

**SHRI DHARMASTHALA MANJUNATHESHWARA
LAW COLLEGE
MANGALORE.**



धर्मो रक्षति रक्षितः

**DECENNIAL YEAR
1974-1984.,**

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Mangalore - 575 003

Shri Dharmasthala Manjunatheshwara

Law College

MANGALORE-575 003.



DECENNIAL SOUVENIR

1984

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Editorial

We have the immense pleasure to present this souvenir on the occasion of the decennial celebration of our Law College. Our College is completing 10 years of dedicated service in the field of imparting legal education & hence the campus of our Law College is surcharged with emotions, enthusiasm & with a lot of activities in curricular and extra curricular fields as a part of decennial celebrations. One such activity of our Institution is bringing out this souvenir at the proper time.

We are really proud to place this humble attempt before the matured public. Shri Dharmasthala Manjunatheshwara Law College within this short span of ten years is able to carve out its own special identity in the field of legal education mainly due to the blessings of Lord Manjunatheshwara & also due to the pioneering spirit of our President Sri D. Veerendra Heggade.

The Decennial report given at the very beginning records our humble educational endeavours spread over a decade. While imparting education to the youth, we have always tried to lay emphasis on promoting academic excellence, personality development and inculcation of social concern and moral values. Further we have always tried to develop a proper analytical and critical approach and laid emphasis on clarity of Thought and Expression which is most essential for a Lawyer. Then only the study of Law becomes meaningful. To what extent we have succeeded in this is to be judged not by us, but by the society at large. But we have the fullest satisfaction to say that the College has provided plenty of opportunities to its students to learn and grow.

The Legal system in the present days is becoming more & more complex as everyday passes with a number of Laws being passed from time to time. The basic presumption is that "Every one knows Law" and "Ignorance of Law is no excuse".

It is in this context that the duty and the responsibility of the Law students and Lawyers becomes more prominent because it is they who make the Laws known. Only a fair knowledge of one's rights as well as duties can

be a proper guide to the citizens. This can be acquired by an indepth study of our legal system and Laws. Hence, it is in this perspective the Bar-Council of India has decided to introduce a Five Year study of Law instead of three years study prevailing at present. Admissions are sought to this course soon after the completion of Pre-University Courses wherein they will have the chance to determine as to which field of study they have to embrace in order to carve out their career. By this method the student is made to study Law intensively and given both theoretical and practical training. Thus the programme contemplated by the Bar Council of India deserves appreciation and encouragement from all concerned. Hence, we not only welcome it but promise to extend full co operation for the betterment of the student community and society at large.

It is with this sense of responsibility that we are placing this souvenir before the Law loving public. In the articles contributed by the students, one cannot fail to notice serious application of mind to the task of investigating & interpreting the burning problems of the day.

We had serious doubts regarding our ability to bring the souvenir well in time. But this has been possible by the continuing efforts of the members of the Editorial Board, the co-operation of the Staff and fellow students.

The Decennial year of the College has been a splendid success. It is a fitting reward for dedicated and devoted efforts in the cause of legal education displayed by all concerned, Management, Staff, Students, Old Students and other well wishers, who have graciously complied with our request to send their learned and thought provoking articles. We pray "Lord Manjunatheshwara to bless them".

Editorial Board owes a debt of gratitude to all those who collaborated in the publication of this souvenir. We also thank our advertisers for the excellent patronage extended to us and to our Printers Udaya Printery & Publications, Mangalore for the timely performance within the shortest period of time available for publication.

N. J. Kadamba

Editor in Chief

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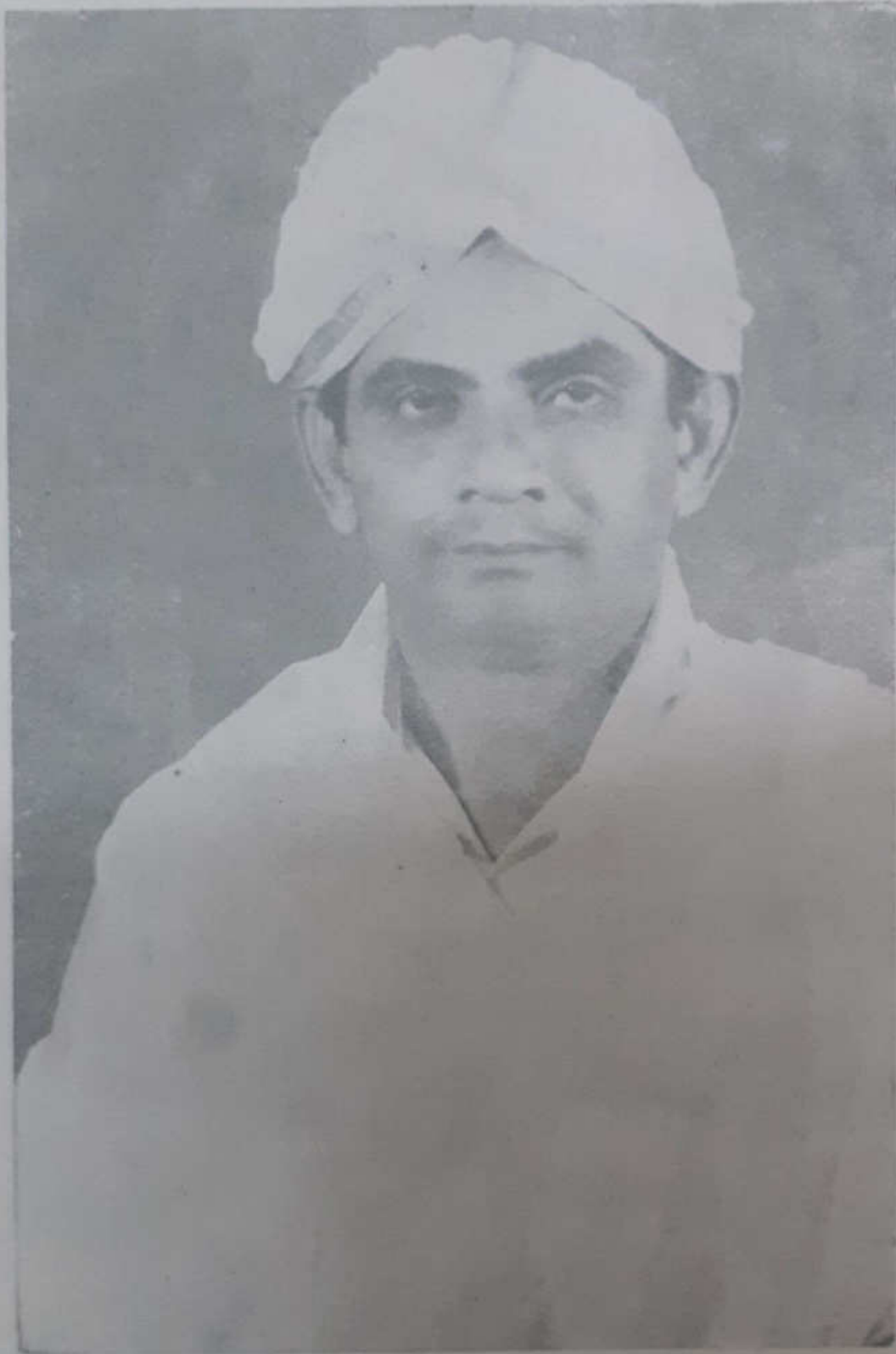
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**We bow to thee, Lord Sri Dharmasthala
Manjunatheshwara And invoke his blessings**



BRAIN BEHIND THE COLLEGE



SRI D. VEERENDRA HEGGADE
DHARMADHIKARI, SHREE KSHETRA DHARMASTHALA,
President of the Sri D. M. Law College Governing Council.

IN RETROSPECT : A DECENNARY REPORT

— N. J. KADAMBA, *Principal*

Respected President, Distinguished chief guests, Hon. Justice Chandra Kantha Raj Urs & Mrs. Urs, Esteemed Presiding officer of this evening Prof. Sheik Ali Vice-Chancellor of Mangalore University, Faculty members, The students, Ladies and Gentlemen.

I am glad to place before you a brief report of our college and its performance by looking back at the past years of the College and recalling the pleasant memories of its achievements. It is not just a boast when I say that Shri Dharmasthala Manjunatheshwara Law College with the blessings of Lord Manjunatheshwara has within a short span of 10 years is able to carve out a special identity of its own. This has been possible on account of pioneering spirit of Sri D. Veerendra Heggade who is the brain behind this institution and also on account of special care taken by the Management in fostering the College, dedication and scholarship of the members of the staff and the devotion and discipline of the students. Hence, I have an immense pleasure to place a birds eye-view of the landmarks of achievement of the College from the foundation year upto the decennary year. Shri Dharmasthala Manjunatheshwara Law College, Mangalore is sponsored, found and run by Shri Dharmasthala Manjunatheshwara Educational Trust, Ujire, represented at present by its President Sri D. Veerendra Heggade, Dharmasthala. The Trust was started in the year 1966 by late Sri Rathnavarma Heggade, with the object of providing facilities for higher education where such facilities were not available. Sri D. Veerendra Heggade, Dharmadhikari of Dharmasthala with his sterling character and magnetic personality is taking active and lively interest in furthering the objects of the Trust and has extended his activities in various places. Shri D. M. Law College is one of many instances of his zeal and foresight to extend the higher education to the youths.

At Start the Law College was functioning in a small portion of Besant Women's College, Mangalore. This portion of the College building to house the Law College was permitted by Sri Manel Srinivas Nayak, Members of the Governing Council of Besant Women's National Educational Society and the Principal Srimathi Manorama Bai. In this connection we thank them for the co-operation extended to us and on the same occasion we even thank Sri K. S. N. Adiga for having suggested to us to start the Law College in Besant Women's College, Mangalore. This College of Law at Start was Inaugurated by Dr. T. M. A. Pai, Registrar, Academy of General Education, Manipal and Justice Sri P. A. Kulakarni the then District & Session Judge of Mangalore Presided on 31-7-1974.

We have the pleasure to inform you that we have shifted the college to the newly built spacious building constructed by the Management at a cost of Rs. 7.5 lakhs on 10-3-1978.

The Foundation stone for the New College Building was laid on 15th January 1977 by the Union Minister for Heavy Industries Late Sri T. A. Pai and Mr. K. S. N. Adiga, the then

Chairman of Karnataka Bank Ltd., Mangalore presided over the function. The new building of our Law College was inaugurated by Sri K. S. Hegde, former Justice of Supreme court and former speaker of Lok Sabha and Sri G. K. Govinda Bhat, former chief Justice of Karnataka High Court, presided over the function. The students and staff members are highly grateful and indebted to the brain behind the College namely Sri D. Veerendra Heggade, for providing this beautiful spacious and magnificent building with all facilities warranted by Law College. It will not be boast, if I were to say that Affiliation Commission of Mysore had praised the excellent facilities available in the College during their visits to our Law College, and on the same hand I am immensely pleased to point out that Dr. Madhava Menon, Secretary of Bar-Council, Yoga Narasimha, High Court Advocate, Bangalore during their visit to the College expressed their happiness and were very much impressed with the facilities that are provided to the students and to be more particular regarding Library facility that are available to the students.

On the same occasion I am immensely pleased to point out that Mr. N. Ranga Raj, Vice Chairman, Bar Council of India who inspected this college during 1982 has pointed out that "The Library is very well equipped and it is being maintained to the utmost satisfaction. The college appears to be one of the good Institutions where good coaching is given to the student. I am very much impressed by the general administration, Teaching & also in other respects."

MANAGEMENT:-

The College is having a separate Governing Council consisting of leading personalities in the field of legal profession and social service. They are the following:-

- | | |
|---|-----------|
| 1. Sri D. Veerendra Heggade, Dharmasthala | President |
| 2. Sri Blasius M. D'Souza, M.L.C.
(Former President, City Municipal Council, M'lore) | Member |
| 3. Sri U. T. Farid, Advocate and Ex M.L.A. Mangalore | .. |
| 4. Sri U. R. Kini, Advocate, Mangalore | .. |
| 5. Sri N. Srinivas Rao, Advocate, Mangalore | .. |
| 6. Sri Madhusudhana D. Kushe, Mangalore
(Managing Director, P. V. S. Beedies) | .. |
| 7. Sri K. C. Naik, Kaycien Sales Corporation | .. |
| 8. Sri P. Janardhana Rao, Advocate, Lecturer | .. |
| 9. Sri Prof. S. Prabhakar, Principal, Sri D. M. College, Ujire | .. |
| 10. Sri N. J. Kadamba, Principal, Shri D. M. Law College, Mangalore | Secretary |

On this occasion I wish to point out that, Sri B. V. Krishnayya, Advocate, Former President of Bar Association, Mangalore who was there on the Management has retired from the service due to his old age & health. We thank him for his co-operation extended to us during his stay in the management.

