Lahari Communique

NEWS LETTER FOR PRIVATE CIRCULATION AMONG THE LEGAL FRATERNITY

Volume 12 June 2000 Part 3

Acting CJ appointed

Mr. Justice Ashok Bhan has been appointed as the Acting Chief Justice of the High Court of Karnataka in the vacancy caused due to the retirement of Mr. Justice Y. Bhaskar Rao. Mr. Justice Ashok Bhan assumed charge of the new office on 26.6.2000.

Retirement

Mr. Justice Y. Bhaskar Rao retired as the Chief Justice of High Court of Karnataka on 25.6.2000. In a farewell function held in the High Court on 24.6.2000 Sri M. Lokesh, Chairman of Bar Council of Karnataka read the farewell address. Justice Y. Bhaskar Rao replied.

On the eve of demiting of office by the Chief Justice, Karnataka Judicial Academy had organised a farewell function at Bangalore on 23.6.2000. Another farewell function had been organised by AAB on 26.6.2000 at the banquet hall at Vidhana Soudha to bid farewell to the retiring Chief Justice. On 30.6.2000 Indian Federation of Women Lawyers, Bangalore, had organised a function to bid farewell to Mr. Justice Y. Bhaskar Rao.

Bar Councillors Elected

The following 25 councillors were elected to the Karnataka State Bar Council in the election held on 6.6.2000.

Messers K. N. Subba Reddy, Y.R. Sadashiva Reddy, Jayakumar S. Patil, V. T. Rayareddy, S. K. Venkata Reddy, H. C. Shivaramu, M. Lokesh, R. A. Reyaz Khan, C. N. Ashwathanarayana, S. Shankarappa (all from Bangalore), K. R. Subbukrishna, B. Doddavere Gowda (both from Mysore), A. A. Magdum, B. D. Hiremath (both from Dharwad), S. S. Kumman, M. M. Police Patil (both from Gulbarga), A. R. Patil, A. G. Mulawadmath (both from Belgaum), U. Basavaraj (Bellary), R. C. Desai (Bijapur), C. Shivakumar (Chitradurga), M. Seetarama Shetty (Mangalore), C. R. Patil (Hubli), A. T. Belliappa (Shimoga) and M. S. Krishne Gowda (Hassan).

Judges Report incites Passion throughout North Karnataka

The report of the committee of five judges of the high court of karnataka which turned down the proposal for setting up a high court bench in north karnataka as neither feasible nor desirable sparked off violent agitation throughout the region. Working of the courts in the region remained paralysed for the entire second half of the month. Dharnas, hartal, boycott of courts, burning of effigies, setting fire to court halls, blocking of entry of judicial officers and employees to court premises marked the events during this period with no signs of decline. Pronouncement of a division bench judgment in PIL litigation questioning the setting up of s-w divisional head quarters of Railways at Hubli resulted in exacerbation of the angry mood of the people of the region. As if in reply a flag of northren karnataka region was hoisted in the Bagalkot Kannada Sahitya Samelan Venue as a prelude to seeking secession of the region from the state.

The state government which was peeved by this development had to face the ire of the people of the region, in particular the lawyers. Apart from making stand of the state government clear to assure the advocates that it was infavour of setting up of a bench of the high court in the region the Chief Minister announced that an all party delegation will meet the prime minister A B Vajpayee and seeks centre's intervention in the matter. Later the state government announced that as a temporary measure it will approach the governor to initiate action for functioning of circuit bench of the highcourt in accordance with the provisions of Sec. 51(3) of the States Reorganisation Act, 1956 to be efective from the coming Rajyotsava day. However this proposal was immediately rejected by the agitating lawyers.

Advocates in the region had to face lathicharge from the police apart from arrest of their leaders.

The bar association of Hubli-Dharwad led by their active presidents viz Mr. C.R. Patil and Mr. B. D. Hiremath, respectively, took a leading role in guiding the ongoing agitation. Various social organisations, trade unions and political parties functioning in the region have lent their active support to the cause.

However, bar associations of Gulbarga and Bellary have also adopted agitational path demanding setting up of a high court bench in their respective sub-regions and at the same time opposing setting up of a high court bench at Hubli-Dharwad.

A meeting of the Advocates association, Bangalore convened on June 19, 2000 by a resolution extended its support to long pending demand of constituting a high court bench in north karnataka. In a statement released on June 18, 2000 President of Karnataka Sahitya Parishat Sri N. Basavaradhya termed the recommandation of five judges committee as unfortunate and urged the government to make continuous effort to get a permanent bench of high court in the north karnataka region. Interestingly Mr. Justice Y. Bhaskar Rao, the chief justice of high of karnataka in his letter dt. June 9, 2000 has said that the decision not to have a HC bench in northren Karnataka has been taken after due consideration and he agrees with the view expressed by the judges committee.

With the passing of each day more and more reports of violence from various parts of the region are coming and practically the courts have been deserted by the advocates. Needless to state the worst sufferers have been the litigants. All eyes are focused on the positive efforts of the state and central governments to achieve the cherished objective of having a permanent bench of the high court in the north karnataka region. As of now odds are heavily against the proposal and time will only reveal as to how a solution would be found. Only a determined political effort and a harmoneous appreciation of the sensitive nature of the demand by the executive and the judiciary could bring in such solution.

Around the Courts

☐ **a. Right to raise public deposits - not a fundamental right guaranteed under Article 19 of the constitution;**

☐ **b. Section - 45-S of the RBI Act, banning un incorporated bodies (NBFCs) from raising money from public to carry on their financial business is not unconstitutional;**

In a judgment delivered during the third week of May, 2000 a division bench of the apex court comprising justice B.N. Kirpal and justice M.B. Shah held that the decision of the RBI to ban un incorporated bodies from raising money from public to carry on their financial business pursuant to 1997 amendment to Sec. 45-S of the RBI Act is not unconstitutional. The court said it was open to them (NBFCs) to do business either from their own funds or the funds borrowed from their relatives or financial institutions. Dismissing a writ petition challenging the RBI's dicision the court said "the need for such restrictions had become acute and imperative in view of large-scale mis-management of public funds by such un-incorporated bodies." RBI was left with no alternative but to prohibit such entities from conducting financial business as such type of financial institutions "mushroom overnight and then vanish without a trace, taking with them the depositors' money," Justice Kirpal, writing the judgment for the bench, said.

Rejecting the claim of petitioners that the restrictions have violated their fundamental right to carry on business as guaranteed under article 19 of the constitution, the bench said: "After all, the right to raise public deposits could not be construed as a fundamental right. The restrictions imposed cannot be considered unreasonable or arbitrary."

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The decision finaly rests not upon appeals to past authority, but upon what people want. -S. I. Hayakawa

Whose desire it any way ?

Prior to state reorganisation the high court of Mysore had jurisdiction over nine districts forming a compact unit. Now there are 27 revenue districts and the total land area is 1,918 Sq. Kms. As per 1991 census population of state was 4,49,77,000. Geographically northren districts of state are comprised of Dharwad, Karwar, Bijapur, Belgaum, Bellary, Bidar, Gulbarga, Raichur, Haveri, Gadag, Koppal, Bagalkot. As of now the jurisdiction of high court of karnataka extends to these districts apart from all the remaining revenue districts of the state.

The recent report of the five judge panel constituted by the chief justice of the high court has opined that the demand for setting up of a separate bench of the high court in north karnataka region is neither desirable nor feasible. The judges committee has referred to the earlier decisions of different chief justices of the high Court during the last three decades, particularly the exceptional decision of 1979 when Justice D. M. Chandrashekar had favoured the establishment of a high court bench at Dharwad subject to the state government fulfilling certain conditions, and criteria laid down by the Jaswanth Singh Committee for considering the expediency and desirability of establishment of a bench away from the principal seat of the high court. Pleas of president, secretary and representatives of bar associations of the north karnataka region were also taken into account by the judges committee which took a unanimous view that "the demand is neither real nor genuine. It is not for the benefit of the litigant public".

It is ironical that the chief justice didnot include any judge of the high court hailing from the north karnataka region in the judges panel which was to consider the demand for setting up of a bench of the high court in that region. Significantly the judges committee didnot find it necessary to invite reaction of the public, institutions and organisations from the region. Aparently the views of the state government was also not called for. Of course the strong public sentiment in support of the cause was never required to be considered by the judges committee. Based on certain statistical data, which is expected to be believed, the committee of judges was crafted certain points for consideration and negativing those points through it's own reasoning.

