

Volume 12

December 2000

Part 9

Jay Pee Elected



In the biennial general body meeting of Lahari Advocates Forum held on 6-12-2000 Mr. N. Jaiprakash Rao, Advocate, M/s Jay Pee Associates has been unanimously elected as its President for the period 2001-02. The other Office bearers are Secretary Mr. G. Chandrashekaraiah; Vice President Mr. N. Dinesh Rao; Joint Secretary Mr. H. S. Lingaraj; Treasurer Mr. K. R. Dinakar; Executive Committee Members Mr. Bharath Kumar Mehta, Mr. V. N. Murthy, Mr. K. S. Haneef, Mr. J. G. Chandramohan, Ms. Madhumita Bagchi and Ms. K. A. Kamalam.

Appointments

Through a notification bearing No. Law 94 LAG 99, dated 22-12-2000 the Government of Karnataka has made following appointments to the establishment of Advocate General in Karnataka. These appointments are for a period of two years except in the case of Sri S. Uday Shankar, who has been continued for a period of one year.

Government Advocate: Sri S. Uday Shankar : Additional Public Prosecutor; Sri M. Marigowda; Additional Government Advocates: S/s M. N. Sheshadri; N. K. Ramesh; B. Anand; B. V. Muralidhar; K. P. A. S. Kumar; L. K. Srinivasamurthy; Mohd. Ather; K. Srinivasa Gowda; Venkatachalaiah;

Contd. on Col. 3

CEGAT bench opened

On December 14, a bench of the Customs, Excise and Gold (Control) Appellate Tribunal was inaugurated at Bangalore by Mr. Justice K. Sreedharan, President, CEGAT, New Delhi. Mr. K. Ramaswamy, President, FKCCI was the Chief guest. The Bangalore bench is the first one outside the metropolitan cities in India. Hitherto Chennai branch of CEGAT was handling cases arising from Karnataka, Kerala and Lakshadweep. About 8,000 cases covering the above territorial jurisdiction will now stand transferred to Bangalore branch. Mr. G. A. Brahmadev, Judicial member and a Technical member have been posted to the Bangalore branch which is situated in the Chamber of Commerce building, KG Road, Bangalore-9

State Bar Council

□ Statement of receipts and expenditure of State Bar Council reveal that during December 2000 the expenditure over income is Rs. 1,74,247, while the receipts during the month was Rs 1,27,710 the expenditure was Rs 3,01,957.

□ In a press note the State Bar Council has notified that (1) Babu Jagajeevanram Law College; (2) Priyadarshini Law College; (3) Islamia Law College and Rajiv Gandhi Law College (All four Colleges from Bangalore) are not recognised by the Bar Council of India for the purpose of enrolment of law graduates from these Colleges as advocates.

Quote Hanger

The lawyers' contribution to the civilizing of humanity is evidenced in the capacity of lawyers to argue furiously in the courtroom, then sit down as friends over a drink or dinner. This habit is often interpreted by the laymen as a mark of their ultimate corruption. In my opinion, it is their greatest moral achievement; it is a characteristic of human tolerance that is most desperately needed at the present time. - By John R. Silber

SC Awards suspended sentence

In a Judgment delivered on December 15, a Supreme Court bench comprising Mr. Justice K. T. Thomas and Mr. Justice R. P. Sethi held Chennai Advocate S. K. Sundaram guilty of contempt of court and awarded six months suspended sentence. In the background of the controversy over age of the Chief justice of India A. S. Anand the apex court had suo-moto initiated contempt proceedings against the Chennai lawyer for demanding resignation of Mr Justice A. S. Anand. The judgment, written by Mr. Justice K. T. Thomas held "defiant and malafide attitude" on the part of contemnor was proved who had not only sent a threatening telegram to the CJI asking him to immediately step down but also by lodging a criminal complaint against Mr Justice Anand in a Chennai Court.

Taking into account that Mr S. K. Sundaram is a senior citizen and a heart patient, the court suspended the sentence for a month, subject to his undertaking that he would never again commit or attempt such an act. If the contemnor does file such an undertaking by then, the sentence will remain suspended for a further period of five years. If the contemnor commits any act of criminal contempt during the said period the suspension of the sentence will stand revoked and then he will have to undergo the sentence of imprisonment.

Contd. from Col. 1

A. K. Menasinkai; Y. V. Parthasarathi; High Court Government Pleaders: Smt. Suman Hegde; Smt Rosa Peramal S/s M. Narayanappa; M. Nagarajan; Ms. Nilofer Akbar; A. G. Shivanna; Thippe Rudrappa; S. G. Rajendra Reddy; V. Bychappa; K. Shanthraj; Anjana Murthy; B. S. Budhihal; T. A. Ramachandra; M. R. Vijayakumar and S. S. Guttal.

Around The Courts

Rule 3(A) of Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 - held valid. Article 25 (2) (B) of the Constitution only gives power to the Government to throw open public Institutions to all classes of Hindus.

In a judgment delivered on December 14, a division bench of the Kerala High Court dismissed a writ petition seeking entry for non-Hindus in temples. The High Court pointed out sternly that temples were intended for Hindu worshippers only and definitely not for those professing other religions. The petitioner, advocate William John, had sought a declaration that Rule 3(A) of Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 be declared void and violative of fundamental rights guaranteed under Article 25(1) of the Constitution. A direction to allow entry into temples by anybody wanting to offer worship was also sought. Dismissing the petition, the division bench comprising Mr. Justice S. Sankarasubban and Ms. Justice A. Lakshmikutty observed that the petitioner has no right to enter any temple as he was not practicing Hindu religion. The bench held that the impugned rule was formed under Authorisation of the Temple Entry Act. The court held that the Temple Entry Act's object is in furtherance of the Constitution mandate under Article 25(1) viz., opening of all temples to all classes of Hindus. Article 25(2)(B) only gives power to the Government to throw open public institutions to all classes of Hindus. It, however, did not give power to throw open temples to all citizens of the country.

Quote Hanger

It is a mistake to think the men we like are good for every thing, and those we do not, good for nothing. - By George Savile

Advocate held

Hanumanthnagar police recently arrested a US based Software Engineer Hemanth Kumar, his advocate father A.C. Rajashekar, mother Ambuja, in a dowry related case. According to a complaint lodged with the police on December 4, K.B. Madhumati of Rajajinagar was married to Hemanth Kumar. A large sum of money, gold and silver Jewellery was given as dowry. Obviously not being satisfied with the dowry received at the time of marriage, husband, parents-in-law and two sisters of husband harassed Madhumati demanding more dowry. However, after a few days, the couple left to US as the husband got a job there. Even after shifting to US harassment continued and the wife clandestinely left US and landed in Bangalore on December 2.

Campus Watch

On 23-12-2000 University Law College celebrated the Graduation Day for its millennium batch of students Hon'ble Mr Justice R.V.Raveendran, Judge, High Court of Karnataka and Mr. K. Siddappa, Vice-chancellor of Bangalore University were the Guests of Honour at the celebration function. Prof. K.H.Rayappa, Principal of the college, presided. Ms. Anu Chengappa spoke about the experience at the college on behalf of the outgoing law graduates. Mr. Justice S.Rajendra Babu, Judge, Supreme Court of India was the chief guest of the function and presented mementos to the outstanding students.

Point Blank

□ "Although we may never know with complete certainty the identity of the winner of this Year's presidential election, the identity of the loser is perfectly clear. It is the nation's confidence in the judge as an impartial guardian of the rule of law."

Justice Stevens, Judge of US Federal Supreme Court, in his dissenting judgment in Bush Vs Gore.

□ Quality of justice largely depends on the quality of judges. Only a competent judge can control the members of the bar appearing before him/her and direct the course of proceeding according to the demands of each case. Of course, there are not enough competent lawyers aspiring to get into the judiciary. Even if there are, the process of selection are so uncertain and time-consuming that merit does not get adequate recognition. Therefore, people who seek appointments at the lowest level of judicial hierarchy are not the best available for such positions.

Contd. on Col. 2

Advocates Co-op Society

In the executive committee meeting of Bangalore Advocates Co-op Society held on 08-12-2000 it was resolved to grant new membership to 32 applicants; additional shares to 27 members; open a sales counter at Magistrate courts unit; provide water cooler to Mayo Hall unit; provide financial assistance of Rs. 15,000 to Lahari Law Academy and Rs 5000 each to Bangalore Advocates Cricket Association and High Court Advocates Cricket Club to participate in Cricket tournament at Chithradurga; ratify payment of Rs 5000 DRF paid to L Rs of R. Anantharaman; Rs 5000 each MRF to B. A. Rajarao Scindia, B. Prakash, Partiban, B.R. Ravishankar, V.S. Biju, P. Varadaraj and R. Prakash Reddy.

Kolar Diary

The following transfers and postings in Kolar District have been effected:

□ Sri A.D. Ansari, Prl. Civil Judge (Jr. Dn) Kolar has been promoted as Civil Judge (Sr. Dn) and posted as Addl. Civil Judge (Sr. Dn) Gokak; Smt. M. Sridevi, Addl. Civil Judge (Jr. Dn) Kolar has been promoted as Civil Judge (Sr. Dn) and posted to Law Department, Bangalore; Sri Srivaram, Addl. Civil Judge (Sr. Dn) Kolar has been transferred as Addl. CMM. Bangalore; Sri Somashekaraiah, Addl. Civil Judge (Sr Dn) Mysore is transferred as Addl. Civil Judge (Sr. Dn) Kolar.