On the same occasion I wish to point out that, Late Sri Jayaraj Ballal, Advocate

Mangalore & Late Sri B. Narasimha Bhat who were there on the Management have departed this world. Hence on this occasion we pray to Lord Manjunatheshwara that "may their souls rest in peace." We have recorded their yeomen services rendered.

Members of the Teaching Staff:-

1. Sri N. J. Kadamba	Principal
2. Sri G. D. Shetty	Full-time Lecturer
3. Sri Rajendra Shetty	"
4. Sri B. K. Ravindra	"
5. Sri P. D. Sebastian	"
6. Sri P. Janardhan Rao, Advocate	Part-time Lecturer
7. Sri M. Mahabala Bhat, Advocate	"
8. Sri B. Rajarama Semitha, Advocate	"
9. Sri J. Puttabba, Advocate	"
10. Sri B. Rama Adyanthaya, Advocate	"
11. Sri P. F. Rodrigues, Advocate	"
12. Sri K. Seetharam Bhat, Advocate	"

Sri M. S. Jain, Advocate, Sri K. Balakrishna Rao, Advocate, K. Keshava Bhat, Advocate, Sri Bindusara Shetty, Advocate and Sri Mohammad Kunhi, Advocate were on the faculty have retired from their services. We thank them on this occasion for the service rendered to the Institution during their stay in the College.

Sri G. D. Shetty, B.Com., LL.M. was appointed as a full-time lecturer on 1-7-1975. Sri Rajendra Shetty B.A. LL.B., Advocate, was already working as a part-time lecturer, since from the year 1979 and he was appointed as a full-time lecturer in Law, Sri B. K. Ravindra M.A. LL.M., who was formerly working as a full-time lecturer in Law, Vidyavardhaka Law College, Mysore was appointed as a full-time lecturer, Sri P. D. Sebastian B.A. LL.M., our old student was appointed as a full-time lecturer.

Librarian:- Sri Raghuveera Mudya B.A., B.Lib.,

Non Teaching Staff:-

1. Sri P. Krishnadas	...	Office Manager
2. Sri B. Siddartha Ajiri	...	Cashier-Cum-Typist
3. Sri Chandrasahsa	...	Clerk
4. Miss Mamatha	...	Clerk
5. Sri Suchethana	...	Attender

Mr. Chandrasahsa, Miss Mamatha and Suchethana were appointed in the year 1983.

I sincerely thank all the members of the staff who are working devotedly with a sense of dedication and service.

Students Strength:-

Strength including all the 3 years	Men	Women	Total
1974—1975	161	15	176
1975—1976	228	21	249
1976—1977	297	29	326
1977—1978	277	24	301
1978—1979	316	33	349
1979—1980	348	29	377
1980—1981	373	35	408
1981—1982	368	33	401
1982—1983	371	33	404
1983—1984	364	43	407

Results and Ranks:-

From the very beginning the results have consistently been good and on account of this the College has established itself as an Institution of academic excellence.

1. Mr. Shivananda Prabhu	I Rank	II LL.B.	June 1979
2. Mr. Taranath	I „	II LL.B.	May 1981
3. Mr. Mukhyapran Konchady	II „	II LL.B.	May 1981
4. Mr. Subraya Karanth	II „	I LL.B.	May 1981
5. Mr. George Kurian	II „	III LL.B.	June 1979
6. Mr. Narendra M.	II „	II LL.B.	May 1979
7. Mr. Narahari M.	II „	I LL.B.	May 1982
8. Mr. Padmanabha Shenoy B.	II „	I LL.B.	April 1975
9. Mr. Wilfred Sequira	III „	II LL.B.	May 1981
10. Mr. Mukhyapran Konchady	III „	I LL.B.	May 1980
11. Mr. Ranjan Rao	III „	II LL.B.	June 1979
12. Miss Sudha Kumari Kailar	III „	I LL.B.	May 1982
13. Mr. Paul C. S.	IV „	I LL.B.	June 1979
14. Mr. Vasan S. S.	V „	III LL.B.	May 1980
15. Mrs. Ramani Malya Ullal	V „	I LL.B.	May 1975
16. Mr. Suryanarayana Rao, P. R.	VI „	I LL.B.	May 1981
17. Mr. Narayana Shetty, M. S.	VI „	I LL.B.	May 1975
18. Mr. Taranath	VII „	I LL.B.	May 1980
19. Mr. Subraya Karanth	VII „	II LL.B.	May 1982
20. Mr. Narendra M.	VII „	III LL.B.	May 1980
21. Miss Vanitha Ballal	VIII „	II LL.B.	May 1982
22. Mr. Krishna Prasad D.	IX „	III LL.B.	May 1979
23. Mr. Srinivas Pai	IX „	I LL.B.	May 1975
24. Miss Karis Fernandes Prabhu	X „	III LL.B.	July 1978

Gold Medalist:-

Mr. Ram Krishna Unnithan received Gold Medal for securing highest marks in constitutional Law from Mysore University. Mr. P. Tharanath has also received Gold Medal for getting highest marks in Indian Constitution and Muhammedan Law.

Library and Reading Room:-

Library is the heart of any educational Institution. Hence we have built a separate Library for the new college. During the course of these years we have built up reference section, text book section, Subjectwise section, General Reading Room and Book Bank Section. The total books at present is 5,455 and total investment made so far is Rs. 2,15,840/-. Our modest reading room procures dailies, Journals, Periodicals, Magazines and all other important periodicals including foreign publications. I will fail in my duty if I do not thank, Honourable Justice Sri G. K. Govinda Bhat, former chief Justice of Karnataka who had issued circulars to all the courts to donate the Law books which are not useful to courts, to the nearby Law Colleges and in pursuance of that order we received 123 volumes in all from the Munsiff Courts, Puttur, Sullia and Belthangady. My gratitude is also there to all the presiding officers of the courts. My sincere thanks are also due to Sri K. R. Karanth, Supreme Court, Advocate, Bangalore and Sri Y. Manjayya Shetty, Advocate, Kundapur, who have donated 31 and 83 volumes of valuable books to our Library respectively. I even thank the President and the members of the Bar Association, Mangalore, who are kind enough to donate 25 books to our college Library.

Further we have received 64 Law books, Karnataka Law Journals from Srimathi Malathi Bhaskar Rao, Mangalore who was kind enough to donate to the Library in memory of her late husband Mr. Bhaskar Rao. We even received useful Law books from the Forum of Free Enterprises, Bombay as donation. We thank them for their generosity. We also thank Mr. Vasudeva Rao, Advocate, Mangalore for donating 165 Law books & Journals. We are happy to point out that Sri U. R. Kini, Advocate, Mangalore also donated 339 volumes of books and Journals on behalf of Late Vaikunta Baliga, Advocate, Mangalore. Likewise we are also indebted to Prof. Parwathi Prabhu, Former Principal, Besant Evening College, Mangalore for having donated 376 volumes of useful Law books, in memory of Late Sri M. M. Prabhu, Advocate, Mangalore. Further we thank Sri Vasudeva Rao, Advocate, for his kind donation of 32 books.

Sports and Games:-

The students of our Law College are actively participating in sports and games. During the period, the College endeavoured to give maximum facility to students in Sports and Games. I am happy to state that our students in the year 1977-78 competed in the M.G.S. Tournament and Sri Ramakrishna, I LL.B. was the winner of 4 + 100 mtrs. Relay in M.G.S. Tournament and had represented the District in the University sports. During the same period Sri Jnanadeva Kamath of III LL.B. was selected to represent University Cricket Team, who played Inter-University Cricket Match at Warrangal. In the year 1979 Mr. Ramakrishna & Praveen Kumar represented the Karawali Zone in 100 mtrs. hurdles and

polevolt, representing the University sports at Mysore. Some of the students who were able to secure prizes in the University competitions, are Sri Harishchandra Hejamady I place in Best Physique, Loknath Kadri, II place in weight Lifting and further Mr. Hejamady was adjudged as "Mr. Mysore University."

In the year 1980 Mr. Sashidhar Kamath and Harish Kappor as team members represented Mysore University in the Inter-University Shuttle Badminton Tournament held at Dharwad. Our students have even competed in M. G. S. Karavali Zone in Kabadi, Shuttle and Volly Ball Tournaments.

In the year 1981 Mr. Gunakar Ashly Furtado represented University in Inter-University Tennis Tournament at Warrangal. He was the captain of Mysore University Tennis Team.

In the year 1982 our college students have actively competed in University competitions. During this year Mr. Pradeep Kumar was one of the members of the University Kabaddi Team, which got Runners-up in the All India University Kabaddi Tournament.

In the year 1983, we are happy to inform that Mr. Pradeep Kumar won the I place in the Mangalore University Tournaments. This Team was able to secure II place in the Inter-College Tournament conducted by Karnataka Sangha, M. I. T. Manipal and also Hebbar Trophy Udupi. Our Badminton Team secured I place in Mangalore University Tournaments.

In the year 1984, I feel pleasure to point out that Mr. Devadas Ajila, of II LL.B. was selected as the Captain of University Kabaddi Team which competed in the Inter-university Competitions. Mr. Shubhaveer represented Kho-Kho and Mr. Ramesh Rao and Mr. N. Vasanth represented Inter-University Ball Badminton Team and our Kabaddi Team has won the Inter-Collegiate Kabaddi Hebbar Trophy held at Udupi. Besides our students have successfully participated in many University Competitions:

Dharmasthala Law College Alumini:

The First batch of our students, who came out during the year 1977 formed an Old-Students Association in the name of 'Shri Dharmasthala Manjunatheshwara Law College Old Students Association' with Sri M. T. Narayana Shetty as President and K. Ramesh Rao as Secretary, B. A. Shetty as Vice President and Sri K. Prabhakar Achar as Joint Secretary to live in contact with College. Further I am happy to inform that they have submitted an Oil Modern painting of Late Sri Rathnavarma Heggade, the Founder President of Modern Dharmasthala to our Law College, which was unveiled by Sri K. S. Hegde former Justice of Supreme Court and former speaker of Lok Sabha.

I am also happy to inform that they have given prizes and the same was awarded to the students, who had secured highest marks in II LL. B. 1978 Examinations, and in the year 1980 prize was awarded to George Kurian who secured highest marks in III LL. B. and II Rank to the University.

In the year 1981 prize was allotted by old students Association which was awarded to Mr. Vasan S. S. who got V Rank to the University. Thus the Old students association of our Law College is functioning smoothly by keeping valuable ideas as its objects which deserves all encouragement and appreciation. Further on this occasion I wish to thank Sri D. Vinaya Kumar, Vikas Engineering Company, Baikampady for having donated Rolling Shield to be awarded to a class which got highest points in all the curricular and extra curricular activities.

Method of imparting Legal Education:

The Teaching is done in the college by lectures and by conducting Civil and Criminal moot Courts. The students are also given practical training by allotting them in batches to practicing Advocates for attending their offices and local Law Courts to acquaint themselves with the practical knowledge and procedure and also the functioning of advocate-offices and the proceedings in Law Courts.

Scholarship:

Mr. Vaman K. P. of III LL. B. and Chandrashekar K. of III LL. B. have been awarded Govt. of India Scholarship for Scheduled Caste students. Besides Mr. Ranjan Rao was awarded with Govt. of India National Merit Scholarship and Nagaveni Kumari P. with Govt. of India Loan Scholarship and Devadas was able to secure Govt. of India Post Matric Scholarship for Scheduled Caste and Mr. Pramod Kumar with Post Matric Scholarship to Backward Tribe respectively.

During the year 1979, five students were able to secure Govt. of India National Loan Scholarships, and 83 students were sanctioned fee concessions.