British rulers successfully adopted divide and rule policy over centuries before they were forced to grant freedom to India. The judges committee has not lagged behind in applying this principle to contend that there is no unanimity amongst the members of the bar inrespect of the seat of the north karnataka bench without considering it necessary to leave the decision to the government of the day. Sec. 51(2) of the States Reorganisation Act, 1956 states that it is the perogative of the President of India to provide for the establishment of a permanent bench or benches of the high court at one or more places within the state other than the principal seat of the high court and for any matters connected there with. Of course the provision enjoins that before establishment of a permanent bench or benches the governor of the state and chief justice of the high court has to be consulted by the president. A plain reading of this provision leaves no doubt that the ultimate decision is that of the president who is expected to take such decision on the aid and advise of the executive. The report of the judges committee gives an impression that it had the final authority to decide the questions involved. One glaring aspect which goes to the jurisdiction of the committee is the absence of any legal status to the constitution of the committee itself.

The judges committee has also mentioned that the disposal of cases is more than the cases instituted and the total pendency is consistantly declaining and therefore there is no problem of accumulation of arrears of work. According to the committee this problem can be tackled by filling of the vacancies at regular interval or increase in the strength of judges. However, the committee is silent to provide the reasons as to why lakhs of cases have been pending before the high court for decades. One wonders as to whether those pending cases would have seen the light of the day if only another bench in north karnataka had been established much earlier?

Interestly Justice D. M. Chandrashekar who was in favour of establishment of the high court bench at Dharwad had insisted that all amenities to be provided before such bench is established. He had also pointed out that the state government should construct suitable building for the proposed bench of the high court. Obviously, the reference to "amenities" was nothing but amenities to the judges. Probably the present judges are also concerned about their amenities rather than the democratic aspiration of the people of the region. Is it the unwillingness of the judges, lawyers hailing from that region but practicing in Bangalore and the staff of the high court to move to an under developed region that has scuttled the proposal to set up a bench of high court outside Bangalore?

The Judgment of India's Supreme Court on the constitutional validity of the TADA Acts.

Fali S.Nariman

From last issue

not to put in a due-process requirement in the Life-and-Liberty clause (Article 21) in the Chapter on Fundamental Rights - rather, to use the neutral expression contained in the Japanese Constitution: no person shall be deprived of his life or liberty except by procedure established by law. The constitution framers accepted this advice. And in the first year of the constitution, India's Supreme Court interpreted the expression as it read (and as it was intended to read) namely, that deprivation of life or liberty could be justified by any procedure which had the sanction of law (Gopalan v. State of Madras AIR 1950 SC 27). But words took on new meaning with the passage of time. Eighteen years after 1950, an activist court overruled Gopalan holding that the procedure prescribed by the law could always be scrutinised by courts; any procedure that arbitrarily or unreasonably deprived a person of his life or liberty, would not pass muster under Article 21: (Maneka Gandhi AIR 1978 SC 597): a cryptic comment to this decision was that Indian Judges have made of the Japanese wording an American Due Process ! But not any more. Not after the majority judgment in the TADA cases.

Almost at the beginning of the judgment, the Justices concede that the Acts (TADA) tend to be very harsh and drastic.

(i) The definition of terrorist and disruptive activities is so broad as to encompass even peaceful expression of views about sovereignty and territorial integrity;

(ii) the Acts permit detention in custody for investigation for up to six months (formerly, one year) without formal charge;

(iii) trials are not to take place in the ordinary criminal courts in public view but before special Designated Courts, in camera, and adopting procedures at variance with the Criminal Procedure Code;

(iv) if the person arrested and charged comes from a terrorist affected area (so declared by the central or state government) then the burden of proving that he has not committed a terrorist act is on him;

(v) confinement before trial is the rule, bail the rare exception, and;

(vi) above all, material safeguards entrenched in the substantive law for more than a century have been swept away under TADA Acts. A person can be convicted on the uncorroborated testimony of a co-accused (who has been granted a pardon), or on the recorded confession of an accused made to a Police Officer; the admissibility of such a confession was abhorrent to the framers of the Evidence Act way back in 1872; it was then rightly regarded as almost an invitation to custodial torture !

And yet the TADA Acts have been upheld as not violating Article 21. Why? because of a glaring error in the majority judgment; an error of approach.

The Justices continued to look at the letter of Article 21 - as the majority did in Gopalan (1950) - even after their distinguished predecessors (in 1978) had bared its soul! The procedure prescribed by the law must not be arbitrary or unreasonable, the constitution bench of seven Judges had said in Maneka Gandhi (1978) - Arbitrary or unreasonable qua what? Obviously qua deprivation of life and liberty, not qua the law, or the object of the law. Maneka Gandhi's case is now made to stand on its head: however arbitrary or unreasonable the procedure for deprivation of life or liberty, however harsh and drastic the provisions of the law, they would be laudable! This is the ratio of Kartar Singh. That India was a signatory to, and had ratified the International Covenant on Civil and Political Rights (ICCPR) which had set standards for adjudging the reasonableness of laws affecting life and liberty, went unnoticed. The TADA Acts were plainly in breach of Articles 9 and 14 of ICCPR - the right of a person arrested to be

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Fake Stamps seized

On June 5, the city crime branch sleuths raided a stationery shop on MTB Road in kalasipalya police station limits and seized fake stamp papers worth over Rs.48,000/-. Acting on a tip-off, the police team raided Anand Enterprises and found that fake stamp papers were being sold at the shop. Four persons were arrested in this connection and the police have taken up investigation in the matter.

Suicide cause ripples

Sangita Sharma (33), a Hyderabad based lady lawyer committed suicide by consuming pesticide on June 28. Ms. Sharma, a divorcee, has left behind a son. Her personal diary recovered by the police reveal that two city advocates sexually harassed her apart from threatening to kidnap her son if she did not co-operate with them. She has named her senior Mr. Vijay Kumar, under whom she worked for six months before quiting in December 1999 and his relative Mr. Narasimha Naidu who is also an advocate. The city police having booked criminal cases against the two advocates arrested them. The deceased had reportedly decided to move to Bangalore being unable to with-stand the harassment by the accused and 17 others including four women advocates. Reports indicate that several lady lawyers have given up practice before the High Court being unable to withstand similar harassment.

Miscellany

☐ On 19.6.2000 M/S. Vishwanath & Manasa, Advocates, opened their new chamber at No. 5/1, First Floor, First Cross, C S I compound, Off Mission Road, Bangalore - 560 027.

☐ On 25.6.2000 Mr. B. H. Shamanna and A. S. Girish, Advocates, opened their law chamber at No. 14/3, V. Floor, CFC building, Nrupatunga Road, Bangalore - 560 001.

Proposal to amend K R C Act

The state cabinet meeting held on June 14, 2000 decided to seek consent of the legislature within January 2001 for introducing the Karnataka Rent Control Bill, 2000, which makes it mandatary for owners to register the rent/lease agreement while renting out their premises. The bill also aims at fixing standard rent for residential premises in corporations and urban areas apart from registration of real estate agents.

Judicial Academy

Chief Justice of Karnataka High Court Mr. Justice Y. Bhaskar Rao exhorted judicial officers of the District Judiciary to give more attention to administrative work in order to reduce pendency and delay in disposal of cases. Presiding over the inauguration of refresher course for district judges on June 5, organised by the academy Justice Rao noted that even if half an hour a day is utilised for the scrutiny of cases filed on the day it would help reduce pendency.

Inaugurating the course Mr. Justice S. Rajendra Babu, Judge of the Supreme Court, expressed the need to keep abreast with day today developments in the legal field, particularly in forensic science and cyber laws. Speaking on the occasion Mr. Justice Ashok Bhan of the Karnataka High Court felt that there is need for such refresher courses even for High Court Judges.

Kolar Diary

The special general body meeting of the Kolar Bar Association held on 17.6.2000 unanimously condemned the high handed behaviour of Hubli-Dharwad police against the advocates agitating for setting up of a high court bench.

Wedding

On 19.6.2000 Ms. G. Sudha, Advocate and governing council member, AAB, married Mr. N. Arun Kumar at Bangalore.

Pak Claim Shot Down

By on order dated June 21, the International Court of Justice upheld India's objections to Pakistan raking up the shooting down of its surveillance aircraft "Atlantique" over rann of kutch last year, ruling that the court had no jurisdiction to adjudicate the matter. Islamabad claimed $ 60 million damages from India for shooting down its naval aircraft. 14 Judges favoured the ruling while 2 Judges ruled against the majority. No appeal is provided against the verdict and hence the claim is finally rejected. Public hearings in the case lasted four days and India's Attorney General Soli Sorabjee led the Indian defence.

News Focus

☐ On 22.6.2000 Mr. Justice Y. Bhaskar Rao addressed the members of A.A.B, High Court Unit, on the topic "Strenthening the transparancy and integrity of Judiciary". Mr. K. L. Manjunath, President, AAB presided over the function.

☐ 24.6.2000 (Saturday) was working day for High Court on the judicial side.