□ In the Annual General Body Meeting of Srinivasapura Advocates Association held on 16-12-2000 the following were unanimously elected as the office bearers of the Association.

President : M.V.Sudhakar Reddy; Vice President : Krishnappa; General Secretary: G.N. Ashwatha Reddy; Treasurer: T.Venkataramanappa; Executive Committee Members: Jayaram Gowda, H.N.Chandra Shekar, K.R.Narayana Swamy, K.B. Narayana Swamy.

Contd. from Col. 1

It is doubtful whether even after judges took complete control of selection to the higher judiciary, the really meritorious find their way into the High courts. The whole process is not transparent enough to enable debate in public about its strengths and weaknesses.

Dr. N.R.Madhava Menon, Vice Chancellor, West Bengal National University of Juridical Sciences, Kolkata.

Social Audit of Working of the Constitution

Dr. G.R.S. Rao

From the last issue

The Executive as an Instrument of Democratic Development and Public Service

The Constitution has devoted seven Articles designed to ensure freedom from political prejudices and partisan influences and to protect the executive instrumentality as agents of change, as an 'all-India service'. Let alone the all-important public perceptions, the political executive themselves publicly blame the bureaucracy as an impediment to social transformation. The judiciary has innovated and opened the flood-gates of Public Interest Litigation (PIL) primarily targeted at the bureaucracy. The administrators themselves have been openly discussing the bureaucratic politics fuelled by linguistic, regional, caste and a variety of other extraneous factors.

The relationship between the civil servants and the political executive in India is characterized by four-fold dispositions, viz., (a) **withdrawal** i.e. occupying the chairs, but doing nothing, (b) **confrontation** and mutual negation, (c) **complementarity** in spite of trying circumstances, or (d) **collusion** in corruption, as the Vohra Committee testified. Several administrators admit that the all India services ceased to be all India anymore. One senior officer revealed the psyche of administrators, when he stated unwittingly, at the end of 34 years of service, at a farewell party: "I have to learn to live like an ordinary citizen from tomorrow". They do not consider that they are citizens first, while working as administrators. They fear citizenship at the end of it. In our Republic, the citizens are left to serve the public servants, not vice versa.

Legal / Judicial System and Functionaries

During the early years, the judicial system had established itself as the bulwark of constitutional democracy, protected and sustained Rule of Law, and expanded the frontiers of social justice jurisprudence.

A critical strength of the judicial sub system in India is the high level of awareness on the part of its leadership of the urgent need to enhance the efficacy of the system; and to overcome the

negative image caused by in-accessibility, delays due to procedural and human factors, and discriminatory and unaffordable costs.

The consistent pile-up of pending litigation at various levels of the judiciary is discussed ad nauseam, regularly, both by the legislatures and the judicial leadership. But the volume of dockets is growing faster than the frequency of debates. What these debates have not come to recognise is that there are a lot more problems of citizens that are not taken to the court system because of the loss of credibility arising not only from delays and costs but also from diverse manifestations of corruption and miscarriage. If statistics of these two categories are also computed, the volume constitutes an indictment of the judicial system working under the constitution. Two distressing consequences are: (a) damage to the Rule of law, and (b) people taking law into their own hands.

Instead of the oft repeated argument for maintaining the ratio of judges with growing population, the judiciary must give up this growth trajectory and move in the direction of a wide range of 'innovations', preventive and mitigative strategies, and higher levels of productivity including an increase in its working days from the existing average of less than 200 per annum, thanks to the work ethic of Indian 'holidays' and court vacations. Judicial leadership is a party to the creation of a wide range of esoteric tribunals, commissions and alternative dispute settlement mechanisms at the national and state levels. But it had not shown equal interest in creating and strengthening *Nyaya Panchayats* at the community level. Judicial institutions reveal a high degree of hierarchy and unending layers of appeals. Citizens are at a loss to understand the rationale of judicial independence and contempt jurisdiction.

The judicial system has the unique advantage of the National Law Commission operating as an in-house consultant. A number of reform measures aimed at making the judiciary deliver constitutional promises are waiting for action.

To be Continued

The Hostage Crisis and the Surrender Syndrome

By C.B. Srinivasan, Advocate

From the last issue

The legalese of the Rajkumar kidnap episode by the brigand Veerappan has found a resting place by the conclusion of the proceedings before the Supreme Court. While all the details of the proceedings are found reported in the newspapers the core issue that was grappled by the Supreme Court appears to have missed the notice of the public. Here is an attempt to analyse the legal issue debated.

Section 494 of the old Criminal Procedure Code (1898) and 321 of the new Criminal Procedure Code (1974) are sister provisions affecting sinister situations. The primary objective of the statutory prescription is to prevent unnecessary trials. It empowers the Prosecutor to withdraw any person from prosecution and for that, obtain the consent of the Court. In this situation, the *dramatis personae* can be the victim of the crime; the supposed criminal; the Prosecutor; the executive limb of the State; and the *Judicial limb of the State*. Administration of criminal justice is possible when there is harmony of action between the prosecutor and the court. Instances of the power being invoked have been reported in judicial precedents of the Supreme Court. They have indicated the circumstances when the Supreme Court has frowned on the Surrender Syndrome.

Surrender of the Court to the Prosecutor

In an early post Independence decision, the Supreme Court heard a joint attempt by the State of Bihar and the accused (who had been withdrawn from prosecution), seeking declaration of the law. There was a murder of a person in the course of a riot and 28 persons had been prosecuted for offences of murder and common intention. As against one of the accused, the charge was that he abetted the murder by reason of certain speeches and exhortations at meetings or groups the day previous to the murder. Before the trial began, the prosecutor sought leave to withdraw this accused from prosecution on the ground that it would not be just and expedient to proceed with the prosecution. The evidence regarding the complicity of the accused was

meagre. There was only a single item of evidence of a dubious nature. It was not likely to establish a *prima facie* case. The court gave its consent for withdrawal. But, in revision, the Chief Justice of the High Court reversed this consent of the court. In his opinion, the authority was of the court to garner evidence during trial before it. This function of the court had been surrendered to the prosecutor.

The Supreme Court was of the opinion that the provision did not insist on the Court's discretion to give consent only with reference to the material gathered by the judicial method. There was no matter to be determined judicially. The simple function of the court is to satisfy itself that the executive function of the Public Prosecutor has not been improperly exercised. If there was no attempt to interfere with the normal course of justice for illegitimate reasons or purposes, the court's function is to supplement, at a higher level, and prevent abuse. The evidence in the case was oral evidence of witnesses who could not speak of the exhortations of the accused at various places. If the prosecutor thought that it was meagre to secure conviction, and the court accepted it, there was no legality in the apprehension of the court surrendering to the prosecutor. The withdrawal was justifiable. (*State of Bihar Vs. Ram Naresh*, A.I.R. 1957 S.C. 389).

Then came the case of *State of Orissa Vs. Chandrika Mohapatra*, A.I.R. 1977 S.C. 903 in which the prosecutor said that it was inexpedient to proceed with the case and the evidence collected during investigation was meagre. The Magistrate gave his consent for withdrawal. But, the High Court suo moto called for the records and set aside the order. The Supreme Court reversed this decision and reiterated that there was no question of surrender by the court to the prosecutor. The Court said that plea of the prosecutor that the withdrawal is sought because it was not possible to produce sufficient evidence appeared to be well founded. The Supreme Court ruled that the ultimate guiding consideration must always be the interest of the administration of justice. That is the touchstone on which the question must be determined. In the same

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Lahari Law Academy

On 24-12-2000 the 4th Moot Court Competition was conducted at the Bangalore City Civil Courts complex. A civil suit containing the reliefs of declaration and permanent injunction was the subject for the moot court. The following students secured prizes, viz.,

Ms. Anu Chengappa, LLM student, First prize (Rs. 5000)

Mr. S. Shivashankar, ULC student, Second Prize (Rs. 3,000)

Mr. Chayapathi, V.V. Puram Law College Student, Third Prize (Rs. 1000)

Ms. Sunitha, KLE Student, Fourth Prize (Rs. 750)

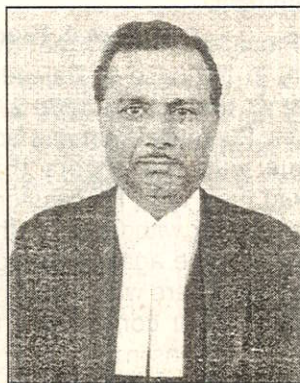
Mr. Arvind Sharma, Vivekananda College of Law Student, Consolation Prize (Rs. 250) and Mr. Kiran Kumar V.V. Puram Law College Student, Consolation Prize (Rs. 250).

Mr. Justice N. Kumar, Addl. Judge of High Court of Karnataka, who was the chief guest at the concluding function distributed prizes. Mr. S. Vijaya Shankar, Trustee of the Academy, who presided over the function distributed certificates of participation. Mr. Aravind Kumar, Convenor of the programme, presented a report. Mr. P.G.C. Chengappa, Director of the Academy, proposed Vote of thanks.