In the year 1983 Raviprasad K. of II. B. was awarded with Govt. of India National Loan Scholarship. Mr. Rama H. A. and Nanjappa of I LL. B. was awarded with Govt. of India Scholarship for scheduled caste.

Shramadhan:

I am pleased to inform you that in the year 1983 our students headed by group leaders namely Premnath Rao, of I LL. B. and Ranjan Kumar III LL. B. under the guidance of Sri B. K. Ravindra, Lecturer in Law, Sri Raghuveer Mudy, Librarian and Sri Siddhartha Ajri, Clerk were able to conduct two days social service. One for paving new road and other for cleaning the college premises. The road was named as Mahatma Gandhiji Road declared opened on 2nd October 1983 at Konchady by Principal Sri D. M. College Business Management, Sri V. T. Kulkarni.

New Courses Offered:

I am happy to state that with the rapid development of our Law College it was possible to start many professional courses like B. B. M., and I. C. W. A. I. Oral Coaching Class was started with the permission from Head Office situated at Calcutta. This was

nothing but the brain child of Sri D. Veerendra Heggade who thought no useful purpose would be served by starting Art and Science College because the present time is an era of specialisation. Realising the need our President Sri D. Veerendra Heggade started these professional courses to help the students community at large.

Ladies and Gentlemen, as already pointed out by me this college has been rendering yeomen service in the field of Law from past 10 years. This has been possible mainly due to the blessings of Lord Manjunatheshwara and due to the untiring service rendered by late Sri Ratnavarma Heggade who was the founder of Dharmasthala Educational Trust and also due to the yeomen service rendered by the present Dharmadhikari Sri D. Veerendra Heggade of Dharmasthala. I am thankful to all the members of the staff and students whose united and sustained effort and sincere work made responsible for all round progress. Let us hope and pray that the visionary zeal and Inspiration of Late Sri Rathnavarma Heggade the founder of Dharmasthala Educational Trust may continue to guide in the future to further shape the destiny of this Institution. I think with the continued co-operation and patronage of the general Public we will be able to succeed in this humble endeavour.

— JAI HIND —

**SHRI DHARMASTHALA
MANJUNATHESHWARA LAW COLLEGE
MANGALORE**

FOUNDATION STONE LAID BY

SRI T. A. PAI

**HON'BLE MINISTER FOR HEAVY INDUSTRIES
GOVT. OF INDIA**

SRI K. S. N. ADIGA

**CHAIRMAN, THE KARNATAKA BANK LTD.
PRESIDED**

ON 15TH JANUARY 1977

D. VEERENDRA HEGGADE

PRESIDENT

SRI D. M. EDUCATIONAL TRUST, UJIRE

SHRI DHARMASTHALA MANJUNATHESHWARA LAW COLLEGE

MANGALORE - 575 003

INAUGURATION

OF THE NEW BUILDING BY

HON'BLE SRI K. S. HEGDE

SPEAKER, LOK SABHA.

HON'BLE SRI G. K. GOVIND BHAT

**FORMER CHIEF JUSTICE, HIGH COURT, KARNATAKA
PRESIDED**

ON 10 - 3 - 1978

D. VEERENDRA HEGGADE,

PRESIDENT

SHRI D. M. EDUCATIONAL TRUST (REGD), UJIRE

Dr. B. SHEIK ALI,

M.A., Ph.D. (Aligarh),

Ph.D. (London),

VICE-CHANCELLOR

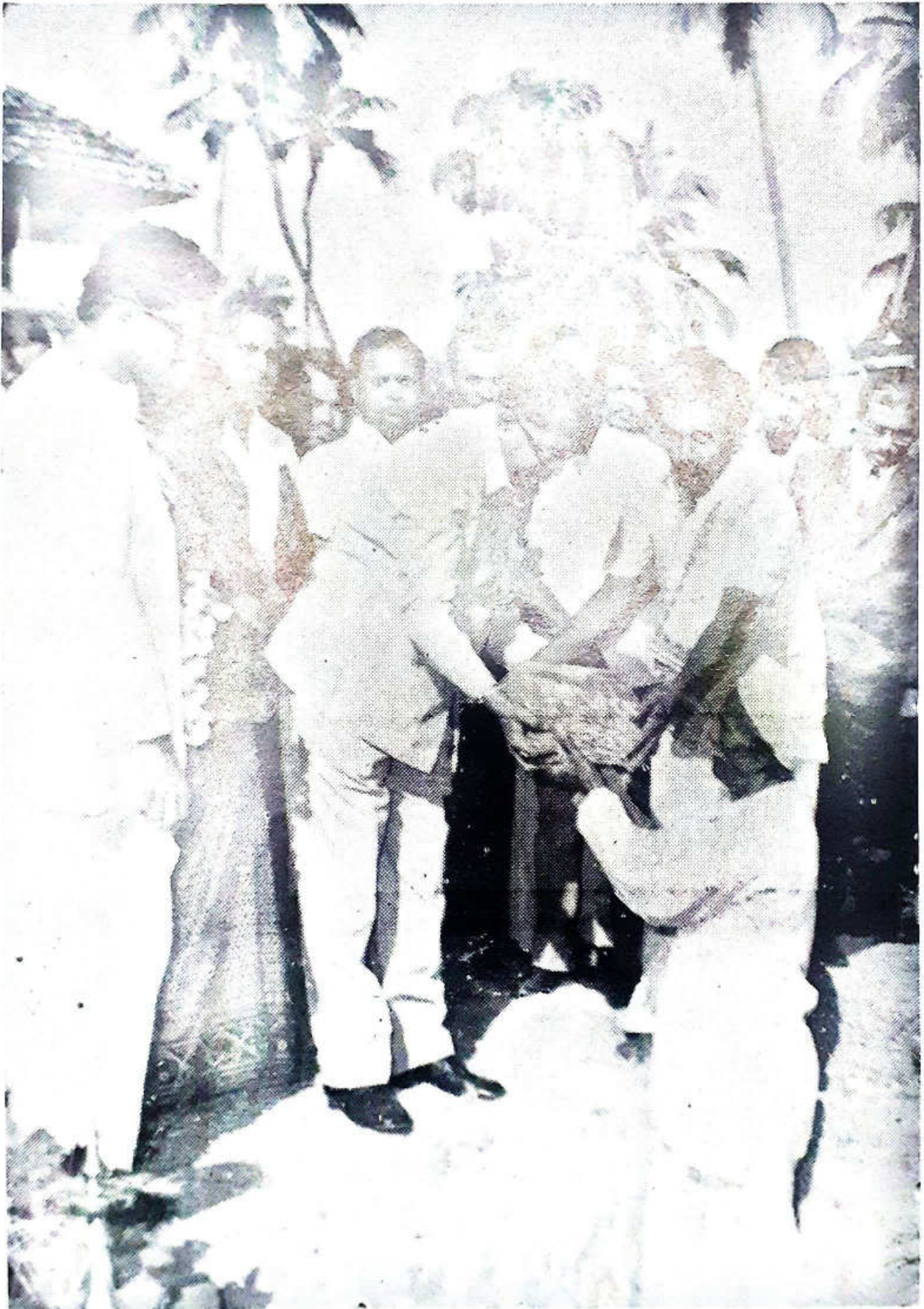
Office of the
Mangalore University
Light House Hill
MANGALORE-575003

MESSAGE

We are indeed delighted to know that Shri Manjunatheshwara Law College in Mangalore has successfully completed a decade of useful service in the cause of law education. Law is social engineering, the basis and the core for orderly existence and growth of any society. It is certainly the bedrock on which any democratic structure could be built, for unless all sections, particularly in a country like ours with its size, population and problems, are assured that their interests are safe, and that there is an authority to seek relief if things go wrong, there appears to be no scope for steady progress. It is in this context we have to rejoice that legal education forms an integral part of our University system. Besides, when we look back we cannot but appreciate the glorious role our legal luminaries have played in the struggle for freedom of our country. Judiciary stands out prominent in any situation when human nature fails to resolve any of the controversies that are inevitable in any walk of our life. Hence, I pray Almighty to bless this College so that it could produce many, many men of great talent, skill and eminence, so that justice, an attribute of God, prevails in our sacred land.

(Sd.) B. Sheik Ali.

Vice-Chancellor



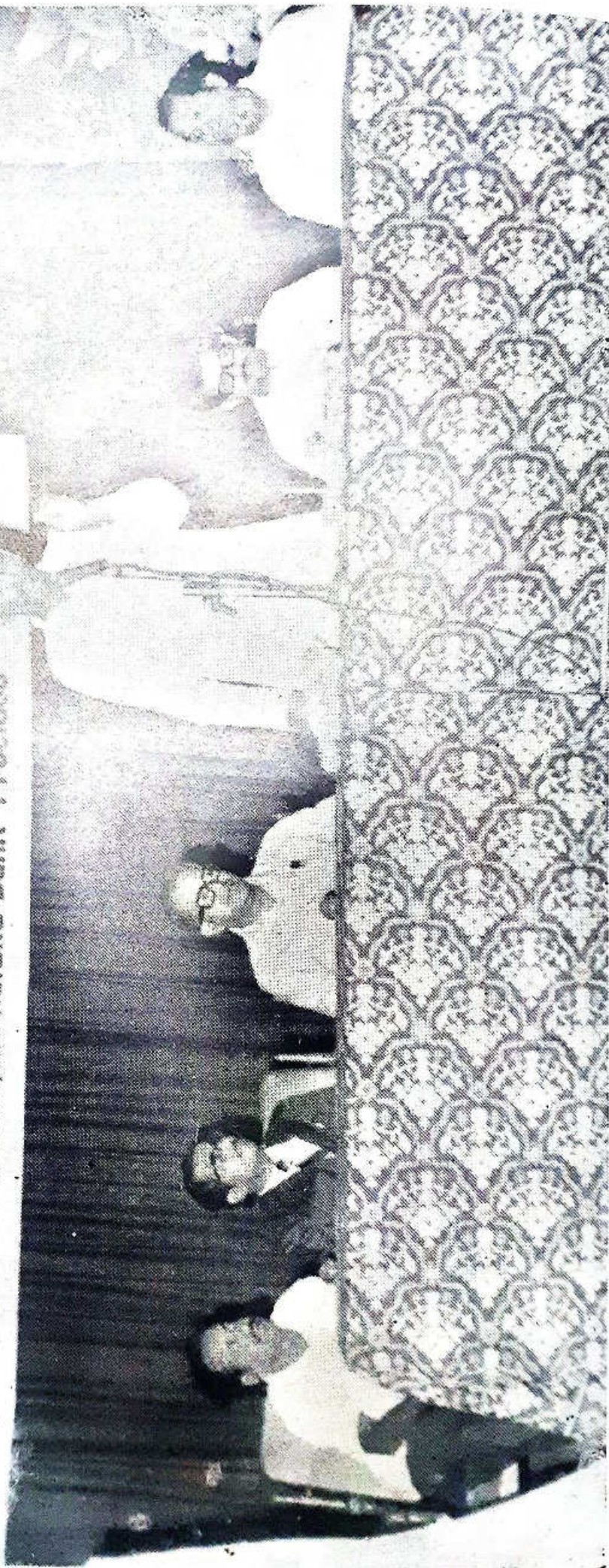
Sri T. A. Pai, then Minister for Heavy Industries and Civil supplies laying foundation stone on 15-1-1977 for the Law College Building