☐ On 27.6.2000 Mr. Amarnath Gowda, Attorney, Michigan, USA addressed the members of the AAB, High Court Unit on the topic "New trends in American judicial system."

☐ On 29.6.2000 Mr. Justice S. Rajendra Babu, Judge, Supreme Court of India, distributed prizes to the winners in the sports events conducted by AAB in a function organised in the city unit.

☐ On 30.6.2000 a seminar on "Agenda before constitution review committe" had been organised at Bharatiya Vidya Bhavan, Bangalore under the joint auspices of Bangalore Citizens' Forum and E. S. Venkataramiah Foundation. The speakers included Sri R. N. Narasimha Murthy, Senior Advocate and former Advocate General, Sri K. Satyanarayana, Editor, Kannada Prabha and Mr. Justice M. Rama Jois former Chief Justice of P & H High Court.

Around the Courts

From Page 1

☐ **Sec. 32 of the Income Tax Act - theatres and hotel buildings are not plants;**

In a judgment delivered during June 2000, a division bench of the apex court, comprising Justice A.P.Misra and Justice M.B.Shah, has ruled that theatre and hotel buildings cannot be termed as plants under the Income Tax Act for the purpose of claiming higher rate of depreciation. The court observed that the scheme of Sec. 32 of I T Act unequivocally leads to the conclusion that "buildings" and "plant" are treated separately for the purpose of grant of depreciation. It is interesting to notice that the IT Act allows a depreciation of 15% for the machinery and plants while only 5% for buildings. The court held "it is apparent that for a building used as a hotel, there is a specific provision for granting depreciation allowance at a specific rate depending on fulfilment of the condition mentioned therein (Sec. 32 of I T Act)."

☐ **Sec 302 and 498-A, IPC - overt acts attributed to persons other than husband are required to be proved beyond reasonable doubt;**

In a recent judgement three judge bench of apex court comprising Mr.Justice G.B. Pattanaik, Mr. Justice R.P. Sethi and Mr. Justice Shivaraj V.Patil expressed strong reservations against the police's practice of filing charges against all in-laws in dowry death cases on the basis of the allegations of the parents of the deceased. "A tendency has developed for roping in all relations of the in-laws of the deceased in matters of dowry deaths, which, if not discouraged, is likely to affect the case of the prosecution even against the real culprits," the court said. The court held that in cases where accusations were made against all and sundry, the overt acts attributed to persons other than husband are required to be proved beyond reasonable doubt. On facts the bench convicted the husband while acquiting the mother-in-law, the brother-in-law and the sister-in-law of the deceased.

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Lahari Law Academy

A workshop on Arbitration and Concilation law was held at Century Club, Bangalore on 10.6.2000 under auspices of the Academy. Mr. Justice (Retd) P. P. Bopanna, Mr. Justice (Retd) K. Shivashankara Bhat, Mr. S. S. Nagananda, Mr. K. G. Raghavan, Advocates, spoke on different facets of the Arbitration and Concilation Act, 1996. 135 delegates attended the workshop. Mr. S. Vijayashankar, trustee of the Academy, presided over the deliberations.

Advocates Co-operative Society

Executive Committee meeting of the Bangalore Advocates Co-operative Society held on 30.6.2000 decided to admit 18 new members; sanction loan of Rs. 30,000/- each to 77 members; grant four additional shares each to 59 members; to install additional water coolers/filters in different units of AAB; donate Rs. 1,000/- per month for twelve issues of the publication of Dharmaprabha and ratify medical allowance of Rs. 5,000/- each granted to Sri H. N. Prakash and Sri H. S. Chandrashekar.

Foreign Tour

Mr. H.S. Chandra Mouli, Advocate, left Bangalore on 13.6.2000 for 45 days tour of Europe, England, Canada and USA.

TADA Acts

From Page 2

promptly informed of any charge against him (Art 9(2), the right of such person to be brought promptly before a judicial authority to stand trial within a reasonable time (Article 9(3), the right to a public hearing (Article 14(1)), the right to be presumed innocent until proved guilty (Article 14(2), the right not to be compelled to confess guilt, (Article 14(3) (8): none of these provisions are mentioned.

It is said that to ensure our safety and security, the TADA Acts must be enforced with all their harshness and rigour against persons who are admittedly and unquestionably terrorists. Yes, but not when they are only alleged to be so. The untrammelled, uncontrolled powers exercisable under the Acts are made more horrendous by the official statistical revelation that not more than one percent of those not more than one percent of those tried before the Designated Courts are convicted - the rest are acquired for want of evidence. There is no further statistical information as to in how many cases this is because witnesses who have given sworn statements have refused to testify, and as to in how many cases it is because there were no genuine witnesses at all in the first place, no plausible evidence worth the name when the accused was first arrested and detained! And we pride ourselves on being a country governed by the Rule of Law!

The conclusions of the majority upholding the constitutionality of TADA brings to mind the warning of an American Judge (Justice Frankfurter - the same Judge whose advice had been sought when drafting whose advice had been sought when drafting Article 21). He had said: Don't rely on Judges and the Courts to save your freedoms. He knew that Judges (and lawyers) were masters of the written word; they could rationalise (and so legitimize) the most tyrannical laws; some of our Judges had done it before in ADM Jabalpur, and they have now done it again in Kartar Singh, But under our Constitution, we must rely on our Judges to save our freedoms. No one else will. For us, only the hard way: to stimulate (and educate) public opinion and by robust disputation strive to remove, by the established processes of law, this blot on an otherwise unblemished record of the Supreme Court of India in the field of Human Rights. **(Courtesy : the Review)**

Ms. BJG Satyashree, Advocate, receiving the certificate from his holiness Sri Shivarudra Mahaswamy of Belimutt.

Around the Courts

From Page 3

☐ **Sec. 14 of the Karnataka Rent Control Act, 1961 constitutional validity;**

In a recent judgment the Karnataka High Court held that Sec. 14 of the Karnataka Rent Control Act is constitionally invalid. The Section empowers the House Rent and Accomadation Controller to fix "fair rent" to the premises given on rent. The court observed that the concept of fair rent is alien to Transfer of Property Act which governed the relation of landlord and tenant and is heavily loaded against a landlord. The court also observed that the class of landlords constitute a large percentage of poor people living on rents of their properties and there could be no basis for denying them a "fair return" from their source of livelihood while at the same time confering on the tenants un commensurable immunity from eviction. This situation is clearly unjustifiable on any rational basis, the court said.

News Panorama

☐ The jury in a Florida Court (USA) has ordered that Philip Morris, a cigarette company, to pay the largest punitive damages of $ 145 billion to thousands of sick smokers in Florida for causing harmful effects to them. This was a class litigation because apart from a few identified plaintiffs damages were also claimed on behalf of thousands of unidentified plaintiffs.

Humour in Courts

An advocate entered the court hall to know the position of weekly hearing list. The learned judge was yet to enter the court hall.

Advocate : What is the position of the weekly hearing list ?

Court Officer : It is weak, sir!

Fema comes into Force

With effect from June 1, 2000 Foreign Exchange Management Act has come into force. This Act replaces the Foreign Exchange Regulation Act.

Obituary

☐ On 1.6.2000 M. Hanumanthaiah, Advocate, passed away at Bangalore.

☐ On 3.6.2000 Arvindas Rajban, Advocate, passed away at Bangalore.

☐ On 15.6.2000 P.M. Ashok, Advocate and Notary, passed away at Bangalore.

IT Act

Information Technology Act, 2000 is to come into force from August 15, 2000.

Read Communique

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ಲಹರಿ ಸಂವಾದ

ಸಂಪುಟ ೧೧ ಶಕೆ : ವಿಕ್ರಮನಾಮ ಸಂವತ್ಸರ ೧೯೨೩ ಮಾಸ ಜ್ಯೇಷ್ಠ, ಆಷಾಢ ಸಂಚಿಕೆ ೩

ತಿಳಿದಿರಲಿ

ಶ್ರದ್ಧೆಯುಳ್ಳವನೂ ತತ್ಪರನೂ ಜಿತೇಂದ್ರಿಯನೂ ಜ್ಞಾನವನ್ನು ಹೊಂದುತ್ತಾನೆ; ಜ್ಞಾನವನ್ನು ಪಡೆದು ಶೀಘ್ರದಲ್ಲಿಯೇ ಪರಮ ಶಾಂತಿಯನ್ನು ಪಡೆಯುತ್ತಾನೆ.

ಜ್ಞಾನವಿಲ್ಲದವನೂ, ಶ್ರದ್ಧೆಯಿಲ್ಲದವನೂ, ಸಂಶಯಾತ್ಮನೂ (ಈ ಮೂವರೂ) ನಾಶ ಹೊಂದುವರು; ಸಂಶಯಾತ್ಮನಿಗೆ ಈ ಲೋಕವಿಲ್ಲ, ಪರಲೋಕವೂ ಇಲ್ಲ, ಸುಖವೂ ಇಲ್ಲ.