Unique Achievement

Sri S.B.N. Prakash, District Judge, presently working in the High Court of Karnataka as Central Project Co-ordinator (Computers) was conferred Ph. D., by Nagpur University in the subject 'Judicial System and Constitutional Order - History and Development'. He is the first among the serving judicial officers in the State of Karnataka to have achieved this unique feat.

Sad Demise



H.J. Sundara Kumar

Letters To The Editor

The Trial Courts in Bangalore are insisting upon payment of process fee of Rs. 8/- per Respondent along with the Caveat Petition. On enquiry it is informed that the higher authorities have instructed the Court Officials to collect the Process along with the Caveat Petition failing which the Caveat will be returned to do the needful. But the High Court of Karnataka is not collecting Process fee along with the Caveat Petition.

Section 148-A of the Code of Civil Procedure or the Civil rules of practice or any law or rules does not contemplate payment of process fee at the time of filing of Caveat Petition, what is contemplated under section 148-A of the Code of Civil Procedure is that Caveator shall serve a notice of the Caveat by registered post acknowledgement due on the Respondent.

It looks that the collection of process fee is an administrative order and it has no judicial sanction. It is a well known legal principle that when any procedure or order has no judicial sanction, it has no legs to stand and it should be discontinued. It is said that credibility of the Justice delivery Institution can be ensured only by providing speedy and inexpensive justice to all. In the light of the above facts, the practice of collecting process fee along with the Caveat Petition may be discontinued.

MUSHTAQ AHMED, Advocate

Delhi Diary

In the biennial election held on 2nd November 2000 the following were elected as the office bearers of Bar Association of India, New Delhi. President: Mr. F S Nariman; Vice Presidents: Mr. R K P Shankardas, Mr. Ashok Desai, Mr. K K Venugopal, Mr. Anil B Diwan, Mr. P P Rao, Mr. V R Reddy, Mr. G L Sanghi, Mr. P H Pareshe; General Secretary: Mr. Lalit Bhasin; Joint General Secretaries: Mr. Jitendra Sharma, Mr. R N Jhunjhunwala, Ms. Priya Hingorani, Mr. N D B Raju; Treasurer: Mr. K N Bhat; Joint Treasurer: Mr. Yakesh Anand. Mr. K N Subba Reddy has been elected as a member of the executive committee representing Karnataka.

Read Communique

The Hostage Crisis and the Surrender Syndrome

By C.B. Srinivasan, Advocate

Continued from page 3 Col. 2

judgment the Supreme Court took up another case. The prosecutor had said that the criminal incident was the outcome of labour trouble. It had since subsided. The occurrence had arisen out of labour union rivalry to sabotage a procession. The withdrawal would restore normalcy and help maintain cordial relationship. The withdrawal was declared to be proper. There was no question of surrender by the court to the prosecutor.

Surrender of the Prosecutor to the Government.

In Subash chander Vs. State, A.I.R. 1980 S.C. 423, the question recurred. Hon'ble V.R. Krishna Iyer J stated the law in his inimitable style. There was a burglary. During investigation, the valuables were searched and recovered from the accused. During trial, the prosecutor said that fresh investigation by a senior officer showed that the search and seizure were a frame up against the accused. He, therefore sought withdrawal. The complainant opposed it saying that the withdrawal was because of political influence. The court said:

"When a crime is committed in this country, the assessment of guilt and the award of punishment or alternatively the discharge or acquittal of the accused are part of the criminal justice process administered by the courts of the land. It is not the function of the executive to administer criminal justice, and in our system judges are not fungible." (Fungible=of such a kind or nature that one specimen or part may be used in place of another.)

The court further said: "The function of administering justice, under our constitutional order, belongs to those entrusted with judicial power. One of the few exceptions to the uninterrupted flow of the court's process is Section 321 Cr.P.C. But even here it is the Public Prosecutor, and not any executive authority, who is entrusted by the Code with the power to withdraw from a prosecution and that also with the consent of the court. To interdict, intercept or jettison an enquiry or trial in a court, save in the manner and to the extent provided for in the Code itself, is lawlessness.

The even course of criminal justice cannot be thwarted by the Executive, however sure a government feels a case is false, however unpalatable the continuance of the hubris, affection or other noble or ignoble consideration. Justicing, under our constitutional order, belongs to the judges.....Public Prosecutor---not any executive authority -- is entrusted by the code with a limited power to withdraw from a prosecution, with the court's consent whereupon the case comes to a close. What the law had ignited, the law alone shall extinguish."

The Court further highlighted the evil of the prosecutor surrendering before the government. It said:

"The jurisprudence of genuflexion is alien to our system and the law expects every repository of power to do his duty by the Constitution, and the laws, regardless of commands, directives, threats and temptations. The Code is the master for the criminal process. Any authority who coerces or orders or pressures a functionary like a Public Prosecutor, in the exclusive province of his discretionary power, violates the rule of law and any Public Prosecutor who bends before such commands betrays the authority of his office."

Still, the court found that the Public Prosecutor had applied his mind to the disclosure emerging from the second enquiry. The recovery witness did not support the fact of recovery. One another witness was bed ridden at the time of the recovery and had later expired. Thus, the Public Prosecutor had made an independent decision on the material before him. He had not acted in blind compliance of the government's instructions. He had not surrendered to the Government.

Precedents in this zone have grown. In the case of Rajendra Kumar Vs. State, A.I.R. 1980 S.C. 1510 the Supreme Court was faced with the orders that followed the Public Prosecutor's application for withdrawal of the 'dynamite' case against George Fernandes. There was a change of Government consequent to General Elections in the country.

To be Continued

News Focus

On 05-12-2000 Mr Justice S. Mohan, former judge of the Supreme Court, addressed the members of AAB, High Court Unit on the topic "Speedy Justice to the Common Man". Sri K.L. Manjunath, President, AAB Presided.

On 11-12-2000 International Human Rights Day was observed at the AAB City Unit. Mr D. G. Chinnappa Gowda, Vice President, AAB, city unit presided over the function. S/s H.S. Doreswamy, freedom fighter, H.N.Nanjegowda, former MLA and Ko Chennabasappa, advocate addressed the gathering. Mr H.N. Nagamohandas, General Secretary, AAB welcomed the guests.

On 11-12-2000 four additional judges appointed to the High Court were sworn in at a function held at the High Court premises.

On 12-12-2000 holiday was declared to all courts in Karnataka on account of the demise of former Chief Minister J.H.Patel.

On 15-12-2000 AAB had organised a function at High Court unit to felicitate the four new addl. High Court judges. Ko.Vijayakumar, Vice President of AAB High Court, unit presided over the function.

Raise in Subscription

Due to increase in the cost of production after introduction of Kannada News Letter "Samvada" Subscription rate of Communique is raised to Rs.20/= p.a. w.e.f. April 2001. This will help to partly offset the recurring publication cost. Readers are requested to co-operate -- Editor.

Wedding

We are glad to report that, on 13-12-2000 Mr B.S. Satyanand, Advocate, married Ms S.Sudha at Bangalore.

Foreign Tours

On 17-12-2000 Mr B.T.Parthasarathy, advocate left Bangalore for three months visit to USA.

On 21-12-2000 Mr. J.G. Chandra Mohan, Advocate, left Bangalore for two weeks tour of Singapore, Malaysia and Thailand.

Obituary

We regret to inform that, on 15-12-2000 H.J.Sundara Kumar, Advocate and High Court Govt. Advocate, passed away at Bangalore.

Miscellany

A Bangalore lawyer Ms. Lakshmi Iyengar emerged Champion in the concluded Group 'D' finals of JK Tyre National Karting Championship at the Race Pace Circuit in Bangalore on December 9.

A function was organised on December 15 at the Hotel Intercontinental, New Delhi, to felicitate senior lawyer and Rajya Sabha member Fali S. Nariman on the occasion of successful completion of 50 Years of professional practice. A Galaxy of speakers who spoke on the occasion included former Union Law Minister Ram Jethmalani, present Union Law Minister Arun Jaitley, the Union Disinvestment Minister Arun Shourie, senior advocate Anil Diwan, former Prime Minister I.K.Gujral, former Supreme Court judge Mr. Justice H.R.Khanna.

On 23-12-2000 State Information and Publicity Minister Prof; B.K.Chandrashekar inaugurated Indialawinfo.com at Bangalore. The new site has been set up by some Lawyers, Law graduates from NLSIU and Management professionals. It provides lot of legal information on net. State IT Secretary. Vivek Kulkarni was present at the inaugural function.

Books released

On 07-12-2000 Dr. B.V.Ramachandra Sharma, renowned poet, literary critique and dramatist released a book titled "Madhuparka" (a Collection of poems) written by smt. Latha V. Murthy, Advocate, in a function organised by Bangalore Literary Union at the city Auditorium of AAB. Mr. Justice V. Gopalagowda, Judge, High Court of Karnataka was the Chief Guest at the function. Sri C.R.Gopalaswamy, President of Literary Union, presided over the function.

On 14-12-2000 His holiness Sri Siddarama Swamy of Sri Murugarajendra Mutt released a book titled "Bivempu Vachanagalu" written by Sri B.V. Puttegowda, former Mayor of Bangalore City and Advocate. The function organised by AAB. Its Vice President Sri D.G. Chinnappagowda presided. Prof. B. Virupakshappa, Director, Publication and Publicity, Basava Samithi, Bangalore, introduced the book.