S. D. M. LAW COLLEGE, MANGALORE

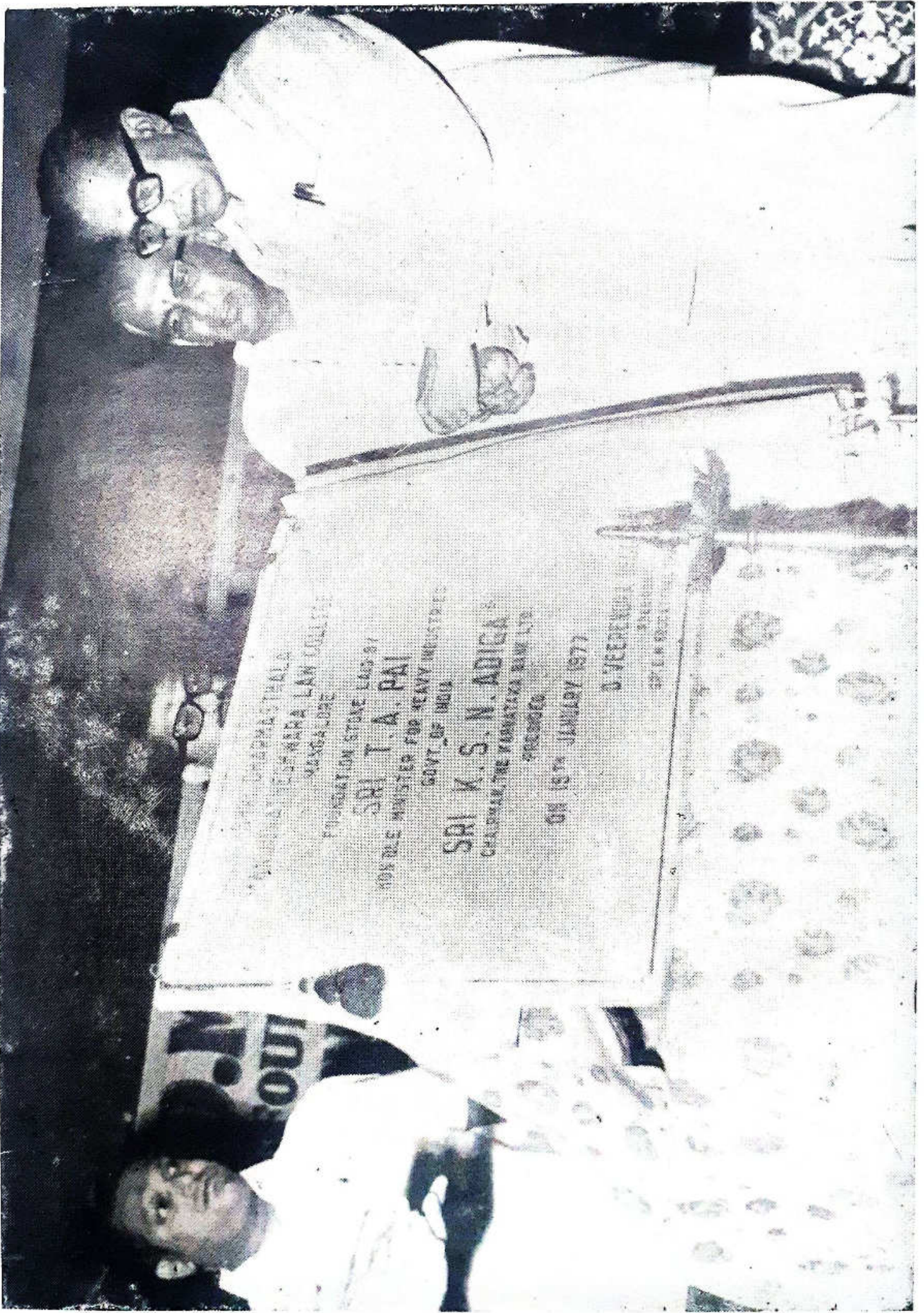
FOUNDATION STONE LAYING CEREMONY

SRI. T. A. PAI. Hon'ble Minister for Heavy Industries - Lays the foundation Stone

SRI. K. S. N. ADIGA. Chairman, Karnataka Bank - Presides



Judicial pinch in time to safeguard the citizenship—K. S. N. Adiga—Chairman of Karnataka Bank Ltd.,
Presided over the foundation stone laying function of the Law College Building



Discovering the Justice, unveiling the ignorance—Sri T. A. Pai unveiling the name plaque



Force in the Path of Progress

OM SRI MANJUNATHAYA NAMAH

SRI DHARMASTHALA MANJUNATHESHWARA EDUCATIONAL TRUST (Regd.) UJIRE

—Prof. S. Prabhakar, Secretary

The 'Heggades' of Sri Dharmasthala are known for their social and charitable activities all over Karnataka for the last several centuries. With the improved facilities of the modern era their contribution in this line has increased by leaps and bounds. Providing facilities for education and encouraging higher education has been a part of their multifarious socio-economic activities aimed at the upliftment of the weaker sections of the society.

It is in accordance with this that the late Rev. Sri D. Rathnavarma Heggade established the Sri Dharmasthala Manjunatheshwara Educational Trust, Ujire, in 1965 to start institutions of higher learning. It is a registered body and through this was started the Sri Dharmasthala Manjunatheshwara College, a first grade Arts, Science and Commerce College in Ujire, in 1966.

In the initial stages, the activities of the Trust were limited to maintain the College at Ujire. In 1968, the mantle of management fell on the teenaged young shoulders of Sri D. Veerendra Heggade, the present Dharmadhikari of Dharmasthala. He is a born visionary and soon felt the urge to expand the activities of the Trust. Mangalore City, besides being the headquarters, is the hub the social and commercial activities of this district. It has a good population, a number of first grade colleges, an all-weather harbour and many renowned institutions and industries, but a few professional colleges. There were many young graduates and employed persons willing to seek avenues of higher education. As a keen social observer and leader, Sri D. Veerendra Heggade comprehended this acute necessity. The University of Mysore was approached for permission to start a Law College. The result is that Sri D. M. Law College was born in 1974.

At first we had no building of our own. So the classes were conducted in Beasant Women's College. The management of that college headed by Sri Manel Srinivas Nayak appreciated our effort and gave us full co-operation. Later on we bought this land from Sri S. J. S. Fernandez and the new building was constructed in 1978 at a cost of Rs. 7.5 lakhs.

The Law College is functioning only during morning and evening sessions. Moreover, Mangalore is a fast expanding city with many new industries coming up all around. Therefore, two more institutions, viz. the Sri D. M. Technical Institute to teach students for

the AMIE examination and the S. D. M. College of Business Management were started. Recently, we have been permitted to start ORAL COACHING classes for the ICWAI examinations.

The Trust has also taken over the management of the Udupi Ayurvedic College, Udupi. It has also started the S. D. M. College of Engineering & Technology in Dharwad in 1979. Sri D. Veerendra Heggade had taken over the management of the group of institutions of the Janatha Shikshana Samithi started by the late Sri Hukkerikar in 1973 itself as per the wishes of the citizens of Dharwad. The Engineering College was started in their campus. Now the Trust has acquired more than 35 acres of land and the construction of the building costing more than Rs. two crores is in progress. The workshop and the laboratory section is complete and the main building is expected to be completed in a few month's time.

The Law College has been functioning very well under the able guidance of its founder Principal Sri N. J. Kadamba. It has an efficient staff including some of the leading and senior luminaries in the legal profession. It has bagged many ranks in the successive university examinations over the years and the students have also exhibited the talents in sports and other cultural activities winning shields, cups and individual prizes in inter-collegiate competitions. In the last ten years of its fruitful existence, it has sent out eight batches of students and has provided many good legal practitioners to the society.

From the next academic year, this college will become a day college with a five-year law course falling in line with the all India pattern of law course. We hope that the college will keep up the tradition of achievement and excellence in future also.

I wish the college, staff and students on the August occasion of their celebrating the decennial celebrations a happy and bright future and pray Lord Manjunatha and other presiding deities to shower their blessing on them.

Shri Dharmasthala Manjunatheshwara Law College, Mangalore

COLLEGE REPORT 1983-1984.

N. J. Kadamba, *Principal*

Honourable President, Ladies and Gentlemen,

The academic year 1983-84 which will come to an end in a few weeks has been a year of peace, of fruitful work & personal growth for the students, staff, & the management of this Institution. As we look back to our activities & achievements of the year, we raise our hearts in gratitude to 'Lord Manjunatheshwara' for all the blessing he has showered upon us.

The President of today's function, is Professor G. V. Ajjappa, Principal, University Law College & Dean Faculty of Law, Karnataka University, Dharwar, is a person who is deeply interested in & committed to the cause of legal education. We are happy to have him with us as we review, and assess our work of this year.

Shri Dharmasthala Manjunatheshwara Law College, Mangalore is sponsored, found & run by Shri Dharmasthala Manjunatheshwara Educational Trust, Ujire, represented at present by its President Shri D. Veerendra Heggade, Dharmasthala. The trust was started in the year 1966 by late Sri D. Rathnavarma Heggade, with the object of providing facilities for higher education where such facilities were not available. Sri D. Veerendra Heggade, Dharmadhikari of Dharmasthala with his sterling character & magnetic personality is taking active & lively interest in furthering the objects of the Trust & has extended his activities in various places. Shri D. M. Law College is one of many instances of his zeal & foresight to extend the higher education to the youths. During all these years, the college has earned a great reputation as one of the progressive colleges affiliated to Mangalore University.

Members of the Teaching Staff.

- | | |
|------------------------|--------------------|
| 1. Sri N. J. Kadamba | Principal |
| 2. Sri G. D. Shetty | Full time lecturer |
| 3. Sri Rajendra Shetty | " |
| 4. Sri B. K. Ravindra | " |

5. Sri P. D. Sebastain	Full time lecturer
6. Sri P. Janardhan Rao, Advocate	Part time lecturer
7. Sri M. Mahabala Bhat, Advocate	"
8. Sri B. Rajaram Samitha, Advocate	"
9. Sri J. Puttabba, Advocate	"
10. Sri K. Seetharam Bhat, Advocate	"
11. Sri P. F. Rodrigues, Advocate	"
12. Sri B. Rama Adyanthaya, Advocate	"

Sri Rajendra Shetty B. A. LL. B. Advocate was already working as a part-time lecturer, since from the year 1979 and was appointed as a full time lecturer in law. Sri B. K. Ravindra M. A. LL. M. who was formerly working as a full time lecturer in law Vidyavardhaka Law College, Mysore was appointed as a full time lecturer. Sri P. D. Sebastain B. A. LL. M., our old student was appointed as a full time lecturer.

Librarian: Sri Raghuveera Mudya B. A., B. Lib.

Non-Teaching Staff:

1. Sri P. Krishnadas	—	Office Manager
2. Sri B. Siddartha Ajri	—	Cashier-cum-typist
3. Sri Chandrahasa	—	Clerk
4. Miss Mamatha	—	Clerk
5. Sri Suchethana	—	Attender

Mr. Chandrahasa, Miss Mamatha and Suchethana were being appointed in the year 1983.

Students Strength:	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
I LL. B.	137	23	160
II LL. B.	129	12	141
III LL. B.	98	8	106
	<u>364</u>	<u>43</u>	<u>407</u>

Results:

The College records with appreciation the good results secured by our students in May 1983 University Law examinations. We congratulate them. I am pleased to state that the following students have secured Ranks.

I LL. B. Mr. Lawrence D'Souza	—	II Rank
II LL. B. Mr. Narahari A. M.	—	II Rank
II LL. B. Miss Jennifer Lydia Rego	—	III Rank
II LL. B. Miss Sudha Kumari Kailar	—	V Rank
II LL. B. Mr. Gopi Krishnan Nambiar	—	IX Rank

Percentage of Results:

<i>Class</i>	<i>No. appeared</i>	<i>No. passed</i>	<i>Percentage</i>
I LL. B.	64	10	16%
II LL. B.	38	17	45%
III LL. B.	44	22	50%

College Library:

The College is having a very good library possessing 5 438 volumes of books worth Rs. 2,15,000/-. We are subscribing to 16 law journals and the library is upto date with all the latest books.

Scholarships:

Mr. Ramu H. A. & Vaman K. P. have been awarded Govt. of India Post Matric scholarships & Venugopal B. S. Raviprasad K. & Jayaram awarded Govt. of India National Loan scholarship.

Students Council:

Mr. Ranjan Kumar of III LL. B. Harish Kumar of III LL. B. and Anitha Shetty of III LL. B. have been elected as President Secretary & Joint Secretary respectively. The council is constituted with two representatives from each section of the Class. The Council was inaugurated on 9-9-1983 by Prof. Amir Ahmed, Principal Udupi Law College and Dean Faculty of Law Mangalore University, Mangalore and Prof. Gajendragad. Prof. and Head of Dept., Dept. of Chemistry, Mangalore University, presided over the function. A Brief report of the council will be placed before you by the secretary.

