಿದಳು!

ಯಾಕೆಂದರೆ ಅವಳ ಶಾಲೆಯಲ್ಲಿ ಮಕ್ಕಳು ಅಜ್ಜಿಯೊಂದಿಗೆ ಬಂದು ಯಾರು ಒಳ್ಳೆಯ ಕಥೆ ಹೇಳುತ್ತಾರೋ ಅವರಿಗೆ ಪಾರಿತೋಷಕವಂತೆ! ಆದ್ದರಿಂದ ನಾನು ಅವಳ ಅಜ್ಜಿಯಾಗಬೇಕೆಂದು ಆ ಹುಡುಗಿ ದುಂಬಾಲು ಬಿದ್ದಳು. ಇದು ವಿಪರ್ಯಾಸ ಎನ್ನಿಸಿತು.

ಅಜ್ಜಿಗಳಿಲ್ಲದ ಅಮೆರಿಕದಲ್ಲಿ ಅಜ್ಜಿಗಳನ್ನು ಕರೆತಂದು ಕಥೆ ಹೇಳಿಸಿದರೆ ಅವರಿಗೆ ಪುರಸ್ಕಾರ. ಆದರೆ ನಮ್ಮ ದೇಶದಲ್ಲಿ ಪ್ರೀತಿಯ ಅಜ್ಜಿಗಳಿದ್ದರೂ ಅವರನ್ನು ಮೂಲೆಗುಂಪಾಗಿ ಮಾಡಿ ಅವರನ್ನ ವೃದ್ಧಾಪ್ಯಮಕ್ಕೆ ಸೇರಿಸಿ ಮಕ್ಕಳಿಗೆ ವಂಚನೆ ಮಾಡುತ್ತಿರುವುದು ಶೋಚನೀಯ.

ಮಕ್ಕಳು ದೇವರ ಸಮಾನವೆನ್ನುತ್ತೇವೆ. ಆದರೆ ಆ ಪರಿಶುದ್ಧ ಮನಸ್ಸಿನ ಮಕ್ಕಳನ್ನು ಬೈಯ್ದು ಹೊಡೆದು. ಬೆದರಿಸಿ ನಿಯಂತ್ರಣದಲ್ಲಿಡುವ ವೃಥಾ ಪ್ರಯತ್ನ ಮಾಡುತ್ತೇವೆ. ಇದರಿಂದ ಆ ಮಕ್ಕಳು ಚಂಡಿಗಳಾಗಿ ಬೆಳೆದು ನಮ್ಮನ್ನೇ ಅನುಸರಿಸಿ ದಂಡಿಸಿ ಹಿಂಸಿಸುವುದನ್ನೇ ಕಲಿಯುತ್ತಾರೆ. ಅದೇ ನಾವು ಒಳ್ಳೆಯದನ್ನೇ ತೋರಿಸಿ ಒಳ್ಳೆಯದನ್ನೇ ನೀತಿಯ ಕಥೆಯ ಮುಖಾಂತರ ಕಲಿಸಿದರೆ ನಮ್ಮ ಸಂಸ್ಕೃತಿ ಮತ್ತು ಪರಂಪರೆಗಳು ಖಂಡಿತ ಉಳಿಯುತ್ತವೆ.

ಈ ನಿಟ್ಟಿನಲ್ಲಿ ನಮ್ಮ ಮಕ್ಕಳ ಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಬದಲಾವಣೆ ತಂದಲ್ಲಿ ಜಗತ್ತಿನಲ್ಲಿಯೇ ನಾವು ಉತ್ತಮ ಸಮಾಜ ಕಟ್ಟುವುದರಲ್ಲಿ ಅಗ್ರಗಣ್ಯರಾಗಬಹುದಲ್ಲವೇ? ನಮ್ಮ ಸಂಸ್ಕೃತಿಯ ಭಂಡಾರ ಉಳಿಸಿಕೊಳ್ಳುವುದು ನಮ್ಮನಿಮ್ಮೆಲ್ಲರ ಆದ್ಯ ಕರ್ತವ್ಯವಲ್ಲವೇ?

‘ಅಧಾರ’

ನಗೆ ಲೇಸು

ಗಿಫ್ಟ್

ಶಾಮಣ್ಣ ರಾಮಣ್ಣನಿಗೆ “ನಾನು ನನ್ನ ಗರ್ಲ್ ಫ್ರೆಂಡ್ ಗೆ ಒಂದು ಗಿಫ್ಟ್ ನೀಡಬೇಕೆತ್ತು”.

ರಾಮಣ್ಣ: ಒಂದು ಗೋಲ್ಡ್ ರಿಂಗ್ ಕೊಡು.

ಶಾಮಣ್ಣ: ಅದು ಸಣ್ಣದಾಯಿತು. ಏನಾದರೂ ದೊಡ್ಡದು ಹೇಳಪ್ಪ.

ರಾಮಣ್ಣ: ಹಾಗಿದ್ದರೆ ಲಾರಿ ಟೈರ್ ಕೊಟ್ಟಿಡು.