ತಿಳಿದಿರಲಿ

ತತ್ವಜ್ಞಾನಿಯಾದ ಯೋಗಿಯು ತಾನು ನೋಡುವಾಗಲೂ, ಕೇಳುವಾಗಲೂ, ಮುಟ್ಟುವಾಗಲೂ, ಮೂಸುವಾಗಲೂ, ತಿನ್ನುವಾಗಲೂ, ನಡೆಯುವಾಗಲೂ, ಉಸಿರುಬಿಡುವಾಗಲೂ, ಮಾತನಾಡುವಾಗಲೂ, ಬಿಡುವಾಗಲೂ, ತೆಗೆದುಕೊಳ್ಳುವಾಗಲೂ, ಕಣ್ಣುತೆರೆಯುವಾಗಲೂ, ಮುಚ್ಚುವಾಗಲೂ, ಇಂದ್ರಿಯಗಳು ತಮ್ಮ ವಿಷಯಗಳಲ್ಲಿ ಪ್ರವರ್ತಿಸುತ್ತವೆ, ಎಂದು ನಿಶ್ಚಯಿಸಿ "ನಾನು ಏನೂ ಮಾಡುತ್ತಿಲ್ಲ" ಎಂದು ತಿಳಿಯಬೇಕು.

ಅನುವಾದ ಕೈಪಿಡಿ

ಪರಿಕಲ್ಪನೆ ಮತ್ತು ಸಂಗ್ರಹ:

ಕೆ. ಸೂರ್ಯನಾರಾಯಣ ರಾವ್

Chisel	: ಉಳಿ
Hammer	: ಸುತ್ತಿಗೆ
Handsaw	: ಗರಗಸ
Machete	: ಮಚ್ಚು
Sickle	: ಕುಡುಗೋಲು
Therapy	: ಶುಶ್ರೂಷೆ
Sword	: ಖಡ್ಗ, ಕತ್ತಿ
Knife	: ಚಾಕು
Nail	: ಮೊಳೆ
Weapon	: ಆಯುಧ
Dagger	: ಬಾಕು
Scissor	: ಕತ್ತರಿ

ಪುಸ್ತಕ ಬಿಡುಗಡೆ

ತಾ. 7.12.2000 ದಂದು ಗುರುವಾರ ಸುಮಾರು ಮಧ್ಯಾಹ್ನ 1.30ಕ್ಕೆ ಬೆಂಗಳೂರು ವಕೀಲರ ಸಂಘದ ಸಭಾಂಗಣದಲ್ಲಿ ಶ್ರೀಮತಿ ಲತಾ.ವಿ. ಮೂರ್ತಿ ವಿರಚಿತ ಮಧುಪರ್ಕ ಕವನ ಸಂಕಲನದ ಬಿಡುಗಡೆ ಸಮಾರಂಭ ಬೆಂಗಳೂರು ಲಿಟರರಿ ಯೂನಿಯನ್ ವತಿಯಿಂದ ವಿರ್ಪಡಿಸಿದ್ದರು. ಆ ಸಮಾರಂಭಕ್ಕೆ ಮುಖ್ಯ ಅತಿಥಿಗಳಾಗಿ ಕರ್ನಾಟಕದ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯ ಮೂರ್ತಿ ಶ್ರೀ.ವಿ.ಗೋಪಾಲಗೌಡರು ಆಗಮಿಸಿದ್ದರು. ಕವನ ಸಂಕಲನದ ಬಿಡುಗಡೆ ಡಾ.ಬಿ.ಸಿ. ರಾಮಚಂದ್ರ ಶರ್ಮಾರವರಿಂದ ಮಾಡಲ್ಪಟ್ಟಿತು. ಸಮಾರಂಭದ ಅದಿ ಇಂದ ಅಂತ್ಯದವರೆಗೂ ತುಂಬಾ ಸಂತೋಷಕರವಾದ ವಾತಾವರಣ ಮೂಡಿಬಂದಿತ್ತು. ಕವನ ಸಂಕಲನದಿಂದ ಶ್ರೀ. ಬಿಲ್ಲಪ್ಪ, ಮತ್ತು ಶ್ರೀ ದಿವಾಕರ, ವಕೀಲರು ಕವನಗಾಯನ ಮಾಡಿದರು.

ವಿ.ಎನ್.ಮೂರ್ತಿ

ಕಾರ್ಮಿಕನ ನಷ್ಟ ಪರಿಹಾರ 1773

ಹಿಂದಿನ ಸಂಚಿಕೆಯಿಂದ

ಅವಲಂಬಿತ ಎನ್ನುವ ಪದವು ಕಾರ್ಮಿಕನ ಎಲ್ಲಾ ಉತ್ತರಾಧಿಕಾರಿಗಳನ್ನು ಒಳಗೊಂಡಿರುವುದಿಲ್ಲ. ಆದರೆ ಕೇವಲ ಯಾರೂ ಅತನ ಮೇಲೆ ಅವಲಂಬಿತರಾಗಿರುತ್ತಾರೋ ಅಂತಹವರನ್ನು ಮಾತ್ರ ಒಳಗೊಂಡಿರುತ್ತದೆ. ಅವಲಂಬನೆಯ ಜೊತೆಗೆ ಬಂಧುತ್ವವನ್ನು ಹೊಂದಿದ ಪ್ರಶ್ನೆಯು ಪ್ರಧಾನವಾಗಿ ಈ ಕಲಂನ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುತ್ತದೆ. ಎಂದು ಎ ಎಂ ಹಬೇಬುಲ್ಲಾ ವಿರುದ್ಧ ಪೆರಿಯಾಸ್ವಾಮಿ ಕಾರ್ಮಿಕನ ವಾರಸುದಾರರು ಅಥವಾ ಕಾರ್ಮಿಕ ತನ್ನ ನಿಯೋಜಕನ ವಿರುದ್ಧ ಪರಿಹಾರವನ್ನು ಕೋರಬೇಕಾದ್ದರಿಂದ ನಿಯೋಜಕನ ಪರಿಭಾಷೆಯನ್ನು ತಿಳಿಯುವುದು ಸೂಕ್ತ:

ಕಲಂ 2 (1) (ಡಿ) ಪ್ರಕಾರ ನಿಯೋಜಕ ಎಂಬ ಪದ ಈ ಕೆಳಕಂಡ ವ್ಯಕ್ತಿಗಳನ್ನು ಒಳಗೊಂಡಿರುತ್ತದೆ.

- (1) ನಿಗಮಿತಗೊಂಡ ಅಥವಾ ನಿಗಮಿತಗಳೊಳಗಿದ್ದೇ ಇರುವ ಯಾವುದೇ ವ್ಯಕ್ತಿಗಳ ಘಟಕ;
- (2) ಯಾವುದೇ ನಿಯೋಜಕನ ಕಾರ್ಯ ನಿರ್ವಾಹಕ ಕಾರ್ಯಭಾರಿ;
- (3) ಮೃತ ನಿಯೋಜಕನ ಕಾನೂನುಬದ್ಧ ಪ್ರತಿನಿಧಿ; ಮತ್ತು
- (4) ಯಾವುದೇ ಒಬ್ಬ ನಿಯೋಜಿತ ವ್ಯಕ್ತಿಯ ಸೇವೆಯನ್ನು ಪ್ರತಿಫಲಕ್ಕಾಗಿ ತಾತ್ಕಾಲಿಕವಾಗಿ ಬೇರೊಬ್ಬ ವ್ಯಕ್ತಿಗೆ ಎರವಲಾಗಿ ನೀಡಿದ್ದು, ಅಂತಹ ವ್ಯಕ್ತಿಯೊಂದಿಗೆ ನಿಯೋಜಿತ ವ್ಯಕ್ತಿಯ ತರಬೇತಿ ಅಥವಾ ಸೇವಾ ಸಂಬಂಧದ ಕರಾರನ್ನು ಮಾಡಿಕೊಂಡರೆ ನಿಯೋಜಿತ ವ್ಯಕ್ತಿಯು ಅವನ ಪರವಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರೆ, ಅಂತಹ ಬೇರೊಬ್ಬ ವ್ಯಕ್ತಿ 1948 ರವರೆಗೆ ಈ ಅಧಿನಿಯಮದ ಕೆಳಗೆ ಕೇವಲ ಒಬ್ಬ ನಿಯೋಜಿತ ವ್ಯಕ್ತಿ ಕರಾರು ಮಾಡಿಕೊಂಡ ನಿಯೋಜಿತನಿಂದ ಮಾತ್ರ ನಷ್ಟ ಪರಿಹಾರ ಪಡೆಯುತ್ತಿದ್ದ. ಆದರೆ ನಂತರದ ತಿದ್ದುಪಡಿಯಿಂದ ಕಲಂ 12 ರ ಅಡಿಯಲ್ಲಿ ಸಾಲ ತೆಗೆದುಕೊಳ್ಳುವ ನಿಯೋಜಕನನ್ನೇ ನಷ್ಟ ಪರಿಹಾರ ಕೊಡಲು ಭಾಧ್ಯಸ್ಥನನ್ನಾಗಿ ಮಾಡಲಾಗಿದೆ.