Sports & Games:

We believe in a healthy mind & healthy body and hence we are happy to announce that our students have participated in most of the games and sports competitions conducted by the university. Mr. Devadas Ajila of II LL. B. has represented the university as captain of University Kabaddi team which competed in the Inter-University tournaments. Mr. N. Vasantha of II LL. B. represented the University as captain of Ball-Badminton team which competed in the Inter-University tournaments. Mr. S. Ramesh Rao II LL. B. also was one of the team members of the University Ball-badminton team. Mr. Shubhaveer of I LL. B. represented Mangalore University in Kho-Kho team, which competed in the Inter State University Tournaments.

On this occasion I am happy to point out that our Kabaddi team bagged the Hebbar Trophy conducted at Udupi. Our Cricket team has competed in a number of Inter-Collegiate tournaments. The Ball-Badminton of the College won in the central zone Tournament of the University and hope to get the shield in Zonal Tournaments of the University.

The Students of our College have competed in a number of Inter-Collegiate variety and music competitions and won many prizes. We congratulate them for their participation and success.

Conclusion:

As the College is conducting the Decennial year after the successful completion of 10 years of dedicated service from 1974-1984. We are happy to announce on this occasion that our Souvenir committee was able to bring out a Souvenir. I confidently say that this Souvenir will throw a flood of information and it remains a gold mine of knowledge and ideas.

I thank the members of Students Council, and the Students of the College for their co-operation, discipline and sense of dedication in all the activities of the College.

My respects and gratitude to our President, Sri D. Veerendra Heggade for his guidance and support for the smooth running of the College. All the necessary facilities warranted by law College were provided by our President without any hesitation.

Last but not the least, I thank the staff members for their unstinted support and participation in all the activities of the College. We pray Lord Manjunatheshwara to bless us to run and bring glory to the institution. I once again pray the Lord to bless you all to achieve the pinnacles of success and victory in your education and future and thus to enhance the prestige of Shri Dharmasthala Manjunatheshwara Law College to the summit of fame and glory.

JAI-HIND

Shri D. M. Law College Governing Council



Sri D. Veerendra Heggade, President



Sri U. R. Kini



Sri N. Srinivas Rao



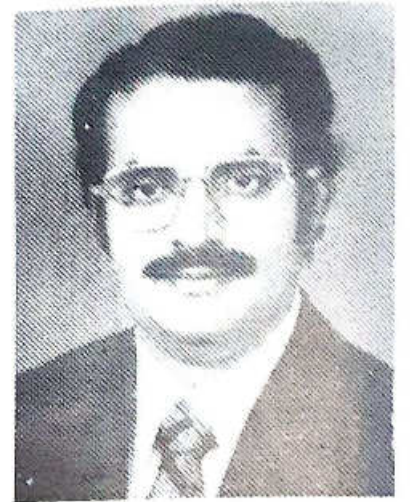
Sri Blasius M. D'Souza



Sri U. T. Fareed



Sri Madhusudhan D. Kushe



Sri K. C. Naik



Sri S. Prabhakar

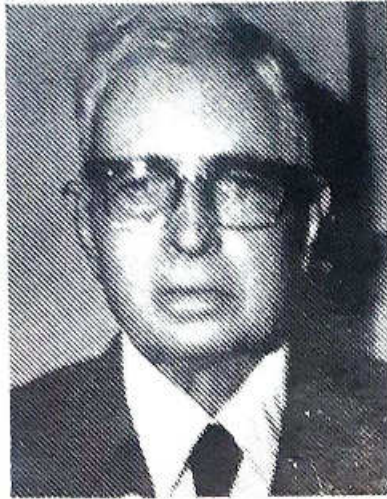


Sri P. Janardhana Rao



Sri N. J. Kadambar,
Secretary

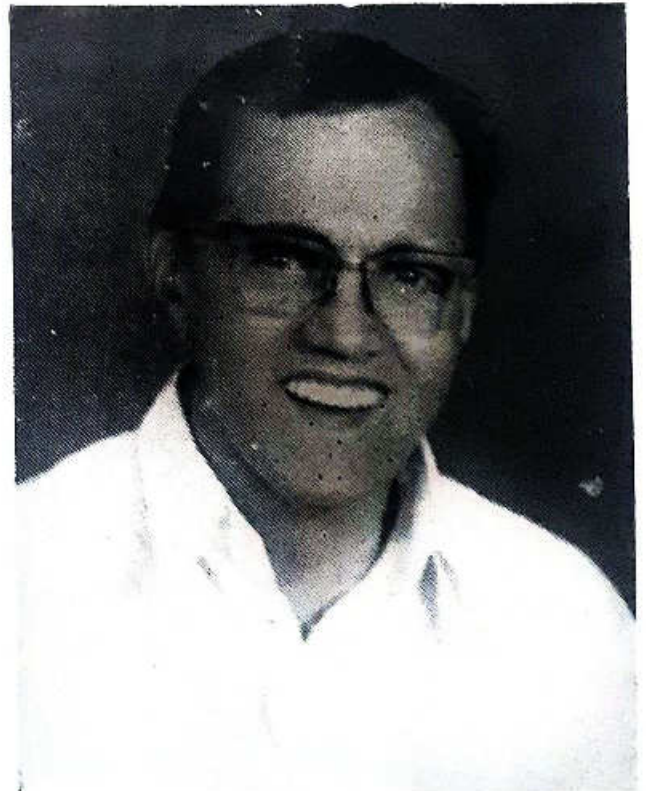
They Served in the Governing Council



Sri B. V. Krishnaiah

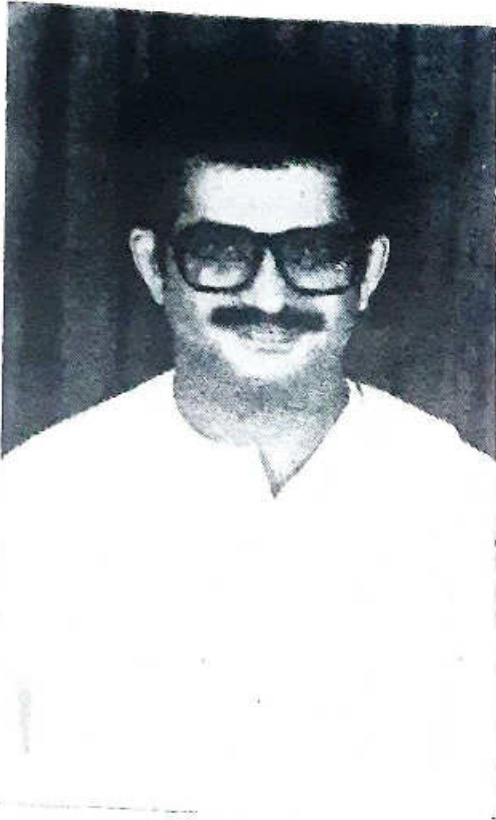


Late Sri Jayaraj Ballal

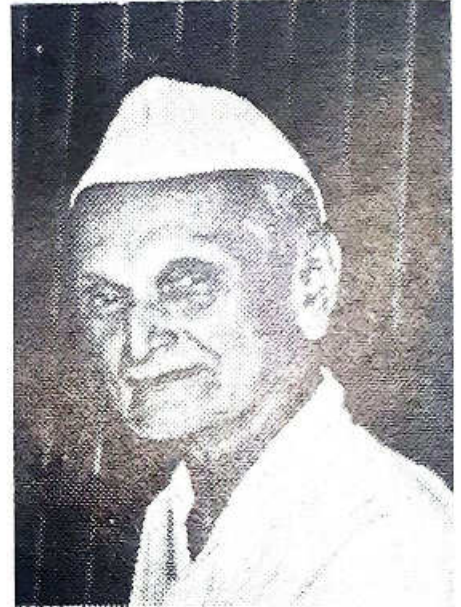


Late Sri B. Narasimha Bhat

Board of Management of Sri D. M. Educational Trust, Ujire D. K.



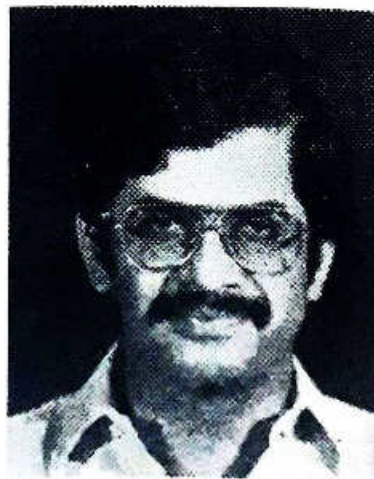
*Sri D. Veerendra Heggade
President*



*Sri G. N. Bhide
Vice-President*



*Sri S. Prabhakar
Secretary*



*Sri D. Harshendra Kumar
Secretary*



*Sri Umanath Prabhu
Treasurer*

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THE FEDERAL OVERLAPSES ON STATE POWERS IN THE INDIAN CONSTITUTION AND ITS CONSEQUENCES

B. K. RAVINDRA, M.A.L.L.M.,
Lecturer in Law

In the Dicean concept, federal state meant a political contrivance intended to reconcile national unity with the maintenance of state rights. Dicey, in this definition deliberately but conveniently omits to tell about the extent of maintenance of state rights. Citing this definition, Chief Justice M. H. Beg, in a recent case i.e. State of Rajasthan Vs. Union of India, observed: "In a sense, therefore, the Indian Union is federal, but the extent of federalism in its form is largely watered down by the needs of progress and development of a country which has to be nationally integrated, politically and economically co-ordinated, and socially, intellectually and spiritually up lifted".

Adjectives and additions have been squandered lavishly to describe the federal structure in India. Wheare labels it as 'quasi federal'. Ivor Jennings regards it as a 'federation with a strong centralising tendency: Basu calls it as a federal structure with unitary features. Santhanam considers India of practically unitary state though formally and legally a federation; in State of West Bengal Vs. Union of India it is regarded as a federal structure with strong central bias.

Above descriptions are not theoretical verbosity but observations on the non-correspondence Indian constitution to the traditional and strict federal principles as followed in the constitutions of united States of America, Switzerland and Australia. It is the hall mark of federalism that general and regional governments are each within a sphere, co-ordinate and independent, hence one cannot encroach upon the other. But Indian constitution deviates as of policy and principle from the strict federal theory. How far the Central Government is constitutionally permitted to encroach upon the grazing yard of state powers and the consequence of such overlap in the Federal arrangement are the concern of present study.

The genesis of the Indian federal structure is peculiar to the usual federating process. It did not emerge out of any federal sentiment nor did it come into being as a result of compact or agreement between existing states to delegate some of their powers to a common Government. India had a thoroughly unitary constitution until the Government of India Act of 1935. It was the Act of 1935 which thrust federal structure

upon India. The Joint Parliamentary Committee on Indian Reforms reported: "Of Course in thus converting a unitary state into a federation we should be taking a step for which there is no exact historical precedent. We are faced with the necessity of creating autonomous units and combining them into a federation by and the same Act". The present constitution too has been framed by the 'we the people of India' and the Union of India cannot be said to be the result any compact or agreement between states. Hence Indian Constitution can not be considered as mouth piece of adjusted aspirations and agreed terms of bargain of States. It speaks in the voice of people's wish, not of states. Hence the peculiar overlap of federal government projecting its shadow over the state governments.

Various constitutionally permitted fields of possible federal overlap can be studied under the following heads:

1. In the field of territorial identity of State.
2. Legislative sphere,
3. Administrative area.
4. Financial Control.
5. Far reaching emergency provisions, and
6. Other areas of overlap.

1. Territorial identity of State:

High doubts and grave suspicion arise about the very foundation of federal structure in India. To be independent in its own sphere, a federal unit needs the guarantee of its continued existence in the federation and security of its continued existence in the federation and security of its present territorial identity. The American federation which is a genuine federation has been described as "an indestructible union of indestructible states". It is not possible for the national Government to redraw the map of United States nor even possible in Australia, without the consent of affected states.

But in India, the National Parliament is fully empowered even to delete a state from the federal map. Far-reaching powers are given under Article 3 of the constitution to the National Parliament According to Article 3.

"Parliament may by law:

- (a) form a new State by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state;
- (b) increase the area of any state;
- (c) diminish the area of any state;
- (d) alter the boundaries of any state;
- (e) alter the name of any state.

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill effects the area, boundaries or name of any of the states... the Bill has been referred by the President to the Legislature of that state for expressing its views thereon within such further period as may be specified in the reference...