ಹೆಂಡತಿಯಂತೆ

ಚಿಕ್ಕನ ಗರ್ಲ್ ಫ್ರೆಂಡ್, ಬಟ್ಟೆ ತೆಗೆದು ‘ನನ್ನನ್ನು ನಿನ್ನ ಹೆಂಡತಿಯಂತೆ ನೋಡಿಕೊ’ ಎಂದಳು.

ಅದಕ್ಕೆ ಬುದ್ಧಿವಂತ ಚಿಕ್ಕ ಆಕೆ ಕಳಚಿದ ಎಲ್ಲಾ ವಸ್ತ್ರಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಹೋಗಿ ಒಗೆಯಲು ಆರಂಭಿಸಿದ!

ಅಷ್ಟು ದಡ್ಡನಲ್ಲ

ಶಾಮಣ್ಣನ ಬ್ಯಾಂಕ್ ಚೆಕ್ ಬುಕ್ ಕಳೆದು ಹೋಗಿತ್ತು. ಬ್ಯಾಂಕ್ ಮ್ಯಾನೇಜರ್ ಬಳಿ ದೂರು ಕೊಂಡೊಯ್ದ.

ಮ್ಯಾನೇಜರ್ ‘ಇದರ ಬಗ್ಗೆ ನಿಗಾ ಇರಲಿ. ಯಾರಾದರೂ ನಿಮ್ಮ ಸಹಿ ಹಾಕಿ ದುಡ್ಡು ತೆಗೆದಾರೋ’ ಎಂದು ಎಚ್ಚರಿಸಿದರು.

ಅದಕ್ಕೆ ಶಾಮಣ್ಣ ‘ಸ್ವಾಮಿ, ಯಾರ್ಯಾರೋ ನನ್ನ ಚೆಕ್ ಬುಕ್ ನಲ್ಲಿ ಸಹಿ ಮಾಡಲು ಬಿಡೋದಕ್ಕೆ ನಾನೇನು ಅಷ್ಟು ದಡ್ಡನಲ್ಲ. ಈ ಮೊದಲೇ ನಾನು ಚೆಕ್ ಬುಕ್ ಗೆ ಸಹಿ ಮಾಡಿಯೇ ಇಟ್ಟಿದ್ದೆ’

ರಾವಣ ಯಾರು?

ರಾವಣನಿಗೆ 20 ಕಣ್ಣುಗಳಿದ್ದವು, ಆದರೆ ಆತ ಒಬ್ಬಳಿಗೆ ಮಾತ್ರ ಕಣ್ಣು ಹಾಕಿದ್ದ. ಆದರೆ ನಾವು ಎರಡು ಕಣ್ಣುಗಳಿದ್ದೇ ಎಲ್ಲಾ ಹೆಣ್ಣುಗಳಿಗೂ ಕಣ್ಣು ಹಾಕುತ್ತೇವೆ. ಹಾಗಾದರೆ ನಿಜವಾದ ರಾವಣ ಯಾರು?

ಕಾವ್ಯ

ಮೂಡು ಕೆಟ್ಟಿದ್ದಾಗ, ಮೋಡ ಕೆಟ್ಟಿದ್ದಾಗ

ನಿನ್ನ ಮೊನ್ನೆ ಉರಿಬಿಸಿಲಲ್ಲಿ
ಶೆಖೆಯೆಂದು ಮುಜುಗರ ಪಡುತ್ತ
ಕೆಟ್ಟರನ್ನೆ ಧೂಳು ಶಪಿಸುತ್ತ
ಬೆಂಗಳೂರು ಸಾರಿಗೆಯಲ್ಲಿ ಪಯಣಿಸುತ್ತಿದ್ದಾಗ
ಅನ್ನಿಸಿತ್ತು ಇದೇನು ಈ ವರ್ಷ
ಇಷ್ಟೊಂದು ಬೇಗೆ.

ಅದೇ ಬೇಗೆ,
ಅದೇ ನಿಂತ ನೀರಾದ ಧಾರಾವಾಹಿ,
ಚಾನೆಲ್ ಬದಲಾಯಿಸುತ್ತಾ ಕೂತೆ,
ವಾರ್ತೆಗಳನ್ನು ಕೇಳುತ್ತಾ ಕೇಳುತ್ತಾ
ಘನ ಸರ್ಕಾರದ ಪ್ರತಿನಿಧಿಗಳನ್ನು ನೋಡುತ್ತಾ
ನೋಡುತ್ತಾ
ವಾಕರಿಸಿಕೊಂಡೆ, ಅಬ್ಬಾ ಏನು ಬೇಸಿಗೆ?

ಅರರೆ ತುಂತುರು!! ಅಂದು ಕೊಂಡದ್ದೆ
ತೊಟತೊಟ ಒಂದೇ ವರ್ಷಧಾರೆ.
ಮಣ್ಣಿನ ಗಮಲು ಅಡರಿದ್ದೇ
ತಹತಹಿಸಿದ ಉನ್ನಾದ.
ಮಣ್ಣಿನ ವಾಸನೆಯನ್ನು ಅಘ್ರಾಣಿಸುತ್ತಲೇ ಇದ್ದೆ
ಅಮರಿತು ನಿರಾಳ ನಿದ್ದೆ

- ಜೀಯೆಸ್ಸನ್