ಒಂದು ವೇಳೆ ಒಬ್ಬ ವ್ಯಕ್ತಿ ಯಾವುದೇ ಆಟ ಅಥವಾ ಮನರಂಜನೆಗಾಗಿ ನಿಯೋಜಿತಗೊಂಡರೆ; ಮತ್ತು ಒಂದು ಕ್ಲಬ್ಬಿನಿಂದ ವೇತನ ಪಡೆಯುತ್ತಿದ್ದರೆ; ಆ ಕ್ಲಬ್ಬಿನ ಮ್ಯಾನೇಜರ್ ಅಥವಾ ವ್ಯವಸ್ಥಾಪಕ ಮಂಡಳಿಯ ಸದಸ್ಯರು ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಕ್ಕೆ "ನಿಯೋಜಕರು" ಎನಿಸುತ್ತಾರೆ.

ಬೈಜನಾಥ ಸಿಂಗ್ ವಿರುದ್ಧ ಓ.ಟಿ. ರೇಲ್ವೆ - ಎ.ಐ. ಆರ್. 1960 ಅಲಹಾಬಾದ್ 362 ಪ್ರಕರಣದಲ್ಲಿ ಒಬ್ಬ ನಿಯೋಜಿತ ವ್ಯಕ್ತಿಯು ರೇಲ್ವೆಯ ಒಂದು ಎಂಜಿನ್‌ಗೂ ಮತ್ತು ಟ್ರಾಲಿಗೂ ಆದ ಅಪಘಾತದಲ್ಲಿ ಮರಣ ಹೊಂದಿದನು. ನಿಯೋಜಿತ ವ್ಯಕ್ತಿಯ ಅವಲಂಬಿತರು ಓ.ಟಿ. ರೇಲ್ವೆಯ ಜನರಲ್ ಮ್ಯಾನೇಜರ್‌ನನ್ನೂ ತಮ್ಮ ಹಕ್ಕು ದಾವೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಯನ್ನಾಗಿ ಮಾಡಿದರೂ ಅಲಹಾಬಾದ್ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ತನ್ನ ನಿರ್ಣಯದಲ್ಲಿ ರೇಲ್ವೆ ಆಡಳಿತಾಧಿಕಾರಿ ಅಧಿನಿಯಮದ ಕಲಂ 3 ರ ಪ್ರಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಸಮನಾಗಿದ್ದು, ಕಾರ್ಮಿಕ ನಷ್ಟ ಪರಿಹಾರ ಅಧಿನಿಯಮದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕಾರ್ಯಭಾರಿ ಎಂಬ ಪದದಲ್ಲಿ ಬರುತ್ತಾನೆ. ಏಕೆಂದರೆ ಅವನು ಯಾವ ವಿಭಾಗಕ್ಕೆ ನೇರವಾಗಿ ಸಂಬಂಧಪಟ್ಟಿರುವನೋ

ಆ ವಿಭಾಗದಲ್ಲಿ ಅವನು ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವುದು ನಿಯೋಜಿತ ಪರಿಭಾಷೆ ಸಂದರ್ಭಾನುಸಾರವಾಗಿ ಈ ಕೆಳಕಂಡ ತೀರ್ಪಿನಲ್ಲಿ ವ್ಯಾಖ್ಯಾನಿಸಲಾಗಿದೆ. ಕಾರ್ಮಿಕ ನಷ್ಟ ಪರಿಹಾರವನ್ನು ಪಡೆಯಲು ತನ್ನ ಕಾರ್ಯ ನಿರ್ವಹಿಸುವ ವೇಳೆಯಲ್ಲಿ ಉಂಟಾದ ಅಪಘಾತದಿಂದ ಆದ ವಿಕಲತೆ ಅಸಮರ್ಥತೆಯನ್ನು ರೂಪುಗೊಳಿಸಬೇಕು.

ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅಸಮರ್ಥತೆಯು ಎರಡು ಪ್ರಕಾರದ್ದಾಗಿರುತ್ತದೆ.

1) ಭಾಗಶಃ ಅಸಮರ್ಥತೆ

2) ಸಂಪೂರ್ಣ ಅಸಮರ್ಥತೆ

ಭಾಗಶಃ ಅಸಮರ್ಥತೆಯು ಎರಡು ಸ್ವರೂಪದ್ದಾಗಿರುತ್ತದೆ.

ಒಂದು ತಾತ್ಕಾಲಿಕ ಹಾಗೂ ಮತ್ತೊಂದು

ಶಾಶ್ವತ ಸ್ವರೂಪದ್ದು.

ಭಾಗಶಃ ಅಸಮರ್ಥತೆ ಎಂದರೆ ಕಾರ್ಮಿಕನ ಗಳಿಕೆ ಸಾಮರ್ಥ್ಯದಲ್ಲಿ ಕಡಿತೆ ಉಂಟಾಗುವುದು ಎಂದರ್ಥ. ಅಪಘಾತ ಸಮಯದಲ್ಲಿ ಕಾರ್ಮಿಕನ ಗಳಿಕೆ ಸಾಮರ್ಥ್ಯವು ಅಪಘಾತ ಕಾರಣದಿಂದ ಕಡಿಮೆಯಾದರೆ ಮಾತ್ರ ಅದು ಭಾಗಶಃ ತಾತ್ಕಾಲಿಕ ಅಸಮರ್ಥತೆ ಎನಿಸುತ್ತದೆ.

ಆದರೆ, ಅಪಘಾತ ಕಾರಣದಿಂದ, ಕಾರ್ಮಿಕನು ಅಪಘಾತ ಸಮಯದಲ್ಲಿ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಕಾರ್ಯವನ್ನು, ನಿರ್ವಹಿಸುವ ಸಾಮರ್ಥ್ಯವನ್ನು ಕಳೆದುಕೊಂಡರೆ ಅದು ಶಾಶ್ವತ ಸ್ವರೂಪದ ಅಸಮರ್ಥತೆ ಎಂದೆನಿಸುತ್ತದೆ.

ಈ ಅಧಿನಿಯಮದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಒಬ್ಬ ಕಾರ್ಮಿಕ ನಷ್ಟ ಪರಿಹಾರ ಪಡೆಯಬೇಕಾದರೆ ಆತ ಆಕಸ್ಮಿಕ ಅಥವಾ ಅಪಘಾತದಿಂದ ನಷ್ಟಹೊಂದಿ ಆ ನಷ್ಟವು ಮೂರು ದಿನಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ಮುಂದುವರಿದಲ್ಲಿ ಮಾತ್ರ ಸಾಧ್ಯ.

ಕಾರ್ಮಿಕನಿಗೆ ಉಂಟಾದ ನಷ್ಟವು ಶಾಶ್ವತ ಸ್ವರೂಪದ್ದೋ ಅಥವಾ ತಾತ್ಕಾಲಿಕ ಸ್ವರೂಪದ್ದೋ ಎಂಬುದನ್ನು ನಿರ್ಧರಿಸಲು ನ್ಯಾಯಾಲಯವು ಕಾರ್ಮಿಕನ ಸ್ಥಿತಿಗತಿಯನ್ನು ಆವಲೋಕಿಸಿ ನಿರ್ಧರಿಸುವುದು. ಕಾರ್ಮಿಕನು ಅಪಘಾತದಿಂದ, ಅಪಘಾತ ಕಾಲಕ್ಕೆ ಯಾವ ಯಾವ ಕಾರ್ಯ ನಿರ್ವಹಿಸಲು ಸಮರ್ಥನಾಗಿದ್ದನೋ ಆ ಸಾಮರ್ಥ್ಯವನ್ನು ಕಳೆದುಕೊಂಡಲ್ಲಿ ಮಾತ್ರ ಆತ ಶಾಶ್ವತ ಸ್ವರೂಪದ ಅಸಮರ್ಥತೆಯನ್ನು ಹೊಂದಿದಂತೆ ಪರಿಗಣಿಸಪಡುವುದು; ಒಂದು ವೇಳೆ ಆ ಕಾರ್ಮಿಕನು ಕೇವಲ ಒಂದೇ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಕಾರ್ಯ ನಿರ್ವಹಿಸಲು ಮಾತ್ರ ಅಸಮರ್ಥನಾದರೆ ಅತ ತಾತ್ಕಾಲಿಕ ಸ್ವರೂಪದ ಅಸಮರ್ಥತೆಯನ್ನು ಹೊಂದಿದಂತೆ.

ಒಟ್ಟಿನಲ್ಲಿ ಇಲ್ಲಿ ಕಾರ್ಮಿಕನ ಗಳಿಕೆ ಸಾಮರ್ಥ್ಯ ಎಷ್ಟರ ಮಟ್ಟಿಗೆ ಕುಂಠಿತಗೊಳ್ಳುತ್ತದೆ ಎಂಬುದೇ ಮುಖ್ಯ ಪ್ರಶ್ನೆಯಾಗಿರುತ್ತದೆ.