The comparative easiness with which federal map can be altered-and is altered so many a times - suggests how fatal the legislative axe of Union parliament could be on the very base of federalism itself. As stated in *State of West Bengal Vs. Union of India* "parliament is therefore...invested with authority to alter the boundaries of any state and to diminish its area so as even to destroy the boundaries of state with all its power and authority." The state is not permitted to participate in the decision making process about its own future. It is only consulted, its consent is not required. Despite the shouts of State Legislative Assembly, roaring law of the Union Government holds the ground. State Governments virtually kneel before the parliament for their own existence.

No legal remedy is available to state, only political check can resist the move. Such a dominance of Union power over the territorial base of a states converts the states into administratively convenient and subordinately useful entities. True it is, India is indestructable Union composed of destructible states.

2. Legislative Sphere:

In the legislative sphere also the principle of federal superemacy over state powers is followed. Legislative power is divided into three lists in the Seventh Schedule: Union List, State List and Concurrent List. Union Government and state Government have exclusive legislative power in List I and List II respectively and each exercise concurrent power in List III. Despite these compartmentation, Union Government can stretch its wing even in List II also. In part XI i. e. 'Relations between the Union and the State' there can be found some provisions enabling this.

In article 246, legislative power of Union Government is made supreme and that of States subject to the legislative power of Union Government. As D. D. Basu comments, "the words 'notwithstanding anything...' in the beginning of Clause (1) and (2) and the words Subject to Clause (1) and (2) at the beginning of the present Article (246) secure the predominance or supremacy of the Union legislature in case of overlapping as between Lists, I II and III". But subordinate nature of state's legislative powers, is not strange in other federal constitutions like U. S. and Australia.

The actual invasion of states' legislative power by Union parliament is possible under Article 249. According to Article 249 (1) "Notwithstanding anything in the foregoing provisions of this chapter, if the council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary and expedient in the national interest that parliament should make laws with

respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for parliament to pass laws for the whole or any part of India with respect to that matter while the resolution remains in force". Draft Article 226 which corresponds to the present Article 249 received sharp criticism in the constituent Assembly Debate itself. It was criticised as objectionable and inconsistent with the concept of federal distribution of powers and also as a mischievous one and as suggestive of grabbing all powers for the centre and emasculate the Provinces.'

Under article 250 the parliament is empowered to make laws in the State List while proclamation of Emergency is in operation. But such laws shall cease to have effect on the expiration of 6 months after the proclamation has ceased to operate, under Article 253 the Union Parliament is empowered to enact laws for implementation of treaty, notwithstanding the powers of the State. Though such provisions can be found in other federal constitutions, as Duchacek points out, "The federal monopoly in foreign policy and defence spills over easily into the seemingly exclusive domain of provincial powers.

Federal supremacy in the legislative field can further be found in Article 254. According to Article 254 (1) "if any provision of a law made by the Legislature of a state is repugnant to any provision of a law made by parliament which parliament is competent to enact, or to any provision of existing law with respect to one of the matters enumerated in the concurrent List, then, Subject to Cl. (2), the law made by parliament, whether passed before or after the law made by the Legislature of such state, or as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall to the extent of the repugnancy, be void.' State laws containing repugnancy prevail with the consent of president. However, supremacy of federal laws, over the state laws is not the peculiar feature of Indian federalism alone. It can be found in other constitutions like Australia (Section 109 of Constitution Act).

3. Administrative Area:

Another area of serious overlap is in the administrative relations between the Union and the States. The administrative function of State Government is to be carried on within the limits of compliance to Union laws (Article 256), The executive head of the State is the Governor (Article 153) who is appointed by the President by warrant under his hand and seal (Article 155)

The fact that Governor is appointed by the Union Government shows the extension of Union administrative machinery in the State. The Governor is not the 'rubber stamp' nor the ceremonial figure. He is the head of state Ministry but he is an agent of the union Government. According to Article 163 (i) "there shall be a council of ministers with the chief minister at the head to aid and advice the Governor in the exercise of his functions, except in so far as he is by or under this constitution required to exercise his functions or any of them in his discretion." In many cases it has been decided that his

position is analogous to that of President of India. But express omission to make the Governor liable to the advice tendered (whereas President has been done so) by the 42nd amendment projects a doubt whether the Governor can ignore the advice of the council of Ministers, or exercise power in his own discretion. If it were so, Union Government will be in a position to extend indirect influence in the governance of State through the Governor. Under Article 174 (2), the Governor may from time to time (a) prorogue the House or either House; (b) dissolve the Legislative Assembly. By this Article, the Union can through its moving hand i.e. Governor, can play on the Chess board of State politics.

More over, serious overlap in the administrative field can be found in Article 258 A. According to Article 258 A., "Notwithstanding anything in this constitution, the Governor of a State may, with the consent of the Government of India, entrust, either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends". The possible consequence of this Article is that the Union Government can take over any administrative functions of State Government, if the Governor is its own hand maid. Article 258 A is for this purpose regarded as 'Henry VIII clause' of Indian Constitution.

Still more important is the fact that the Union Government is capable of giving directions to the State under Article 256 and 257. According to Article 256, the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for the purpose of compliance of State administration to the Union laws. Directions can be given to a State for the maintenance of means of communication, protection of railways within the State under Article 257. Non compliance to the direction given by Union Government will amount to breaking of constitutional machinery in the State under Article 365, for the purpose of Article 356. Hence direction given by the Union Government may be followed by the sanction of President's rule under Article 356.

Directions under Article 256 and 257 can be given, it is suggested, even for dissolution of State Legislative Assembly. Chief Justice M. H. Beg in para 56 of his judgement in State of Rajasthan Vs. Union of India observed: "It is possible, however, for the Union Government, in exercise of its residuary executive power to consider it a fit subject for the issue of an appropriate direction when it considers that the political situation in the country is such that a fresh election is necessary in the interest of political stability". On the whole, it can be said that the Union Government is vested with the effective strings of control over state Governments.

Another consequence of federal supremacy in the executive sphere under Article 257 (1) is dealt in State of Karnataka Vs. Union of India. It was held that exercise of executive power given under section 3 of Commissions of Inquiries Act, a legislation under concurrent List, cannot be prohibited on the ground of 'jeopardising the federal

structure'; but on the other hand should be made overriding the state power under Article 257.

Another area of overlap in the administrative sphere is in the functioning of All-India services. Under Article 312, All India services is established common to the Union and States. While being servants in the State cadre they are also to administer Union laws. Moreover, as the civil servants recruited in particular state can at any time be absorbed to Union service, States may be deprived of efficient civil servants trained in the State. Further, since the dismissal of civil servants is in the hands of Union machinery, State cannot have effective control over them. In addition, anomalous circumstances of obeying less experienced officers by seniors also arise.

After the 42nd Amendment to the constitutions, the possibility of interference by the Union Government in the State affairs is more. Under Article 257 A the Government of India is empowered to deploy any armed forces of the union to the State for dealing with grave situation of law and order and the action of the deployed forces is not subject to the superintendence or control of state Government.

4. Emergency Provisions:

According to Granville Austin, "The effect that India's peculiar situation had on the shape of her federal system is nowhere more apparent than in the Emergency provisions of the constitution, by which the distribution of powers can be so drastically altered that the constitution becomes unitary rather than federal." According to Article 353, "While a proclamation is in operation, then notwithstanding anything in this constitution, the executive power of the union shall extend to the giving of directions to any state as to the manner in which the executive power thereof is to be exercised". Even the legislative powers of Union Government also extends to the reach of State List. (Article (250)).

According to Article 356 (a) if the President on receipt of a report from the Governor of a state or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this constitution, the President may by Proclamation-

- (a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in it exercisable by the Governor...
- (b) declare the powers of the Legislature of the State shall be exercisable by or under the authority of parliament;
- (c) make such incidental and consequential provisions... including provisions for suspending in whole or in part the operation of any provisions of this constitution relating to anybody or authority in the State..."

According to Mr. Setalvad, "The powers of the President under Article 356 have been frequently exercised since the commencement of the constitution. The occasion for its exercise emphasise not only the importance of the power in maintaining the stable governments in a state, but also the vital role which the Governor has to play in enabling the Union Executive to exercise the powers vested in it under Article 356".

Under Article 356, President may be satisfied of "failure of constitutional machinery" even without the report of the Governor. The existence of conditions satisfying 'failure' can be challenged in any court on any ground as it is a political question. This 38th Amendment specifically put it in Cl. (5) of Article 356.

"Without going into the merits of political judgement, it may be said that constitutional power vested in the executive by virtue of Article 356 is capable of being misused by the party in power or the centre for its political gains".

Article 356 is the most often used tactic in the political Chess board of Indian federation. It has the advantage of ensuring stable government working in accordance with the constitution. When the State Government is incapable of functioning constitutionally, the Union Government can interfere. When it is patent that the State Government has lost the support of the majority of people running of government cannot be constitutional. As Bhagwati J. observes in State of Rajasthan Vs. Union of India, the crushing defeat of the ruling party was the symptomic of complete alienation between people and government and hence it has reasonable nexus to the President's satisfaction for the purpose of Article 356. As H. N. Kunzru commented, by this Article, "the Central Government will have the power to intervene to protect the electors from themselves".

But Article 356 by its nature itself is in contravention to the federal principle. As S. L. Saksena says, its impact is 'far too reducing provincial autonomy to a force'.

Another kind of overlapse can be found in the inequality of representation of states in the Council of States and the nomination of some members by the Union Government. Not only it is unlikely to represent state interest but also it cannot do so effectively since it has no party of power in law making process.

CONCLUSION:

Bringing the Threads of discussion woven so far we can say that India cannot be considered as a federal state in its true connotation. Nor the Indian States are 'states' in the true sense of the term. Neither the 'state rights are maintained in the Dicean sense, nor the indestructible union of indestructible states created, nor even the two levels of government independent in its each sphere. On the other hand, national supremacy has been established in all the legislative and executive fields. No needless tears should be shed for this accepted constitutional principle, nor the strict federalism as that of America defied as ideal. It was to correct the inherent short comings of strict

federalism that such a system was adopted in India. By upholding the national supremacy Indian constitution actually avoided the possible loss of energy by friction. Benefited by the quintessence of experience of leading federal constitutions, its chosen path is both suitable and inevitable. But it is to be noted that the advantages of overlaps have not been used to coerse the States to act constitutionally and develop constitutionalism. True it is, Indian Constitution is not made to work properly by the Centre which is the most capable of doing.

The key to everything is patience. You get the chicken by hatching the egg... not by smashing it...

—Arnold Glasgow

Be not afraid of going slowly; be afraid of standing still.

—Chinese proverb

The best way to escape from a problem is to solve it.

—Brendan Francis

Dive into the sea of thought and find there Pearls beyond price.

—Abraham Ibn-ezra

Collected by: Nagesh Rao K. III LL.B.

LEGAL PROFESSION — A CHALLENGE

RANJAN KUMAR, III LL.B.

The legal profession and judiciary are facing formidable challenges in modern India. The legal profession is in an hour of change and challenge, in a decade of hope and fear and in an age of knowledge and ignorance. The image of the legal profession in the eyes of the public is diminishing. There is a misunderstanding about the law and law courts because peoples are not in a position to get Justice within a reasonable time because of delay in meeting out Justice. Hence to quote seervai "Justice delayed is Justice denied".

We have the excellent constitutional wordings, rich heritage but there is a continuous legal battle for and against legal profession and judiciary. Why a challenge to judiciary and legal profession; What is wrong with Indian lawyers.

The reason is clear and well understood. It is the poor educational system and political mafia. The present educational system is worst because the education is shaped in the classrooms. Most of the law students are afraid to enter the legal profession. When young lawyers come out of the classroom, the political appearance in the court of Justice often time cast a negative impact on their spirit of adventure. Again the end products of our universities, our finest talents export themselves to the west, as everywhere they find political mafia to grasp employment opportunities. Thus the rest is unable to fight for the dignity of their profession.

Though the above were fundamental root behind the shadow of collapse of judicial system, yet a few more on the path. The state which we think of is a welfare state. It has many problems with it. The law must be known to everybody right from the cradle to the grave. But many persons do not know their rights and duties. But law says ignorance of law is no excuse and law presumes everybody knows law as expected to know law. But for our poor people it is beyond their reach.