–ಭಗವದ್ಗೀತಾ

ಅನುವಾದ ಕೈಪಿಡಿ

ಪರಿಕಲ್ಪನೆ ಮತ್ತು ಸಂಗ್ರಹ
ಕೆ. ವಿದ್ಯಾ, ವಕೀಲರು

Legal Glossary

Agreement	:	ಒಪ್ಪಂದ
Amicable Settlement	:	ಪರಸ್ಪರ ಸಮ್ಮತ ರಾಜಿ ವ್ಯವಸ್ಥೆ
Authorised Depositary	:	ಅಧಿಕೃತ ನಿಕ್ಷೇಪದಾರ
Accessaries	:	ಉಪಸಾಧನ
Advalorem	:	ಮೌಲ್ಯಾನುಸಾರ
Balance	:	ಶಿಲ್ಕು, ಬಾಕಿ
Barred debt	:	ಪ್ರತಿಷೇದಿತ ಋಣ
Bond	:	ಮುಚ್ಚಳಿಕೆ, ಬಂಧ ಪತ್ರ
Breach	:	ಉಲ್ಲಂಘನೆ
Brilliance	:	ವಿಚಕ್ಷಣೆ
Concurrence	:	ಸಮವರ್ತಿ
Contract	:	ಕರಾರು
Certiorarri	:	ಉತ್ಪ್ರೇಕ್ಷಣಾ
Complementory	:	ಪೂರಕ
Comprehensive	:	ವ್ಯಾಪಕ

ಪದಪುಂಜದ ಉತ್ತರಗಳು

1. ಅವಹೇಳನ 2. ಹೇಳಿಕೆ 3. ಕೋರಿಕೆ 4. ನಟನೆ 5. ವಾದವಿವಾದಗಳು 6. ನ್ಯಾಯಾಧಿಪತಿಗಳು 7. ಕ್ಷಿಪ್ರನ್ಯಾಯ 8. ನ್ಯಾಯಾಂಗ 9. ನ್ಯಾಯಾಲಯ ಕಲಾಪ 10. ಪ್ರಮಾದ

ಕರ್ನಾಟಕದ ಇತಿಹಾಸದ ಸ್ವರ್ಣ ಪುಟಗಳಲ್ಲಿ ದಾಖಲಾದ ನ್ಯಾಯದಾನದ ಅಪೂರ್ವ ಪ್ರಸಂಗ.

ಕೆ. ಜಿ. ಶ್ರೀಪಾದರಾವ್, ವಕೀಲರು

ಅದೊಂದು ವಿಚಿತ್ರ ಸನ್ನಿವೇಶ. ರಾಜ್ಯದ ರಾಜಕುಮಾರನೇ ಆರೋಪಿ–ವೃದ್ಧ ಚಕ್ರವರ್ತಿಯ ಮಗ. ವಿಚಾರಣೆಗಾಗಿ ಆಸ್ಥಾನದಲ್ಲಿ ಬಹಿರಂಗ ಸಭೆ ಏರ್ಪಟ್ಟಿತ್ತು. ಆಸ್ಥಾನದ ಪ್ರಮುಖ ಮಂತ್ರಿಗಳು ಸೇನಾಪತಿಗಳು ನಗರದ ಗಣ್ಯರು ಪ್ರಜೆಗಳು ಹಾಜರಿದ್ದರು. ರಾಜಕುವರನೇ ಆರೋಪಿಯಾದ್ದರಿಂದ ನ್ಯಾಯಪೀಠವನ್ನು ಯಾರು ಏರಬೇಕು? ಎಂಬ ಜಿಜ್ಞಾಸೆಯನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದವರು ಬೇರಾರೂ ಅಲ್ಲ. ಸಾಕ್ಷಾತ್ ರಾಷ್ಟ್ರಕೂಟ ಸಾಮ್ರಾಜ್ಯದ ಚಕ್ರವರ್ತಿ ಅಮೋಘವರ್ಷ ನೃಪತುಂಗರೇ. 'ತನ್ನ ಮಗನೆ ಆರೋಪಿಯಾಗಿರುವುದನ್ನು ತಿಳಿದೂ ನ್ಯಾಯಪೀಠ ಏರುವುದು ಉಚಿತವಲ್ಲ. ಆದ್ದರಿಂದ ಸಭೆಯ ಗಣ್ಯರೇ ತೀರ್ಮಾನ ಮಾಡಿ ನ್ಯಾಯಪೀಠಕ್ಕೆ ಯೋಗ್ಯ ವ್ಯಕ್ತಿಯನ್ನು ಆರಿಸಿ' ಎಂದು ಸಭೆಯನ್ನು ಪ್ರಾರ್ಥಿಸಿದರು. ಸಭೆ ದಿಙ್ಮೂಢವಾಯಿತು.

'ಛಲೇ ನ್ಯಾಯ ತೀರ್ಮಾನದ ರೀತಿಯಲ್ಲಿ ಅಚಲನಿಷ್ಠೆಯುಳ್ಳ ಇಂಥ ಚಕ್ರವರ್ತಿಯನ್ನು ಪಡೆದ ನಾವೇ ಧನ್ಯರು' ಎಂದು ಪ್ರಜೆಗಳು ಹರ್ಷಿತರಾದರು. ಸಭೆಯಲ್ಲಿದ್ದ ಹಿರಿಯ ಮಂತ್ರಿಗಳು ಚಕ್ರವರ್ತಿಯನ್ನುದ್ದೇಶಿಸಿ 'ಪ್ರಭುಗಳೇ ತಮ್ಮ ನ್ಯಾಯತೀರ್ಮಾನದಲ್ಲೂ ನಮಗೆ ಸಂಪೂರ್ಣ ನಂಬಿಕೆಯಿದೆ. ತಾವೇ ಪೀಠವನ್ನೇರಬೇಕು' ಎಂದು ಪ್ರಾರ್ಥಿಸಿದರು. ಇಡೀ ಸಭೆ ಒಕ್ಕೂರಲಿಂದ ಬೆಂಬಲ ಸೂಚಿಸಿ ಒತ್ತಾಯಿಸಿತು.

ಚಕ್ರವರ್ತಿಗಳು ಅನ್ಯಮಾರ್ಗವಿಲ್ಲದೆ ಜನಾಭಿಪ್ರಾಯವನ್ನು ಗೌರವಿಸಿ ನ್ಯಾಯಪೀಠಕ್ಕೆ ಗೌರವ ಸಲ್ಲಿಸಿ ನ್ಯಾಯ ಪೀಠದಲ್ಲಿ ಆಸೀನರಾದರು.

ವಿಚಾರಣೆ ಆರಂಭವಾಯಿತು. ಆರೋಪಿಯ ಶತ್ರು ರಾಜನ ಜೊತೆ ಸೇರಿ ಸಂಚು ಹೂಡಿ ರಾಜ್ಯದ ವಿರುದ್ಧ ಹೋರಾಟ ಮಾಡಿದ ಸಂಗತಿಯನ್ನು ತಿಳಿಸಿ, ರಾಜ್ಯಕ್ಕೆ – ರಾಜ್ಯದ ಸಾರ್ವಭೌಮತೆ ವಿರುದ್ಧ ನಡೆದುಕೊಂಡ ಬಗ್ಗೆ ಸಾಕ್ಷಾಧಾರಗಳ ಜೊತೆ ರಾಜ್ಯದ ದಂಡನಾಯಕರು ನ್ಯಾಯಪೀಠದ ಮುಂದೆ ಮಂಡಿಸಿದರು. ರಾಜಕುಮಾರನ ಹೇಳಿಕೆ ಬಗ್ಗೆ ಚಕ್ರವರ್ತಿಗಳು ಅವಕಾಶವಿತ್ತರು. ಆದರೆ ರಾಜಕುಮಾರ ತಲೆ ತಗ್ಗಿಸಿದ. ತಪ್ಪು ಒಪ್ಪಿಕೊಳ್ಳದೆ ಅನ್ಯಮಾರ್ಗವಿರಲಿಲ್ಲ. ಆರೋಪಿಯು ತಪ್ಪನ್ನು ಒಪ್ಪಿದ್ದಾದ ಮೇಲೆ ಶಿಕ್ಷೆ ವಿಧಿಸದೆ ಬೇರೆ ದಾರಿಯು ಇರಲಿಲ್ಲ. ಚಕ್ರವರ್ತಿಯವರು ಈ ರಾಜದ್ರೋಹಕ್ಕೆ ನೀಡಬಹುದಾದ ಶಿಕ್ಷೆಯ ಬಗ್ಗೆ ನ್ಯಾಯಾ ಕೋವಿದರನ್ನು ಕೋರಿದರು. 'ನ್ಯಾಯಾಕೋವಿದರು' ಈ ತಪ್ಪಿಗೆ ನೀಡಬಹುದಾದ 'ಶಿಕ್ಷೆಯೆಂದರೆ ಮರಣ ದಂಡನೆಯೇ' ಎಂದರು. ಇಡೀ ಸಭೆಯಲ್ಲಿ ಸೂಜಿ ಬಿದ್ದರೂ ಕೇಳುವಷ್ಟು ನಿಶ್ಯಬ್ದ.