ಜಿ. ಚಂದ್ರಶೇಖರಯ್ಯ

ಗತ್ತು ಆಪತ್ತು

ವಿಜ್ಞಾನ ಯುಗದ ಟಿ.ವಿ.ಯ ಗತ್ತು ಏನ ಹೇಳಲಿ ಇದರ 'ಕರಾವಿತ್ತು'! ಬಿಡಲೊಲ್ಲದು ಮಕ್ಕಳ ಮಾಡಲು ಕಸರತ್ತು ಸೃಜನಶೀಲತೆಗೆ ತಂದು ಆಪತ್ತು ||

ದೇವರ ಕೆಲಸ

ವಿಧಾನ ಸೌಧದ ಮುಂದೆ ಬರೆಸಿದರಂದು ಸರ್ಕಾರದ ಕೆಲಸ ದೇವರ ಕೆಲಸ! ಅಲ್ಲಿರುವ ನಮ್ಮವರು! ಆನ್ನುವರಂದು ದೇವರೇ ಬಂದು ಕೆಲಸಮಾಡಲೆಂದು ||

ರಚನೆ: ಹೆಚ್.ಎಸ್. ವಿಷ್ಣುಮೂರ್ತಿ.

ನಮ್ಮ ತಾಯಿ ಭಾರತಿ :-

ಸುಧೀರ್ಘ ರಾತ್ರಿಯು ಕಡೆಗಿಂದ ಕೊನೆಕಾಣುತ್ತಿದೆ. ಬಹುಕಾಲದ ಕೋಪ ತಾಪಗಳು ಕಡೆಗಿಂದ ಮಾಯವಾಗುತ್ತಿವೆ. ಇದುವರೆವಿಗೆ ಶವದಂತೆ ಬಿದ್ದಿದ್ದ ಶರೀರವೆಂದು ಸಜೀವವಾಗುತ್ತದೆ. ಅದೋ ಕಿವಿಗೊಡಿ ತೂರ್ಯವಾಣಿಯೊಂದು ಕೇಳಿ ಬರುತ್ತಿದೆ. ಬಹು ಪುರಾತನ ಕಾಲದ, ಸನಾತನ ಧರ್ಮದ, ಇತಿಹಾಸ ಗರ್ಭದಿಂದ ಹೊಮ್ಮಿ, ಪರ್ವತ ಶಿಖರಗಳಿಂದ ಮಾರ್ದನಿಯಾಗಿ ಚಿಮ್ಮಿ, ಅರಣ್ಯಾರಣ್ಯದ ಕಂದರ ಕಂದರಗಳಲ್ಲಿ ಸಂಚರಿಸಿ, ಬರುಬರುತ್ತಾ ಪ್ರಬಲವಾಗಿ, ಬಂದಂತೆಲ್ಲಾ ಅಪ್ರತಿಹತವಾಗಿ, ನಮ್ಮ ಪುಣ್ಯಭೂಮಿಯನ್ನು ನಿರ್ದಯವೆಂಬಿಟ್ಟು, ಜ್ಞಾನ, ಭಕ್ತಿ, ಕರ್ಮ, ವೈರಾಗ್ಯ ಸೇವಾ ತತ್ವಗಳನ್ನು ಉಚ್ಚಕಂಠದಿಂದ ಸಾರುವ ತೂರ್ಯವಾಣಿಯೊಂದುಕೇಳಿ ಬರುತ್ತಿದೆ. ಕಾರ್ಯೋತ್ಸಾಹ, ಸ್ಪೈರ್ಸ್, ಧೈರ್ಯಗಳನ್ನು ಉದ್ದೀಪಿಸುತ್ತದೆ. ಕುರುಡರಿಗೆ ಕಾಣದು, ಮಾರ್ಖರಿಗೆ ತಿಳಿಯದು, ನಮ್ಮ ಭಾರತ ಭೂಮಿ ಯುಗ ಯುಗಗಳ ನಿರ್ದಯವೆಂಬ ಮೇಲೇಳುತ್ತಿದೆ. ಆಕೆಯನ್ನು ಇನ್ನಾರೂ ತಡೆಯಲಾರರು, ಯಾವ ಶಕ್ತಿಯೂ ಆಕೆಯನ್ನು ಭಾಗಿಸಲಾರದು, ಕುಗ್ಗಿಸಲಾರದು, ಏಕೆಂದರೆ ಅದೋ ನೋಡಿ ಭಾರತಮಾತೆ ಮತ್ತೊಮ್ಮೆ, ಎಚ್ಚತ್ತು, ಮೈ ಕೊಡವಿ, ಉಸಿರೆಳೆದು ನಿಲ್ಲುತ್ತಿದ್ದಾಳೆ.

ಸ್ವಾಮಿ ವಿವೇಕಾನಂದ.

ನಾ ಕಂಡು ಬಂದ ಸನ್ಮಾನ ಸಮಾರಂಭ

ಹಿಂದಿನ ಸಂಚಿಕೆಯಿಂದ

ಇಷ್ಟೆಲ್ಲಾ ಅವಸ್ಥೆಗಳಲ್ಲಿಯೂ ಹೇಗೋ ಏನೋ ಶ್ರೀಮಾನ್ S.S. ಅವರ ಸನ್ಮಾನ ಸಮಾರಂಭಕ್ಕೆ ಹೋಗಲೆನುವಾದಾಗ ನಮಗೆ ಮೊದಲು ಭೇಟಿಯಾದುದು ಕಪ್ಪು ಹಲಗೆಯಲ್ಲಿ ಸಮಾರಂಭದ ವಿವರಣೆ ನನ್ನ ವಾಡಿಕೆಯಂತೆ, ತುಂಬು ಕಂಠದಿಂದ ಹಲಗೆಯ ಮೇಲೆ ಬರೆದ ಕೆಲವು ವಿಷಯವನ್ನು ಜೋರಾಗಿ ಓದಬೇಕು ಎನ್ನುವಷ್ಟರಲ್ಲೇ ನಮ್ಮ ಗುರುಗಳು