Further current judicial system requires a social change with the environment, with the changing scientific world. But none of the legal theories was capable of adequately explaining the process of judicial change. The reason for this is that the legislature who made laws, lawyers and judges who interpret it and law teachers who assisted in making and interpreting laws were all drawn from a elitist class. Thus from last three decades there was continuous battle between the bourgeois and developing forces of the change.

India is filled with violence, murder rape theft and robbery. But the punishment is no at all sufficient, neither equal nor proportional to the gravity of the offence. Thus people are in dilemma as justice is not only delayed but even denied.

The lawyers have forgotten their duties. Lawyers who are equipped with the knowledge of law are the leaders of the clean society. They must be the watch-dogs in democracy. Hence our lawyers and judges should not bend and beg before power—economic and political and sell the dignity of their work and honour of their humanity.

The urgent need is revolution in our judicial system. Law should be changed with the changing society. Revolutionise the judiciary on the spiritual and secular line. It might be a dream. But it is a painful, continuous and difficult task to be done. It will improve the image of the Legal profession in the eyes of the public and remove the misunderstanding about law, lawyers, law courts and above all Justice.

If at first you don't succeed, try, try, again.

—William Edward Hickson

Success is counted sweet by those who never succeed.

—Emily Dickson

Use what talents you possess; the woods would be every silent if no birds sang there except those that sang best.

—I shall never respect my brains until I pick a few gold coins from them.

—Thomas Wolfe

Collected by: **Nagesh Rao K., III LL.B.**

supposed to follow any prescribed procedures, laws as applicable to the permanent employees. Here no retirement benefit, no income security. Thus it is tempted to every employer to take temporary hands, without giving them any life security of incomes, termination compensation etc. For these reasons our Court of law ruled that the termination of service for whatever reasons it might happen leads to retrenchment, for which a reasonable compensation becomes due on the part of employer.

The second category in the case of permanent employees, which relates to retrenchment, dismissal and discharge. As per 1947 Indian Industrial disputes Act, retrenchment may be resorted when the employer finds his labour is surplus.

Retrenchment is a termination of service of an employee by the employer for any reason whatsoever, but does not include (a) Punishment (b) Voluntary retirement (c) termination on reaching the age retirement (d) termination on grounds of continued ill-health. Along with the retrenchment there should be retrenchment compensation. The very purpose of retrenchment compensation is to give the workmen a little relief to lessen the hardship, when he is suddenly thrown to the street, to add one more to the ocean of unemployment.

As per the Industrial disputes Act, one month notice to the workman explaining him the reason of his retrenchment or pay him wages in lieu of such notice. It is equal to the 15 days average pay for every completed year of service. This is the case even when any establishment closed down for any reason whatsoever.

In the matter of dismissal and discharge, problem of misconduct and indiscipline plays the whole role. The services of an employee can be terminated by the employer due to disciplinary actions of the employee. Employees discipline is the real backbone of the Industry. It is very important towards developing improving and establishing an healthy industrial atmosphere and peace.

The indiscipline may be due to individual rivalry, inefficient management and union leaders. Indiscipline might be for any reason but it is the tendency of the management to keep the workers most disciplined and regulate them by orders to get the maximum output.

Termination on account of misconduct is an disciplinary action which is a sort of check on the liberty of workers. This always leads to a general strike, followed by labour unrest. Thus Courts and Legislatures were trying their level best to find out a permanent solution to this "Necessary Evil" of the termination of Employment.

Generally speaking absenteeism, insubordination, fighting, drunkenness, dishonesty, disloyalty, stealing, violation of factory and plant rules, gambling, sabotage breaking or damaging machine or property, strikes, falsifying records/reports/ timecard etc., all include and lead to indiscipline.

It is natural and reasonable that for every misconduct, a disciplinary action has to be taken by the employer against the concerned workman. A written complaint is necessary to start the proceedings. This is followed by charge-sheet, explanation, enquiry, suspension, departmental enquiry domestic enquiry etc. As a normal rule, punishment should be proportional to the gravity of the offence. They are such as suspension, dismissal, discharge, demotion, with-holding of increment, fine, warning or censure etc. But it is open to the Labour Court, Tribunal to take away the veil of the employer's order of termination of service and observe and watch the circumstances and come to a decision.

Labour unrest and Labour Legislation is one of the most dynamic and vital aspect of the Indian Modern Society. There is no Indian Law which provide for any sort of financial help to the employee after the termination of employment except the Provident Fund Act. Thus the term termination takes a wider term and always turns to a general strike automatically. However, from last few decades there has been numerous and continuous flow of judicial decisions intrepating the common law towards the master-servant relations. Thus lot of restrictions are being put on the employers action when he terminates the services of a workman. Thus in modern time although the present laws are not sufficient to overcome the labour unrest, there has been revolution-ary changes in the matter of civil law of capital and labour relations.

Success is the old ABC—Ability—Breaks & Couvage.
—Charles Luckman

There is no pain in the wound received in the moment of victory.

A great man is he who has not lost the heart of child.
—Meneius

Nothing succeeds like success. —Alexandre Dumas

Collected by: **Nagesh Rao K. III LL.B.**

A NEW RIGHT FOR WORKERS

SUBRAYA KARANTH, Old Student

The Supreme Court, India's last resort for final justice, has of late been making decisive breakthroughs in traditional and established concepts of law through its various decisions and has, as a result been creating a new jurisprudence relevant and meaningful to the vast masses of poor and illiterate people. Nowadays it has become a mission and a passion for the Supreme Court Judges to convert the slogans of Socialism into a reality and to translate the ideas of Socialistic pattern of Society enshrined in the Constitution into practical reality. It was poet Robert Frost who wrote that "Two roads diverged in a wood and I took the one less travelled by; And that has made all the difference". Similarly, Supreme Court has been deviating from the beaten track to benefit the larger and common class of the people. Probably this attitude was responsible for the majority of Judges to take a revolutionary view in the case National Textile Workers' Union Vs P. R. Ramakrishnan and others in which the judges, taking together the principles of natural justice, directive principles of the Constitution and the expanding theory of company law virtually created a new right for the workers. This decision is an epochmaking one, for on account of the new right workers in a Company are now elevated to the status of partners in production from the status of mere vendors of toil. Before, dwelling further into the case, better is to present brief particulars of the case herebelow.

Ramakrishna Industries(P) Ltd., is a family concern running three industrial units and employing over 1000 workers. On account of the differences among the members, a petition for winding up was filed under the relevant Company law provisions. When a winding up order is passed, it becomes a sufficient discharge notice to the officers and employees of the Company. Realising the danger of losing the livelihood, workers' union sought the intervention of Company Judge. But the shareholders opposed the worker's move on the ground that workers have no 'locus standi' to oppose the winding up proceedings. Company Judge as well as the High Court accepted the contention that workers have no right to oppose, as the Company Act expressly provides for hearing only the creditors and contributors and no workmen. Refusing to be defeated, workers approached the Supreme Court through special leave petition. Before, Supreme Court, they asserted that it is their basic right to be heard because it is they who through their toil contributed to the existence and growth of the Company; closure of Company means deprivation to workers of their right to work and result will be a blow to their livelihood and wellbeing.

Minority Judges upheld the views of Courts below. They accepted the argument that the workers have no right to oppose. They refused to give a liberal interpretation to Company law and stated that existing laws, precedents and English law upon which

depends our Company law, do not provide for such a right. Justice Venkataramaiah asserted that "as the law stands today, the workers in a factory owned by a Company do not have any hand in the birth of a Company, in its working during its existence and also in its death by dissolution" Providing for rights for workers' participation in the winding up proceedings is in the hands of Legislature and not Courts. And also the existing laws provide for a right for specific reliefs to workers in respect of salary and provident funds. So to read more in the law to provide for a right for workers, participation will be to assume the role of Legislatures. If the workers are permitted to oppose the winding up proceedings, then there will be claims for similar rights from commission agents, selling agents whose contracts will be terminated by winding up. Then it will be an unending matter. So workers cannot be permitted to oppose the winding up proceedings.

But the majority Judges held that workers are entitled to be heard during winding up proceedings. They based their decision on the grounds of principles of natural justice, Mandates of Constitution and also took a liberal view of the Company law. For them the workers were not just exploitable and expendable commodities, but were equal partners in the production. In the words of Justice Bhagawathi "the owners of capital bear only a limited risk and otherwise contribute nothing to production while labour contributes major share of the product. While the former invest only a part of their moneys, the latter invest their sweat and toil, in fact their life itself. The workers therefore have a special place in a socialistic pattern of society. They are not mere vendors of toil. They are not marketable commodity to be purchased by the owners of capital. They are producers of wealth as much as capital-nay, very much more. They supply labour without which capital would be impotent and they are at the least equal partners with capital in the enterprise". Similarly Justice. O Chinnappa Reddy held that "Unlike the shareholders to most of whom the shares they hold represent mere investments and to some of whom the means of control over the affairs of the Company, to the workers, the life of the Company is their own and its welfare theirs. They are so intimately tied up that their interest in the survival and the well being of the Company is much more than the interest of any shareholder-be he an investor, a 'corporate commander' or a corporate manipulator.

Majority of the Judges upheld the right of workers to be heard in the winding up proceedings on the following grounds.

a) On the principles of natural justice no decision can be passed which causes adverse consequences without the other party being allowed to explain their position. Quite often, Administrative Tribunals are compelled to follow these principles. Even in judicial proceedings also the principles of natural justice (*Audi Alteram Partem*) cannot be violated. To pass the orders of winding up without hearing, the workers will violate the principle as the wellbeing and livelihood of workers is likely to be severely and adversely affected.

b) The concept of the Company has undergone a radical transformation. Company form of ownership, which was developed when Laissez Faire was dominating, was a legal device developed to carry on the trade and industry. Traditionally speaking, the Company is the property of share holders. But in the new changed circumstances of spreading socialism, Company has become a social organ. Capital is just one factor in the production of wealth. Under the new concept, labour has become an equally important instrument in the production process and as such workers are virtually partners in Company's progress.

c) The Constitution which is an unique document giving us the Fundamental Rights also speaks of egalitarian and socialistic pattern of society. Though the Directive Principles in the Constitution are unenforceable like fundamental rights, it amounts to a constitutional mandate so that the Judges are to act accordingly. Justice Reddy felt that this capitalist instrument should subserve the 'socialist purpose' of our Constitution. Article 43 A binds the State "to take steps by suitable legislation or in any other way to secure the participation of workers in the management of undertakings, establishments, or other organisations engaged in any industry". So the Company law will have to be viewed in the light of new Constitutional values.

This new decision gives the workers only the right to be heard. But if the winding up order is passed, they cannot reopen the matter nor are they permitted to initiate winding up proceedings. As Justice Reddy puts it "The right given to workers in his judgement would help the imaginative judge to restructure and infuse a new life into a company whose life is ebbing out within, the 4 corners of the statute keeping in view the interest and not merely of the creditors and the contributors but also the interests of the workers".

Thus the majority judges made a departure from traditional law and expanded the legal concepts to benefit the larger sections of the workers. It only reflects the sensitivity of the Judges to respond to the changed conditions. Law which fails to meet the aspirations and new expectations under changed conditions of new social values become irrelevant. To quote Justice Bhagawati "We cannot allow the dead hand of the past to stifle the growth of the living present; Law cannot stand still; it must change with changing social concepts and values. If the bark that protects the tree fails to grow and expand alongwith tree, it will either choke the tree or if it is a living tree it will shed that bark and grow a new living bark for itself. Similarly if the law fails to respond to the needs of the changing Society, then either it will stifle the growth of the Society and choke its progress or if the Society is vigorous enough it will cast away the law which stands in the way of its growth. Law therefore be constantly on the move adapting itself to the fast changing Society and not lagbehind. It must shake off the inhibiting legacy of the colonial past and assume a dynamic role in the process of social transformation.

GOVERNMENT AND ITS EMPLOYEES— A CRITICAL VIEW OF ITS SOCIAL LEGISLATION

SACHINANDA RAI, Old Student

Employment in Government sector can be classified under different branches, namely, Central Government, State Governments, Quasi-Governments and Local Bodies. The progress of employment in all these branches since India became independent has been enormous. However, not much progress has been made so far in finding ways to solve the problems of these employees and to enable them to settle the disputes with regard to their reasonable demands with their respective Government bodies. It may sound strange but it is true. This is because of a large number of employees being distributed over a large number of departments and offices, each with its special problems and requirements which cannot be solved by being poured into a common mould. No collective solution is possible unless all those who control the various departments and offices and all the representative unions operating in them are brought together, face to face, across the table in a mammoth conference.