ಚಕ್ರವರ್ತಿ ನೃಪತುಂಗರ ಮನದಲ್ಲೂ ಪ್ರಶ್ನೆಗಳು ಪುಟಿದೇಳುತ್ತಿತ್ತು. 'ಲಕ್ಷ್ಮಿ ಈ ಸೌಭಾಗ್ಯಕ್ಕಾಗಿ ಇಂಥ ಮಗನನ್ನು ಹೆತ್ತುಕೊಟ್ಟೆಯಾ ನಾನೇ ಶಿಕ್ಷೆಗೆ ಗುರಿ ಪಡಿಸಬೇಕೆಂದು ವಿಧಿಯ ನಿರ್ಣಯವೆಂತಹದು. ಆತುರ ಪಟ್ಟು ರಾಜ್ಯದಾಸೆಗೋಸ್ಕರ ರಾಜದ್ರೋಹ ಮಾಡಿದ ಮಗನನ್ನು ಬಿಟ್ಟರೆ ರಾಷ್ಟ್ರಕೂಟ ಪರಂಪರೆಯ ಗೌರವವೇನಾಯಿತು! ನನ್ನ ಮೇಲೆ ವಿಶ್ವಾಸವಿಟ್ಟು ನ್ಯಾಯಪೀಠವನ್ನು ಏರಲು ಹೇಳಿದ ನಾಡಿನ ಪ್ರಜೆಗಳು ದೊಡ್ಡವರು. ತಾಯಿ ಭುವನೇಶ್ವರಿ ನನ್ನಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಲು ಶಕ್ತಿ ನೀಡು' ಎಂದು ಪ್ರಾರ್ಥಿಸುತ್ತಲೇ ಒಮ್ಮೆ ಕಣ್ಣು ಮುಚ್ಚಿ ಸುದೀರ್ಘ ಶ್ವಾಸವನ್ನು ತೆಗೆದುಕೊಂಡು ಕಣ್ತೆರದು ಇಡೀ ಸಭೆಯನ್ನು ಗಂಭೀರವಾಗಿ ಅವಲೋಕಿಸಿದರು.

ಮುಂದುವರಿಯುವುದು

ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿನ ವಿಳಂಬಕ್ಕೆ ಕಾರಣಗಳು

ನಮ್ಮಲ್ಲಿ ಕಾರ್ಮಿಕ ನ್ಯಾಯಾಲಯ, ಲಘು ವ್ಯವಹಾರ ನ್ಯಾಯಾಲಯ, ಮೋಟಾರು ವಾಹನ ಕಾಯಿದೆ ಟ್ರಿಬ್ಯುನಲ್‌ಗಳು, ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಹೀಗೆ ಹಲವು, ನ್ಯಾಯಾಲಯಗಳು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿವೆ. ಇವುಗಳಲ್ಲಿ ಈ ಲೇಖನದಲ್ಲಿ ಚರ್ಚೆಗೊಳ್ಳುತ್ತಿರುವುದು ನಮ್ಮ ನಗರ ಸಿವಿಲ್ (ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್) ಇತ್ಯಾದಿ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಮೊಕದ್ದಮೆಗಳು ಏಕೆ ಕ್ಷಿಪ್ರಗತಿಯಲ್ಲಿ ಕೊನೆಗೊಳ್ಳುತ್ತಿಲ್ಲ ಎಂಬುದು.

ಸಾಮಾನ್ಯವಾಗಿ ನಾವು ಏನು ಮೂಲದಾವೆ (ಓ.ಎಸ್)ಗಳು ಎನ್ನುತ್ತೇವೆ. ಅದೇ ಪ್ರಸ್ತುತ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ವಿಚಾರಣೆಗೆ ಬರುತ್ತವೆ. ಸಾಧಾರಣವಾಗಿ ಯಾವುದೇ ಮೂಲದಾವೆ ಇತ್ಯರ್ಥಗೊಳ್ಳಬೇಕಾದರೆ ಕನಿಷ್ಟ ಕಾಲಾವಧಿ ೪ರಿಂದ ೫ ವರ್ಷಗಳು. ವಿಕಪಕ್ಷೀಯ (ಎಕ್ಸ್‌ಪಾರ್ಟಿ) ದಾವೆಗಳೂ ಕೂಡ ತೀರ್ಮಾನವಾಗುವ ಕನಿಷ್ಠ ಕಾಲಾವಧಿ ೨ ವರ್ಷಗಳು. ಈ ಅವಧಿಗಳು ಕನಿಷ್ಠ ಅವಧಿಗಳಾದರೆ ಗರಿಷ್ಠ, ಮಿತಿಯೇ ಇಲ್ಲದಷ್ಟು ವರ್ಷಗಳು.

ನಮ್ಮ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಬಾಕಿ ಇರುವ ಮೂಲ ದಾವೆಗಳಲ್ಲಿ ೨೦–೨೫ ವರ್ಷಗಳ ದಾವೆಗಳು ಗಣನೀಯ ಪ್ರಮಾಣದಲ್ಲಿದೆ ಯೆಂದರೆ ಆಶ್ಚರ್ಯವಾಗದಿರದು. ೧೯೮೦ರ ದಾವೆಗಳು ಕೂಡ ಬಹು ಮುಂಚಿನ ದಾವೆಗಳಾಗಿದ್ದು ಅವು ನಗರ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ ಸ್ಥಾಪನೆ ಗೊಂಡಾಗಿ ೬೦ರ ದಾವೆಗಳಾದವಷ್ಟೆ. ಎಷ್ಟೋ ಇತ್ಯರ್ಥಗೊಳ್ಳದ ದಾವೆಗಳಲ್ಲಿ ಈಗ ಮೂರನೇ ತಲೆಮಾರಿನ ವಾದಿ ಪ್ರತಿವಾದಿಗಳು ಕೋರ್ಟುಗಳಿಗೆ ಅಲೆದಾಡುತ್ತಿದ್ದಾರೆ. ತೀರ್ಪಿಗಾಗಿ ಕಾದು ಕಾದು ಬಸವಳಿಯುತ್ತಿದ್ದಾರೆ.

ನಮ್ಮ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿನ ವಿಳಂಬಕ್ಕೆ ಹೊಳೆಯುವ ಮುಖ್ಯ ಕಾರಣಗಳೆಂದರೆ ಕೇಸುಗಳ ಸಂಖ್ಯೆಯ ಪ್ರಮಾಣಕ್ಕೆ ತಕ್ಕನಾಗಿ ನ್ಯಾಯಾಲಯಗಳಿಲ್ಲದಿರುವ್ರದು.

ಬೆಂಗಳೂರು ನಗರದ ಒಂದೊಂದು ನ್ಯಾಯಾಲಯದಲ್ಲಿಯೂ ಒಂದು ದಿನಕ್ಕೆ ಕಡಿಮೆ ಎಂದರೂ ನೂರು ಕೇಸುಗಳು ವಿಚಾರಣೆಗೆ ಬರುವುದಿದ್ದು (ಹಲವು ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಇವುಗಳ ಸಂಖ್ಯೆ ೨೦೦–೨೫೦ಕ್ಕೂ ಹೋಗಿರುತ್ತದೆ). ಒಬ್ಬ ನ್ಯಾಯಾಧೀಶರು ತಮಗೆ ಕೋರ್ಟಿನಲ್ಲಿ ದೊರೆಯುವ ಬೆಳಗಿನ ಒಂದೂವರೆ–ಒಂದೂ ಮುಕ್ಕಾಲು ಗಂಟೆ; ವಿರಾಮದ ನಂತರದ ವೇಳೆಯ ಒಂದೂವರೆ ಗಂಟೆ ಅವಧಿಯಲ್ಲಿ ಅಬ್ಬಬ್ಬಾ ಎಂದರೆ ೮–೧೦ ಕೇಸುಗಳ ಮುನ್ನಡೆ ಸಾಧಿಸಲು ನೆರವಾಗಬಹುದಾಗಿದ್ದು ಮಿಕ್ಕ ಎಲ್ಲಾ ಕೇಸುಗಳೂ ಅನಿವಾರ್ಯವಾಗಿ ಮುಂದೂಡಲ್ಪಡುತ್ತದೆ. ಮುಂದೂಡಲ್ಪಟ್ಟ ದಿನಾಂಕ ಕಡೆಯ ಪಕ್ಷ ೬೦ ದಿನಗಳಿಗೆ ಮೀರಿಯೇ ಇರಲು ಕಾರಣ ಮುಂದಿನ ಎಲ್ಲ ದಿನಗಳಲ್ಲಿಯೂ ಆದಾಗಲೇ ದಿನವೊಂದಕ್ಕೆ ೧೦೦–೧೫೦ ಕೇಸುಗಳು ನಿಗದಿತಗೊಂಡಿರುತ್ತವೆ.