ಮೂರ್ತಿಗಳೆ ತಾವು ಏನು ಓದಬೇಕಾಗಿಲ್ಲ, ಆ ಕಪ್ಪು ಹಲಗೆಯ ಮೇಲೆ ಬರೆದಿರುವುದು ಇಷ್ಟೆ ನಾವು ದಾರಿಸುವ ಸೋಣ ದಾರಿಯಲ್ಲೇ ಹೇಳುತ್ತೇನೆ ಎಂದು ಹೇಳತೊಡಗಿದರು. ತಾ - 19.10.2000 ದಂದು ಸಂಜೆ 4.45 ಕ್ಕೆ ಸರಿಯಾಗಿ ಉಪ ಸಂಕೀರ್ಣ 2ನೆ ಮಹಡಿ ಸಭಾಂಗಣದಲ್ಲಿ ವಕೀಲರ ಸಂಘ ಬೆಂಗಳೂರು ವತಿಯಿಂದ ಶ್ರೀಮಾನ್ ಶಿವಮೊಗ್ಗ ಸುಬ್ಬಣ್ಣರವರಿಗೆ (ರಾಷ್ಟ್ರಪ್ರಶಸ್ತಿ ವಿಜೇತರು ಮತ್ತು ಸಂತ ಶಿರುನಾಳ ಪರೀಕ್ಷಾ ಸಾಹೇಬರ ಪ್ರಶಸ್ತಿ ಪುರಸ್ಕೃತರು) ಸನ್ಮಾನ ಸಮಾರಂಭವುಂಟು ಆ ಕಾರ್ಯಕ್ರಮಕ್ಕೆ ಮುಖ್ಯ ಅತಿಥಿಗಳಾಗಿ ನಮ್ಮ ಭಾರತದ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯಮೂರ್ತಿ ಶ್ರೀ ಎಸ್.ರಾಜೇಂದ್ರ, ಬಾಬು ರವರು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚನ್ಯಾಯಾಲಯದ ಗೌರವಾನ್ವಿತ ಹಂಗಾಮಿ ಮುಖ್ಯ ನ್ಯಾಯಮೂರ್ತಿ ಆಶೋಕ್ ಬಾನ್‌ರವರು ಸಹ ಆಗಮಿಸುವರು, ಮತ್ತು ಬೆಂಗಳೂರು ವಕೀಲರ ಸಂಘದ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ K.L. ಮಂಜುನಾಥ ರವರು ಅಧ್ಯಕ್ಷತೆ ವಹಿಸುವರು, ನಮ್ಮೆಲ್ಲರ ವಕೀಲ ಮಿತ್ರರಿಗೂ ಸ್ವಾಗತವೆಂದು, ಆ ಮಾತುಗಳಿಂದ ಬೆಕ್ಕಸಬೆರಗಾದ ಕಾರಣ ಹರಳು ಹುರಿದಂತೆ ಆಡಿದ ಮಾತುಗಳು, ಕಪ್ಪು ಹಲಗೆಯಲ್ಲಿ ಪ್ರತಿಯೊಂದು ಸಾಲು ಸರಿಯಾಗಿತ್ತು. ಅವರ ಮಾತುಗಳು ಮುಗಿಯುವಷ್ಟರಲ್ಲಿ ನಾವು ಸನ್ಮಾನ ಸಮಾರಂಭದ ಜಾಗಕ್ಕೆ ಬಂದೆವು ನಿಡಕ್ಕೂ ಆ ಜಾಗ ಸನ್ಮಾನ ಸಮಾರಂಭಕ್ಕೆ ತುಂಬಾ ಪೂರಕವಾದಂತಹ ವಾತಾವರಣ ಕಲ್ಪಿಸಿತ್ತು. ಸಮಾರಂಭ ಆರಂಭವಾಗುವ ಮುನ್ನ ಆಹ್ವಾನಿತರಿಗೆ ಉಪಹಾರ ಮತ್ತು ಪಾನೀಯಗಳನ್ನು ಸಹ ಏರ್ಪಾಡು ಮಾಡಿದ್ದರು. ಗುರು ಶಿಷ್ಯರಿಬ್ಬರು ನಮಗೆ ಅವಶ್ಯಕವಾದ ಉಪಹಾರ ಮುಗಿಸಿ ಮುಖವಿಳಿಸಿಕೊಂಡು ಸಭಾಂಗಣದಲ್ಲಿ ಹೋಗಿ ಕುಳಿತೆವು. ತಕ್ಷಣವೇ ನಮ್ಮ ಗುರುಗಳು ನಿಟ್ಟುಸಿರು ಬಿಟ್ಟರು ಕಾರಣ ಇನ್ನಾದರೂ ನನಗೆ ತಲೆಕೊರೆಯುವ ಪ್ರಾಣಿಯಿಂದ ವಿಮುಕ್ತಿ ಸಿಗಬಹುದು ಭರವಸೆಯಿಂದ. ಕಾರಣ, ಅವರು ಉಪಹಾರ ತಿನ್ನುವಾಗ, S.S. ರವರ ಕ್ಯಾಸೆಟ್ ಕೊಂಡುಕೊಳ್ಳುವಾಗ, ಬಂದು ಕುಳಿತುಕೊಳ್ಳುವಾಗ ಒಂದು ಚಿಕ್ಕ ಮಗು ತನ್ನ ತಂದೆ ತಾಯಿ ಮತ್ತು ಗುರುಗಳಿಗೆ ಪ್ರಶ್ನೆಮಾಡಿ ಬೇಸರತಂದು ಉತ್ತರ ಪಡೆಯುವ ಹಾಗೆ ಅವರ ತಲೆಯ ಕಂಡಿಷನ್ ಮಾಡಿದ್ದೆ. ಅಂತು, ಇಂತು ಬಂದೇಬಂತು ಕರಗ ಅನ್ನುವ ರೀತಿಯಲ್ಲಿ ಆಹ್ವಾನಿತ ಗಣ್ಯವ್ಯಕ್ತಿಗಳು ಮತ್ತು ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಮುಖ್ಯ ಅತಿಥಿಗಳು ವೇದಿಕೆ ಮೇಲಿನ ಆಸನಗಳಲ್ಲಿ ಆಸೀನರಾದರು. ನಮ್ಮ ಎ.ಎ.ಬಿ. ಅಧ್ಯಕ್ಷ ಬರಮಾಡಿಕೊಂಡರು, ಕಾರ್ಯಕ್ರಮದ ಮುನ್ನ ಕೆಲವು ವಕೀಲ ಮಿತ್ರರಿಂದ, ಸಮೂಹ ಗೀತೆ ಇತ್ತು. ಎಲ್ಲರೂ "ಹೆಚ್ಚುವು ಕನ್ನಡದ ದೀಪ" ಎಂಬ ಹಾಡನ್ನು ಹಾಡಿದರು, ಆ ಹಾಡನ್ನು ಹೇಳುವಾಗ ನಮ್ಮ ನ್ಯಾಯಮೂರ್ತಿ ಆಶೋಕ್ ಬಾನ್‌ರವರು ಮುಖದ ಭಾವನೆಗಳು ನನಗೆ ತುಂಬಾ ನೋವು ಉಂಟು ಮಾಡಿತ್ತು ಕಾರಣ ಅವರಿಗೆ ಆ ಹಾಡಿನ ಅರ್ಥವಾಗಿದ್ದರೆ ಒಬ್ಬ ಮಹಾನ್ ಗಾಯಕನ ಸನ್ಮಾನ ಸಮಾರಂಭಕ್ಕೆ ಬಂದ ಅವರಿಗೆ ಕನ್ನಡದ ದೀಪ ಪ್ರಕಾಶ ಮಾನವಾದ ಬೆಳಕನ್ನು ನೀಡಿ, ಮನಸ್ಸಿಗೆ ಮುದ ತರುತ್ತಿತ್ತಲ್ಲ ಎಂದು ಹಾಡು ಮುಗಿದ ತಕ್ಷಣ ಎ. ಎ. ಬಿ. ಅಧ್ಯಕ್ಷರಿಂದ ಸ್ವಾಗತ ಭಾಷಣವಾಯಿತು. ಅವರ ಸ್ವಾಗತ ಭಾಷಣಕ್ಕೆ ನಾನು ಹಾಜರು ಎಂಬುವಂತೆ ಕುಳಿತಲ್ಲಿಂದ ಎದ್ದು ಸಭೆಗೆ ನಮಸ್ಕರಿಸುವ ಪರಿ ತುಂಬಾ ಚೆನ್ನಾಗಿ ಮಾಡಬಂತು. ವೇದಿಕೆಯ ಮೇಲಿನ ಎಲ್ಲರನ್ನು ಪರಿಚಯಿಸಿ ನಮ್ಮ ಎ. ಎ. ಬಿ. ಅಧ್ಯಕ್ಷರು ತಮ್ಮ ಸ್ವಾಗತ ಭಾಷಣ ಮುಗಿಸಿದರು. ಅವರ ನಂತರ ನಮ್ಮ ಕಾರ್ಯದರ್ಶಿಗಳಾದ ನಾಗ್‌ಮೋಹನ್ ದಾಸ್‌ರವರು ಎಸ್. ಎಸ್. ರವರ ಬಗ್ಗೆ ನಾಲ್ಕು ಮಾತುಗಳನ್ನು ಆಡಿದರು, ಅದರಲ್ಲಿ ನನಗೆ ಎಷ್ಟು ಯೋಚಿಸಿದರೂ ಅರ್ಥವಾಗದಂತಹ ಒಂದು ಮಾತನಾಡಿದರು, ಅದು ಏನೆಂದರೆ, ನಮ್ಮ ಶ್ರೀಮಾನ್. ಎಸ್. ಎಸ್. ರವರು ಹಣಕ್ಕಾಗಿ ಹಾಡುವುದಿಲ್ಲ, ಜನಕ್ಕಾಗಿ ಹಾಡುವುದಿಲ್ಲ, ಅವರು ಹಾಡುವುದು ಮನಸ್ಸಿಗಾಗಿ ಎಂಬುದು ನಮಗೆಲ್ಲಾ ಸಂತಸ ತರುವ ವಿಷಯವೆಂದು, ಇದುವರೆವಿಗೂ ನನಗೆ ಅವರ ಮಾತಿನ ಅರ್ಥ ಆಗಲಿಲ್ಲ, ನಂತರ ಎಲ್ಲರ ಮಾತುಗಳು ಮುಗಿದನಂತರ ನಮ್ಮ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯಮೂರ್ತಿ, ಶ್ರೀ ರಾಜೇಂದ್ರ, ಬಾಬುರವರು ನಮ್ಮ ಶ್ರೀ ಎಸ್. ಎಸ್. ರವರಿಗೂ ಶಾಲುಹೊದಿಸಿ ಮೈಸೂರು ಪೇಟೆ ತೊಡಿಸಿ ಗಣಪತಿ ವಿಗ್ರಹ ರೂಪದ ಜ್ಞಾಪಕಾರ್ಥವನ್ನು ಅವರ ಕೈಯಲ್ಲಿ ಕೊಟ್ಟರು ಈ ಕಡೆ ಪೋಟೋಗಳ ಸುರಿಮಳೆ ಮತ್ತೆ ಟಿ. ವಿ.ಯವರ ಈಟೀ ಸುತ್ತುವ ಸಂಭ್ರಮವೂ