ನ್ಯಾಯಾಧೀಶರು ಅತ್ಯಂತ ತ್ವರಿತಗತಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡಿದಲ್ಲಿ ಮಾತ್ರ ೮–೧೦ ಕೇಸುಗಳ ವಿಚಾರಣೆಯನ್ನಾದರೂ ನಡೆಸಬಹುದು. ಆದರೆ ಎಷ್ಟೋ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಕೇಸುಗಳ ಮೊದಲ ಸುತ್ತಿನ ಕೂಗುವಿಕೆಯೇ ಎರಡು ಗಂಟೆಗಳ ಕಾಲಾವಧಿ ತೆಗೆದುಕೊಂಡು ಬಿಟ್ಟಿರುತ್ತದೆ.

ಇಲ್ಲಿನ ಕಾರ್ಯ ಕಲಾಪಗಳನ್ನು ಗಮನಿಸುವಾಗ ಅನ್ನಿಸುವುದು ಒಂದೊಂದು ನ್ಯಾಯಾಲಯದಲ್ಲಿಯೂ ದಿನವೊಂದರಲ್ಲಿ ೫೦% ಕೇಸುಗಳನ್ನು ಮಾತ್ರ ಹಾಕಲ್ಪಟ್ಟಲ್ಲಿ ನ್ಯಾಯಾಧೀಶರುಗಳ ಮೇಲಿನ ಒತ್ತಡವು ಕಡಿಮೆಯಾಗಿ ಕೇಸುಗಳ ಕ್ಷಿಪ್ರ ವಿಲೇವಾರಿಗಾಗಿ ಅವರುಗಳು

೨ನೇ ಪುಟಕ್ಕೆ

ನ್ಯಾಯಾಲಯದ ಹೈಕುಗಳು

1. ನಮ್ಮೂರ ಎಂಕನ ಹೊಸ ತಿಯರಿ
ಡಾಕುಟ್ರುಗಿಂತ ಲಾಯರ್ರು ದುಬಾರಿ
ಡಾಕುಟ್ರು ಇಂಜೆಕ್ಷನ್‌ಗೆ ಹತ್ತೇ ರೂಪಾಯಿ
ಲಾಯರ್ ಇಂಜೆಂಕ್ಷನ್‌ಗೆ ಹತ್‌ಸಾವಿರ
ರೂಪಾಯಿ

2. ಡೈವೋರ್ಸ್ ಕೊಡ್ಸಿ, ಡೈವೋರ್ಸ್ ಕೊಡ್ಸಿ
ಎಂದು ಚೀರ್ತಾ ಬಂದ್ಲು ಆಕೆ
ಏಕೆ? ಎಂದು ಈ ಲಾಯರ್ ಕೇಳಿದ್ದಕ್ಕೆ
ಅನ್ಬೇಕೆ ಆಕೆ ! Factory Siren ತರ
ಬರುತ್ತೆ ನನ್ನ ಗಂಡನ ಗೊರ್ಕೆ !!

3. ತಮ್ಮ ತಮ್ಮ ಒಂದು ಗಾದೆ ಮಾತಯ್ತೆ
ಗೊತ್ತಾ!
''ಗೆದ್ದೋನ್ ಸೋತ, ಸೋತೋನ್ ಸತ್ತ!!
ಸುಳ್ಳು ತಮ್ಮ! ಸೋತೋನಾದ್ರು
ಹೋಗ್ತಾನೆ ಅಪೀಲ
ಗೆದ್ದೋನ್ಗೇನಾಯ್ತು ಮಣ್ಣು! ಹಿಡಿಬೇಕು
Execution ಎಂಬ ಹನುಮಂತನ ಬಾಲ !

ಕೆ. ವಿದ್ಯಾ, ವಕೀಲರು

* * *

''ದುರ್ಬಲ ಆರೋಪ ಪಟ್ಟಿಗಳು ಅಪರಾಧಿಗಳಿಗೆ ವರವಾಗಿದೆ''

ಕರ್ನಾಟಕ ರಾಜ್ಯದಲ್ಲಿ ಪೋಲಿಸ್ ಇಲಾಖೆಯ ಪ್ರಕಾರ ಅಪರಾಧಗಳು ಗಣನೀಯವಾಗಿ ಇಳಿಮುಖವಾಗಿದೆ. ಆದರೆ ಧೈನಂದಿನ ಆಗು ಹೋಗುಗಳನ್ನು ಗಮನಿಸುವ ವರೆಗೆ ಕಂಡು ಬರುವುದು, ಅಪರಾಧಿಗಳು ಸುಲಭವಾಗಿ ತಪ್ಪಿಸಿಕೊಳ್ಳುವುದು. ಪೋಲಿಸರು ಮೊಕದ್ದಮೆಗಳನ್ನು ಹೂಡಿದ್ದು ಅಂತಹ ಮೊಕದ್ದಮೆಗಳು ಬಹು ಮಟ್ಟಿಗೆ ಅಪರಾಧಿಗಳಿಗೆ ನೆರವಾಗುವ ರೀತಿಯಲ್ಲಿಯೇ ಅಂತ್ಯ ಗೊಳ್ಳುವುದು. ದುರ್ಬಲವರ್ಗದವರ ಮೇಲಿನ ದೌರ್ಜನ್ಯಗಳು, ಸ್ತ್ರೀ ವಿರೋಧಿ ಅಪರಾಧಗಳು, ಚೀಟಿ ವ್ಯವಹಾರದ ಕಂಪನಿಗಳು ಜನಗಳನ್ನು ಮೋಸಗೊಳಿಸುವುದು ಮುಂತಾದ ಘಟನೆಗಳು ಹೆಚ್ಚಿಕೊಳ್ಳುತ್ತಲೇ ಇದೆಯಾದರೂ, ಈ ಬಗ್ಗೆ ನಿರ್ಬಂಧ ಸಾಧಿಸಲು ಪೋಲಿಸ್ ಇಲಾಖೆಯು ವಿಫಲ ಗೊಳ್ಳುತ್ತಿರಲು ಕಾರಣ ದುರ್ಬಲ ಆರೋಪ ಪಟ್ಟಿಗಳು ಎಂದು ಒಂದು ಪತ್ರಿಕೆಯ ಸುದ್ದಿ ಹೇಳುತ್ತದೆ. ಇಲ್ಲಿ ರಾಜಕಾರಣಿಗಳ ವಕೀಲಿ ಬಹುಮಟ್ಟಿಗೆ ಕೆಲಸ ಮಾಡುತ್ತಿರುವುದು. ಇಂತಲ್ಲಿ ಪೋಲಿಸ್ ಇಲಾಖೆಗಳು ಹೆಚ್ಚು ಹೆಚ್ಚು ಎಚ್ಚರಿಕೆ ವಹಿಸಿ, ಅಪರಾಧಿಗಳಿಗೆ ಸೂಕ್ತ ದಂಡನೆಯಾಗಲೇಬೇಕೆಂಬ ಹಟದಲ್ಲಿ ಎಚ್ಚರಿಕೆಯಿಂದ ತನಿಖೆಗಳನ್ನು ನಡೆಸಿ ಆರೋಪ ಪಟ್ಟಿಗಳನ್ನು ಸಿದ್ಧಪಡಿಸಿದಲ್ಲಿ ಹೆಚ್ಚಿನ ಪ್ರಗತಿಯನ್ನು ಕಾಣಬಹುದಾಗಿರುತ್ತದೆ. ಯಾವುದೇ ಒಂದು ಅಪರಾಧದ ಮೊಕದ್ದಮೆಗೆ ಆರೋಪಪಟ್ಟಿಯೇ ಆಧಾರ. ಇಂತಹ ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಲೋಪ ದೋಷಗಳು ನುಸುಳಿದಲ್ಲಿ, ಇಡೀ ಮೊಕದ್ದಮೆಯೇ ವಿಫಲಗೊಂಡು ಅಪರಾಧಿಗಳಿಗೆ ಅನುಕೂಲವಾಗಿ, ಅಪರಾಧಗಳು ಹೆಚ್ಚಾಗಲು ಕಾರಣವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ

ಸಾರ್ವಜನಿಕ ಗ್ರಂಥಾಲಯಗಳ ಬಗ್ಗೆ ಒಂದು ಚಿಂತನೆ

ಎಸ್. ಗೋಪಾಲ್, ವಕೀಲರು

ಕಳೆದ ಸಂಚಿಕೆಯಿಂದ

ನಮ್ಮ ದೇಶದಲ್ಲಿ ಸ್ವಾತಂತ್ರ್ಯ ಪೂರ್ವ ಗ್ರಂಥಾಲಯಗಳ ಬಳಕೆ ಮತ್ತು ಸೇವೆಯ ಮಟ್ಟ ಅತಿ ಕಡಿಮೆಯಾಗಿತ್ತು. ಅದಕ್ಕೆ ಕಾರಣ ನಮ್ಮ ದೇಶದಲ್ಲಿ ಅಂದು ಅನಕ್ಷರಸ್ಥರ ಸಂಖ್ಯೆ ಹೆಚ್ಚು ಮತ್ತು ವಿದ್ಯಾಭ್ಯಾಸ ಸೀಮಿತ ವರ್ಗಕ್ಕೆ ಮೀಸಲಾಗಿದ್ದುದು ಜೊತೆಗೆ ಬ್ರಿಟೀಷ್ ಸರಕಾರವು ಈ ಕ್ಷೇತ್ರದ ಬೆಳವಣಿಗೆಗೆ ಹಮ್ಮಿಕೊಂಡ ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ಸಾರ್ವಜನಿಕರಿಂದ ನಿರಾಸಕ್ತಿ ಅಸಡ್ಡೆ ಮನೋಭಾವ. ಆ ಸಂದರ್ಭದಲ್ಲಿ ಗ್ರಾಮೀಣ ಜನಾಂಗವನ್ನಂತೂ ಮುಟ್ಟುವಂತೆಯೇ ಇರಲಿಲ್ಲ. ಆದರೂ ಈ ಸಂದರ್ಭದಲ್ಲಿ ಆಂಗ್ಲ ಕೆಲ ಅಧಿಕಾರಿಗಳು ಈ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಕೆಲವೇ ಭಾರತೀಯ ಆಸಕ್ತರ ಸಹಾಯದೊಂದಿಗೆ ಸಾಧಿಸಿರುವ ಸಾಧನೆ ನೀಡಿರುವ ಕೊಡುಗೆ ಅಪಾರ ಮತ್ತು ಅವುಗಳ ಮೌಲ್ಯ ದಾಖಲೆಗಳಿಂದ ವ್ಯಕ್ತವಾಗುತ್ತದೆ.

ಸ್ವಾತಂತ್ರ್ಯಾನಂತರ ದೇಶದ ಅನಕ್ಷರತೆಯನ್ನು ಹೋಗಲಾಡಿಸ ಬೇಕೆಂಬ ಸರಕಾರದ ದಿಟ್ಟ ಹೆಜ್ಜೆ ಅವರೊಂದಿಗೆ ಜನಪರ ಕಾರ್ಯಕ್ರಮಗಳು ಇವು ಸಾಮಾನ್ಯ ಜನ ಗ್ರಂಥಾಲಯಗಳ ಕಡೆ ಗಮನಿಸುವಂತಾಗಿದೆ. ಅನಕ್ಷರಸ್ಥರ ಮಟ್ಟವೂ ಕ್ರಮೇಣ ಇಳಿಯುತ್ತಿದೆ. ಇದರೊಂದಿಗೆ ಸಾರ್ವಜನಿಕ ಗ್ರಂಥಾಲಯಗಳು ಗ್ರಾಮೀಣ ಪ್ರದೇಶಗಳಲ್ಲಿಕೂಡ ಹೆಚ್ಚು ಉಪಯೋಗದ ಯಶಸ್ಸು ಸಾಧ್ಯವಾಗುತ್ತಿದೆ. ತನ್ಮೂಲಕ ಭಾರತದ ಪ್ರಜೆ. ತನ್ನ ಭವಿಷ್ಯದ ಬಗ್ಗೆ ಹಾಗೂ ದೇಶ ಪ್ರಗತಿಯ ಬಗ್ಗೆ ಹಾಗೂ ದೈನಂದಿನ ಆಗುಹೋಗುಗಳ ಬಗ್ಗೆ ಸದಾ ಗಮನಹರಿಸುವಂತಾಗಿದೆ. ಅದರಲ್ಲೂ ವಿಶೇಷವಾಗಿ ಮೊಬೈಲ್ ಗ್ರಂಥಾಲಯ, ಉಚಿತ ಗ್ರಂಥಗಳ ವಿತರಣೆ, ಟಿ.ವಿ. ಮತ್ತು ರೇಡಿಯೋಗಳ ಮುಖಾಂತರ ಮತ್ತು ವೃತ್ತಪತ್ರಿಕೆಗಳ ಮೂಲಕ ಸಾರ್ವಜನಿಕ ಗ್ರಂಥಾಲಯ ಇಲಾಖೆ ಹಮ್ಮಿಕೊಂಡಿರುವ ಕಾರ್ಯಕ್ರಮಗಳ ಪ್ರಚಾರ ಹೆಚ್ಚು ಜನ ಸಾಮಾನ್ಯನನ್ನು ಮುಟ್ಟಲು ಸಹಾಯಕವಾಗಿದೆ.

ಮುಂದುವರಿಯುವುದು

ಪರೀಕ್ಷೆಗಳನ್ನು ಎದುರಿಸುವುದು ಹೇಗೆ?

ಕಳೆದ ಸಂಚಿಕೆಯಿಂದ ಮುಂದುವರಿದಿದೆ

ಕೆಲವು ಮುಖ್ಯ ಇಸವಿಗಳು, ಸೂತ್ರಗಳು, ಹಾಗೂ ಶಾರ್ಟ್‌ನೋಟ್ಸ್‌ಗಳನ್ನು ಷರ್ಟಿನ ಕಫ್ ಮಡಿಕೆಯ ಸುಕ್ಕುಗಳೊಳಗೆ ಗುರ್ತು ಹಾಕಿಕೊಂಡು ಬರುವ ಕಾಪಿ ಪದ್ಧತಿ ಬಹಳ ಹಿಂದಿನ ಕಾಲದಿಂದಲೂ ನಡೆದುಕೊಂಡು ಬಂದಿದೆ. ಈಗ ಪರೀಕ್ಷೆಗೋಸ್ಕರವೇ ಹೊಸ ಮಾದರಿಯ ಪೈಜಾಮಗಳು, ನಿಲುವಂಗಿಗಳು, ಉದ್ದನೆಯ ಸಾಕ್ಸ್‌ಗಳು ತಯಾರಾಗಿ ಬಂದಿವೆ. ವಿದ್ಯಾರ್ಥಿಗಳು ಈ ಪೋಷಾಕುಗಳನ್ನು ಧರಿಸಿ ಪರೀಕ್ಷೆಗೆ ಬರಬಹುದು. ಇದು ಪೋಸ್ಟ್‌ಮ್ಯಾನ್ ಯೂನಿಫಾರಂ ತರಹ ವಿಶ್ವಾಸಾರ್ಹವಾದ ಉಡುಪು. ಮೈತುಂಬ ಜೋಬುಗಳು ! ಪಾಸಾಗ ಬೇಕೆಂದು ಹಣೆಯಲ್ಲಿ ಬರೆದಿದ್ದರೆ ಕಾಪಿಗೂ ಅನುಕೂಲಕರವಾದ ವಾತಾವರಣ ಅಲ್ಲೇ ಕಲ್ಪಿತವಾಗುತ್ತದೆ. ಗಾಳಿಬಂದಾಗ ಕಣ್ಣಾಡಿಸುವುದೇ ಜಾಣ್ಮೆ ! ಏನನ್ನೂ ಬರೆಯದೆ ಖಾಲಿ ಉತ್ತರ ಪುಸ್ತಕಗಳನ್ನು ಕೊಟ್ಟು ಬಂದರೂ ಲಾಭವಿದೆ. ಬೇಡ ಎಂದರೆ ಲಕ್ಷ ರಾಮನಾಮವನ್ನು ಬರೆದು ವಿದ್ಯಾರ್ಥಿ ಜನ್ಮವನ್ನು ಸಾರ್ಥಕ ಪಡಿಸಿಕೊಳ್ಳುವ ಅವಕಾಶವೂ ಇದೆ. ಏನೂ ಬರೆಯದ ವಿದ್ಯಾರ್ಥಿ ಕಂಪ್ಯೂಟರ್ ಕೃಪೆಯಿಂದ ಫಸ್ಟ್‌ಕ್ಲಾಸ್ ಗಿಟ್ಟಿಸಲಿಲ್ಲವೆ? ಬೇಲಿಯೇ ಹೊಲ ಮೇದರೆ/ಪ್ರಿನ್ಸಿಪಾಲರು ಮಾಡುವುದೇನು? ಕಂಪ್ಯೂಟರ್‌ಗಳೂ 'Corrupt' ಆಗುವ ಸಾಧ್ಯತೆ ಇರುವುದರಿಂದ ವಿದ್ಯಾರ್ಥಿಗಳು' ರಿಸ್ಕ್ ತೆಗೆದುಕೊಳ್ಳಲು ಹಿಂಜರಿಯಬಾರದು. ಪರೀಕ್ಷೆಗಳನ್ನು ಎದುರಿಸಬೇಕಾಗುದುದೇ ಹೀಗೆ. ರಿಸ್ಕ್ ಇದ್ದೇ ಇರುತ್ತದೆ. ಅದು ಒಂದು ರೋಮಾಂಚಕಾರಕ ಅನುಭವ ! Thrill !