ಸಂಭ್ರಮ ಎ. ಎ. ಬಿ. ವಕೀಲ ಮಿತ್ರರಿಂದ 25,000/- ರೂಗಳ ಗೌರವ ಧನವನ್ನು ಕಾಣಿಕೆಯಾಗಿ ಶ್ರೀಮಾನ್ ಆಶೋಕ್ ಬಾನ್‌ರವರ ಕೈಯಿಂದ ಕೊಡಿಸಲಾಯಿತು. ಇನ್ನೊಂದು ಮುಖ್ಯವಾದ ಸಂಗತಿಯೆಂದರೆ ನಮ್ಮ ಸಮಾರಂಭಕ್ಕೆ ಶ್ರೀಮತಿ ಎಸ್. ಎಸ್. ರವರು ಸಹ ಆಗಮಿಸಿದ್ದರು. ಚಿತ್ರನಟ ಆಶೋಕ್‌ರವರು ಸಹ ಆಗಮಿಸಿದ್ದರು. ಮಾಲಾರ್ಪಣೆ ಕಾರ್ಯಕ್ರಮ ಮುಗಿದನಂತರ ನಮ್ಮ ಎಸ್. ಎಸ್. ರವರ ಬಗ್ಗೆ ಶ್ರೀಯುತ ರಾಜೇಂದ್ರ, ಬಾಬುರವರು ನಾಲ್ಕು ಮಾತುಗಳನ್ನು (ಆಡುವ ನಂಬಿಬಂದಿತು ಆಗ ನನ್ನ ಮನಸ್ಸಿನಲ್ಲಿ ಅನಿಸಿದ್ದ ಅವರ) ನಾಲ್ಕು ಮಾತುಗಳು ಕನ್ನಡದಲ್ಲಿ ಇರಬಾರದೇ ಎಂದು, ಅವರ ಮಾತುಗಳು ನಮ್ಮ ಕನ್ನಡನಾಡಿನ ಹಿರಿಮೆ ಗರಿಮೆಗಳನ್ನು ದಿಲ್ಲಿಯಲ್ಲಿಯೂ ಸಹ ರಫೀಕರಿಸುವ ರೀತಿಯಲ್ಲಿ ಇತ್ತು ನಿಡಕ್ಕೂ ಅವರ ನಾಲ್ಕು ಮಾತುಗಳು ಅವರ ಸರಳತೆ, ಸಾಮರಸ್ಯ, ಸದ್ಭಾವನೆ, ಸಂತಸ ಇವುಗಳನ್ನೆಲ್ಲಾ ಎತ್ತಿ ಹಿಡಿಯುತ್ತಿತ್ತು. ಶ್ರೀಯುತ ರಾಜೇಂದ್ರ, ಬಾಬುರವರ ಮಾತು ಮುಗಿದ ನಂತರ ಶ್ರೀ ಎಸ್. ಎಸ್. ರವರು ಕೆಲವು ಮಾತುಗಳನ್ನು ಆಡುವ ಪರಿಯಲ್ಲಿ ತನ್ನ ಅನುಭವ, ಬಾಲ್ಯ, ಮತ್ತು ಸಹಧರ್ಮಿಯೊಂದಿಗೆ ಜೀವನ ಇವುಗಳನ್ನೆಲ್ಲಾ ನೆನಪಿಸಿಕೊಂಡರು. ಮುಂದೆ ನಿಮಗೆಲ್ಲಾ ತಿಳಿದಂತೆ, ಅವರಿಗೆ ಸನ್ಮಾನ ಮಾಡಿದುದು. ಒಬ್ಬ ಮಹಾನ್ ಗಾಯಕನೆಂದು, ಗಾಯಕನೆಂದಮೇಲೆ, ಹಾಡುಗಳ ರಸದೌತಣವಾಗಲೇ ಬೇಕು. ಅದರಂತೆ ಅವರ ಶಾರೀರದಿಂದ ಸಭೆಯನ್ನು ರಂಜಿಸಿದರು ನಮ್ಮ ಗುರುಗಳು ಸಹ ಅವರ ಹಾಡಿನಲ್ಲಿ ತಲ್ಲೀನರಾಗಿ ಮಗುವಿನಂತಹ ಹಾವಭಾವಗಳೊಂದಿಗೆ ಸಂತಸಪಟ್ಟರು. ಕಾರ್ಯಕ್ರಮ ಮುಗಿದ ನಂತರ ಮನೆಕಡೆ ಹೊರಟೆವು, ದಾರಿಯಲ್ಲಿ ನನಗೆ ಕಾರ್ಯಕ್ರಮ ನೋಡಿದುದರಿಂದ ನಮ್ಮ ಎಸ್. ಎಸ್. ರವರ ಬಗ್ಗೆ ಅನಿಸಿದ್ದು ಇಷ್ಟು ಮನುಷ್ಯನಿಗೆ ಹುಟ್ಟುವುದು ನಿರ್ಣಯ, ಅದರ ನಡುವಿನ ಬದುಕು ಸಹ ನಿರ್ಣಯ ಆ ಬದುಕು ನಾಲ್ಕು ಜನರಿಂದ ಸೈ ಎನಿಸಿಕೊಳ್ಳುವ ಮತ್ತು ಈ ದೇಹದ ಗುರುತಿಸುವ ಹೆಸರಿನ ನೆನಪು ಸದಾ ಇರುವಂತಾಗಬೇಕು ಎಂದು.

ವಿ. ಎನ್. ಮೂರ್ತಿ
ವಕೀಲರು.

ಬಾಡಿಗೆ ಮನೆ

ಹಿಂದಿನ ಸಂಚಿಕೆಯಿಂದ

ಗೋಡೆಗಳ ಮೇಲೆ ಬಣ್ಣದ ಪೆನ್ಸಿಲ್‌ಗಳಿಂದ ಗೀಚಿದ್ದೂ ಗೀಚಿದ್ದೇ. ಚಿತ್ರಗಳನ್ನು ಬಿಡಿಸಿದ್ದೂ ಬಿಡಿಸಿದ್ದೇ, ಕಡೇ ಮಗುವಿನ ಅಕ್ಷರಾಭ್ಯಾಸವೂ ಬಾಡಿಗೆ ಮನೆ ಗೋಡೆ ಮೇಲೇ ನಡೆಯಿತು. ಗಂಡ ಹೆಂಡತಿ ಇಬ್ಬರೂ ಒಂದು ಭಾನುವಾರದ ಮಧ್ಯಾಹ್ನ ನಡುವೆ ಗೋಡೆಗೆ ಇಪ್ಪತ್ತೊಂದು ಮೊಳೆಗಳನ್ನು ಬಿಡಿದರು. ಅವರು ಹೊಸದಾಗಿ ಕೊಂಡ ಒಂದು ಟೇಬಲ್ ರೂಮಿನೊಳಕ್ಕೆ ನುಗ್ಗಲಿಲ್ಲ. ಬಾಗಿಲಿನ ಫ್ರೇಮು ತಡೆಯುತ್ತಿತ್ತು. ಪುಣ್ಯಾತ್ಮ ಮಚ್ಚು ತೊಗೊಂಡು ಆ ಫ್ರೇಮಿಗೆ ಬಾರಿಸಿ ಚಕ್ಕೆ ಎಬ್ಬಿಸಿದ, ಸಿನಿಮಾದಲ್ಲಿ ರೌಡಿಗಳ ಕತ್ತನ್ನು ಕೊಚ್ಚುತ್ತಾರಲ್ಲ ಹಾಗೆ. ನಾನು ಇದನ್ನೆಲ್ಲಾ ಕಣ್ಣಾರೆ ನೋಡುತ್ತಿದ್ದೆ ಹಾಗೆ, ಅವರ ಎರಡನೆ, L.K.G.- ಅದೊಂದು ಆರ್ಟಿಸ್ಟ್ ಇರಬೇಕು - ಒಂದು ಬೆಡ್‌ರಿಂದ ಬಾಗಿಲಮೇಲೆ ಒಂದು ಕ್ಯಾರಿಕೇಚರ್ ಕೆತ್ತಿದ. ಮಾಲೀಕನ ಚಿತ್ರ ಇರಬೇಕು! ಹೋಗಲಿ! ಪಕ್ಕದಮನೆಯಲ್ಲಿ ನಡೆಯುತ್ತಿದ್ದ ಈ ಗೃಹ ಕೃತ್ಯವನ್ನು ಸಂತೋಷದಿಂದ ವೀಕ್ಷಿಸುತ್ತಿದ್ದ ನಾನು ಆಮನೆಯಾಕೆಯನ್ನು ಮಾತಾಡಿಸಿ ಕಷ್ಟಸುಖ ವಿಚಾರಿಸಿದೆ. ಹುಬ್ಬಳ್ಳಿಯವರಂತೆ, ಅಲ್ಲಿ ಅವರಿಗೆ ಅಚ್ಚುಕಟ್ಟಾದ ಸ್ವಂತಮನೆ ಇದೆಯಂತೆ. ಆದರೆ ಗಂಡ, ಮಕ್ಕಳು ಒಂದು ರೀತಿಯ ಮಾನಸಿಕ ಅಸ್ವಸ್ಥತೆಯಿಂದ ನರಳುತ್ತಿದ್ದರಂತೆ. ಮನೆಯಾತನಿಗೂ, ಚಿಕ್ಕಮಕ್ಕಳಿಗೂ ಮೆಡಿಕಲ್ ಟ್ರೀಟ್‌ಮೆಂಟ್ ಕೊಡಿಸಬೇಕು ಅಂತ ಬೆಂಗಳೂರಿಗೆ ವರ್ಗ ಮಾಡಿಸಿಕೊಂಡು ಬಂದೆ ಅಂತ ಆಕೆ ಹೇಳಿದಳು. ನನಗೆ ಅಯ್ಯೋ ಪಾಪ ಎನ್ನಿಸಿತು ಒಂದು ತಿಂಗಳು ಕಳೆದ ಮೇಲೆ 'ಯಜಮಾನರ, ಮಕ್ಕಳ ಆರೋಗ್ಯ ಈಗ ಹೇಗಿದೆ?' ಎಂದು ವಿಚಾರಿಸಿದೆ, ನಮ್ಮಾರು ಸ್ವಂತ ಮನೆಯೇ ಸಿಕ್ಕದ ಆನಂದ ಇಲ್ಲಿ ಸಿಕ್ಕಿದೆ. ಮಕ್ಕಳು ಖುಷಿಯಾಗಿ ಏನನ್ನಾದರೂ ಗೋಡೆ ಮೇಲೆ ಗೀಚಿಕೊಂಡು ಹಾಯಾಗಿವೆ. ಅವರಿಗೂ ಈಗ ಮಾನಸಿಕ ಒತ್ತಡವಿಲ್ಲ.

ಸಶೀಷ