ಈಗಂತೂ ಪರೀಕ್ಷಾ ಪ್ರಪಂಚ ಒಂದು ಮಾಯಾಲೋಕವಾಗಿದೆ ! 'ಚಂದ್ರಕಾಂತ' ಸಿನಿಮ ಎಷ್ಟೋ ಮೇಲು. ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆ, ಮಾರ್ಕ್ಸ್ ಡಿಗ್ರಿ ಸರ್ಟಿಫಿಕೇಟು, ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳ ಮೊಹರು ಮುಂತಾದವುಗಳನ್ನು ನಿರಾಯಾಸವಾಗಿ ಮನೆಗೇ ತಂದು ಕೊಡುತ್ತಾರೆ, ಹಣಕ್ಕೆ ! ಇಷ್ಟೆಲ್ಲ ಅನುಕೂಲಗಳಿರುವಾಗ ಇಡೀ ವರ್ಷ ಮಧ್ಯರಾತ್ರಿಯವರಿಗೆ ಎಣ್ಣೆ ಅರ್ಥಾತ್/ಕರೆಂಟನ್ನು ಉರಿಸಿ ರಾಷ್ಟ್ರದ ಅಮೂಲ್ಯ ವಿದ್ಯುತ್ ಸಂಪತ್ತನ್ನು ನಾಶ ಮಾಡುವುದು ಬುದ್ಧವಂತಿಕೆಯ ಲಕ್ಷಣವಾದೀತೆ? ಆಕ್ಷೆ ಅನುಭವಿಗಳು ಪರೀಕ್ಷೆಗಳನ್ನು ಎದುರಿಸುವುದು ಒಂದು 'ART';

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ಪದ ಪುಂಜ

ಎಡದಿಂದ ಬಲಕ್ಕೆ

1. ನ್ಯಾಯಾಲಯಕ್ಕೆ ಮಾಡುವ ನಿಂದನೆ 5
3. ಅಡ್ಜರ್ನ್‌ಮೆಂಟಿಗಾಗಿ ನ್ಯಾಯಾಧೀಶರಲ್ಲಿ ಮಾಡಿಕೊಳ್ಳುವ ಅರಕೆ 3
5. ವಾದಿಗಳ–ಪ್ರತಿ ವಾದಿಗಳ ನಡುವೆ ಉಂಟಾಗುವ ತಂಟೆ– ತಕರಾರು 7
7. ವಿಲೇವಾರಿಗಾಗಿ ಮಳೀಮಠ ಆಯೋಗವು ಶ್ರಮಿಸಿತು
9. "COURT PROCEEDINGS" ಕನ್ನಡದಲ್ಲಿ ಹೀಗನ್ನಬಹುದೆ 7

ಮೇಲಿಂದ ಕೆಳಕ್ಕೆ

2. ಈ ಸಾಕ್ಷ್ಯಕ್ಕೆ ಪ್ರಥಮ ಪ್ರಾಶಸ್ತ್ಯ ಇಲ್ಲ 3
4. ನ್ಯಾಯಾವಾದಿಗಳು ಒಮ್ಮೊಮ್ಮೆ ನಟರಂತೆ ನಾಟಕವಾಡಬೇಕಾಗುತ್ತದೆ 3
6. ನ್ಯಾಯದೇವತೆಯ ಆದಿಪತ್ಯವನ್ನು ನ್ಯಾಯದೇಗುಲದಲ್ಲಿ ಸ್ಥಾಪಿಸಿದವರು 7
8. ...., ಶಾಸಕಾಂಗ, ಕಾರ್ಯಾಂಗ ನಮ್ಮ ಸಂವಿಧಾನದ ಮೂಲಭೂತ ಅಂಗಗಳು 3
10. ಹಳ್ಳಿ ಹೈದ ಮಾದನಿಂದ ನ್ಯಾಯಾಲಯಕ್ಕಾದ ಅಚಾತುರ್ಯ 3

ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿನ ವಿಳಂಬಕ್ಕೆ ಕಾರಣಗಳು

1ನೇ ಪುಟದಿಂದ

ಪ್ರಯತ್ನಿಸಬಹುದಾಗಿದೆ. ಕ್ಷಿಪ್ರಗತಿಯ ವಿಚಾರಣೆಗಳು ನಡೆಯಲು ವಕೀಲ ಸಮುದಾಯದಿಂದಲೂ ಅಪಾರ ಸಹಕಾರ ಬೇಕಿರುತ್ತದೆ. ವಿನಾಕಾರಣ ಕೇಸುಗಳನ್ನು ಮುಂದು ಹಾಕಲು ಪ್ರಯತ್ನಿಸುವುದು ಕಕ್ಷಿದಾರರನ್ನು ಕರೆಸಿ ಕಂಗಾಲು ಗೊಳಿಸುವುದು ಇತ್ಯಾದಿಯನ್ನು ನ್ಯಾಯಾಧೀಶರು ಉತ್ತೇಜಿಸಬಾರದು. ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲೂ ಮಾನವೀಯ ದೃಷ್ಟಿಯನ್ನು, ಸಂಬಂಧಿಸಿದ ಪ್ರತಿಯೊಬ್ಬರೂ, ದೃಷ್ಟಿಯಲ್ಲಿಟ್ಟುಕೊಂಡು ಪ್ರಗತಿಗಾಗಿ ಶ್ರಮಿಸಬೇಕಿದೆ. ನ್ಯಾಯಾಲಯಗಳ ಮೇಲೆ ಸಂಪೂರ್ಣ ಭರವಸೆಯನ್ನೂ ಕಳೆದುಕೊಂಡಿರುವ ಜನರಲ್ಲಿ ಭರವಸೆಯನ್ನು ಮತ್ತೆ ಮೂಡಿಸುವ ತುರ್ತಿನಲ್ಲಿ ನ್ಯಾಯಾಲಯಗಳು, ವಕೀಲರು ಕೆಲಸ ನಿರ್ವಹಿಸಬೇಕಾಗಿದೆ.

ವಿಳಂಬದಲ್ಲಿ ನಮ್ಮ ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆಯಲ್ಲಿನ ಹಲವು ಕ್ರಮಗಳೂ ಕಾರಣವೆಂದರೆ ತಪ್ಪಾಗಲಾರದು. ಸದ್ಯ ಸರಕಾರ ಇದರಲ್ಲಿ ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡಲು ತೀರ್ಮಾನಿಸಿದೆಯಾದರೂ ಹಲವಾರು ಹೊಸ ದೋಷಗಳನ್ನು ಅಳವಡಿಸಿರುವ ಹೊಸ ಸಂಹಿತೆಯು ವಕೀಲ ಸಮುದಾಯದ ಆಕ್ರೋಶಕ್ಕೆ ಒಳಗಾಗಿದೆ. ಈ ಬಗ್ಗೆಯ ಜಿಜ್ಞಾಸೆಯು ಸಮಾಧಾನಕರ ರೀತಿಯಲ್ಲಿ ಪರಿಹಾರಗೊಳ್ಳಲಿ ಎಂಬುದೇ ಎಲ್ಲರ ಆಶ.

'ವಾದ ಕಾರಣಗಳು' ಅಥವಾ 'ಇಶ್ಯೂಸ್' ಎಂದು ಕರೆಯಲ್ಪಡುವ ಒಂದು ಕ್ರಮ ಕೂಡ ನ್ಯಾಯಾಲಯದ ವಿಳಂಬ ಕಾರ್ಯಕ್ಕೆ ಕಾರಣವಾಗಿರುವಂತಿದೆ. ನ್ಯಾಯಾಧೀಶರು ವಾದ-ಪ್ರತಿವಾದಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಕ್ರಮ ಜರುಗಿಸಬೇಕಾದ ಕಾನೂನಾತ್ಮಕ ಅಂಶ

ಮುಂದುವರಿಯುವುದು