The Central Government has constituted a joint consultative machinery which can consider and discuss all matters relating to conditions of service and work, welfare of employees, and improvement of efficiency and standards of work. However, the Governments failure to make a clear distinction between basic and peripheral matters pertaining to pay and allowances has been mainly responsible for much confusion and misunderstanding. The ultimate weapon used by employees to fulfill their demands is calling of strikes.

The Government has laid down various acts such as Factories Act 1948 which prescribes a 48 hour work for adult workers and forbidding the employment of children under 14 in any factory. Minimum standards of lighting, ventilation, safety, health and welfare services which the employers must provide in their factories have also been laid down, Factories employing over 30 women workers are required to provide a creche for their children. Shelters, rest rooms and lunch rooms are to be provided by factories employing over 150 workers. The payment of wages is governed by the payment of wages Act 1936 and the Minimum wages Act 1948 as amended subsequently. This is applicable to Agricultural labourers also. The payment of wages (Amended) Act 1976 extends to the whole of India and applies to persons employed in any factory as defined in the factories Act 1948. Employers cannot withhold the wages earned by workers nor can they make any unauthorised deductions. Payment must be made before the expiry of a

specified day after the last day of the wage period. Fines can be imposed for only those acts of omission which have been approved by the appropriate Government and must not amount equal to three paise in a rupee of the wage payable. If the payment of wages is delayed or wrongful deductions are made, the workers or their trade unions can file a claim. The Act has so far been enforced over several spheres including plantations (covered under plantations labour Act 1951) local authorities, Central and State Governments, Banks, Educational institutions, mines, hospitals, hotels and restaurants, manufacturer of textiles and textiles products, whole sale and retail trade, construction, Agriculture and air transport industry. In June 1978 it was extended to community, social and personal services.

The above said Rules and Acts are made for the welfare of Employees by the Government. Now, it is Governments turn to look into the rules and acts whether it is following it or not. It has been advising to the private sectors to provide that and this to the employees by amending various acts. Now, the question is whether the Government employees are being provided all these by the Government i. e. the Employer itself. Is the Government providing various benefits such as minimum standards of lighting, ventilation, safety, health, welfare, services, creche, shelters, rest rooms, lunch rooms etc. in a office as stated in the factories Act 1948 and is the Government making payment before the expiry of a specified day after the last day of the wage period? Is the Government following rules laid by itself? Why these acts are not applicable to the Government servants? Answer for these questions are negative only. Government may say that all the factories Act are not applicable to Government Employer but the Act itself prescribes it as applicable to Central and State Government Employees also. The Government is not in a position to treat its own employees in as generous a fashion as commercial houses are treating their employees. The key personal of the Government or departments is fixing their salaries as they want. The third pay commission has quoted from the Hand book of civil service Laws and practice (U.N. 1966). That the three major requirements of a sound pay system are inclusiveness, comprehensibility and adequacy.

The ideas conveyed by "inclusiveness" is that the appointment of casual, contingency and work charged employees should be minimised. As regard the instance of Violation of the requirement of "inclusiveness", the commission recommendation is that "where such appointments are inescapable, suitable persons should be absorbed in due course to permanent posts."

"Comprehensibility" has been explained to mean that the pay scale proper should provide true and comprehensible picture of the total remuneration given to the Government employee.

The third requirement, a sound pay structure should be both "internally adequate" and "externally adequate". For being internally adequate, the pay structure should take due cognisance of the individuals attributes, such as education, training and

skill, as well as the duties and responsibilities attached to the posts. A review of pay differentials may be needed to provide for the recruitment of specialists on the one hand and to implement "equalitarian concepts" on the other. As for external adequacy, the pay structure should provide for some measure of protection of existing living standards from erosion on account of inflation or rising costs. It can be confidently stated that payment of a salary which does not satisfy the minimum reasonable needs of Government servant is a direct invitation to corruption. The organizations representations stating that the Government should be a "model employer" and that the structure of emoluments and conditions of service should be such as to reflect this concept has received considerable attention at the hands of pay commissions, both Central and State.

If the Government cannot afford to play the role of "model employer" and must be content with paying only fair wages and salaries to its employees, the question has been raised whether it can atleast manage to pay a "need-based" minimum wage to Government employee. It says that the minimum wage fixed should be realistic, and should be in consonance with the conditions prevailing in the country". "One has to avoid the danger of setting premature and unvoice minimum standards which the country and the economy can ill-afford". Unrealistic standards might raise expectations all round, and "since they would be incapable of fulfilment because monetary wage would soon be eroded by a rise in prices, frustration would deepen all the more".

As regard to the other grievance of Government employees, namely, that the higher emoluments and shelters are major burning problems at present situation. The rise of the costs day by day, and increase in the population year by year made it a difficult procedure to house and to live as common man. So each employee should be given a house and adequate emoluments to meet daily expenses.

Thus, it is the Government responsibility to provide all the basic needs to its employees so that the employees can work hard under happy conditions and help in the economic progress of our country.

Ref: (1) Wages in India - Subramanian

(2) India Reference Annual 1981

There is no success without hardship

—David Grene

I Never knew how to worship until I knew how to love

—Henry Ward Beecher

PUBLIC INTEREST LITIGATION

RANJAN RAO, Old Student

Bhagalpur is a small town in Bihar, the land of Jayaprakash Narayan. All of a sudden it shot into national prominence all because of Supreme Court Judgment. The Indian Express correspondent Arun Shourie wrote an article in the said paper as to how the Bhagalpur police blinded the citizens who were suspected of having committed crimes. There was absolutely no enquiry or trial. The report shocked the conscience of many an Indian who was flabberghasted at the Police atrocities. The Supreme Court took notice of the report and issued notice to the State Government and finally exhorted the State to take immediate remedial measures. That is how started a new blazing trail in Indian legal history known popularly as Public Interest Litigation. For once the Supreme Court kept aside all brush woods and acted on reports in papers of matters involving public interest. There has been flood of cases ever since on matters involving public interest. In many of these cases, the Supreme Court has acted on letters, postcards, telegrams, petitions by public forums. All procedural and technical bottlenecks have been brushed aside and the Court has tried to place its hand on the law nerve of the truth. In many cases, the judgment of the Court has come as relief and solace to the oppressed and suffering man.

Public Interest litigation has revived the faith of Indians in the judicial system. In a country like India crippled by poverty and paralysed by bureaucracy, the common man was practically grave under the atrocities perpetrated by the men in power. Litigation was both expensive and dilatory and approaching the highest court of the country was a herculean endeavour, a distant dream. As a result, the prisons, hospitals, schools, reform homes in our courts etc. all had become receptacles of all public vices. The stench was so unbearable that there was a desperate cry for some one to clean the Augean Stables. Like silver lining in a dark cloud, the Supreme Court judges rolled this sleeves up to purge the nation of all the dirt it had gathered for a long time. The initiative came basically from Justice Krishna Iyer and later from Justice Bhagavathi.

There has been a catena of public interest litigations in the past few years covering various walk of life. In one particular case known as Rattam municipality case, the Supreme Court directed the municipality to keep public drains clean and hygienic and found the municipality guilty of public nuisance. The Court resorted to many unconventional methods while dispensing justice. Committee of Social Workers were constituted under the order of the Court to report about the atmosphere in the Indian persons and the report submitted by these committees had startling effect which eventually led to reformation of Indian jails. In the similar way, the Supreme Court has championed the cause of teachers, workers and pensioneries when they approached it for justice.

Does these public interest legations have a future? It depends mainly on the attitude of the Supreme Court as well as the conscientious citizens. The Court even if desires to expouse the cause of the poor or the wronged will be helpless unless the matter is brought to its notice. Much depends on the way in which public interest are fought before the Court and the response of the Court in meeting.

A habit of debt is very injurious to the memory.

—Ostin O'Mally

It is necessary to the happiness of a man that he be mentally faithful to himself.

—Thomas Paine

The responsibility of tolerance lies in those who have the wider vision.

Patience is better, but its fruit is sweet

—Jean de La Fontaine

Small opportunities are often the beginning of great enterprises.

—Demosthenes

If you are not having problems, you are missing an opportunity for growth.

—Thomas Blandi

If you train yourself to listen and to follow its bidding, you will greatly increase your percentage of success in life.

—Harold Sherman

CRIME, PUNISHMENT AND PSYCHOLOGY

SOMA KUMAR K. N., II LL.B. 'B' Section

The world before us is a world of crimes. It is a surprising news to hear that there is no place in British prisons to accommodate more prisoners. If this is allowed to continue in no time our earth will be filled with criminals leaving little space for the non-criminals.

What is crime?

Dictionaries defines crime as "an offence punishable by law". In waverly Encyclopedia the definition given to crime is "an act which is prohibited by law, and for the action of the same act the subject can be punished." But Gilhin's definition to crime is the most acceptable one. According to him "Crime is an act which proved as bad to the society or which believes as bad to the society or an act done by a group of persons who have the power to press their believes upon others, at the same time that which is punishable by law."

As most of the crimes are connected in one way or other way to society or environment, we can safely and mightly say it is more a socio-economic concept than criminological.

Punishment:

The punishment that was used in olden days were an eye for an eye, and a tooth for a tooth etc., According to this system of punishment, suppose, if a house falls due to the defect in the construction, and the Owner's son dies, the owner can kill the son of the person who is responsible for the defective construction.

The main defect of paleolic punishments were that they were of barbariaos concept. The existence of that sort of punishment were not with the basis of criminal psychology or social psychology. The psychology under this punishments were either of a revengeful attitude or some sort of simple mindedness. So this caused more harm than that of benefit. The revenge will complete by description of eye to eye or tooth to tooth. By the word "simple mindedness" it means that the persons who are hearing this sort of punishment will forbear from doing criminal acts.

But unfortunately, the same attitude of paleolic penal system is continuing in the modern penal system also. It is doubtful that whether there is any psychological progress in our penal system. Instead of understanding the psychological reasons and situations of a crime, the same process of keeping out the criminal from society is continuing now.

Prof. Manual Lopez-Ray had described to this as "with some exceptions, the penal system of our time does not correspond to the present and future evolution of society. It is generally absolute and manifestly unjust and as a whole it is contributing factor to the increase of crime."

Role of Society:

Through society form the penal system. But far it was not able to enact a crystal clear system giving due attention to the psychology of crimes. The main factor that is leading the society towards a criminal is nothing but fear and hatred. The psychology behind the prisons or the reason to send criminals into prisons are the same. The main purpose of jails is either to keep out the criminal from society or to save the society from criminals. Justinian had said "A prison is for confinement, not for punishment." While taking the attitude, of the society towards the criminals the main things to notice are:

- a) the existing definitions of crimes.
- b) the character of criminology and other scientific branches connected with it.
- c) the economic structure of society.
- d) The quantity of crimes.

Alfien the famous Italiyan play writer says in one of his drama "Society prepares crime, the criminal commits it."

Criminal Psychology:

Developments: It is from the first part of 20th century that criminology got the character of science. Naturally along with the growth of psychology, the criminal science and criminology also began to grow. The first book published about criminology was in 1903 and Morris Parme was the author of that book.

The notable name in the history of criminology is Ceasor Lombroso. According to him a criminal is a type of freak who is standing lower than an aggregate man. In all ages one can see that criminals are the by-products of the then existing system or he is a result of 'atavism. Lombroso said that there are clear identification both physical and mental to criminal. A criminal is a destined person to carry on the life of crimes by birth.

For the first time it was Gabriel trade and Ferri were the two scientists who tried to describe crimes in a socio-scientific way. Withelem Banger pointed out that there will be economic reasons behind every crime. According to Banger the inequalities of capital system is the main factor which leads to the criminal acts.

In early twenties Charls Goring made a study on the prisoners of London. According to him there is no criminal type. when Lambroso described as Freaks, who have clear identifications both physicaly and mentally. His conclusion was that all

criminals have some sort of weak mindedness. But there is a tendency of crimes on all criminals either by birth or the way they had been brought up by environments. During the end of 1925 some special progress took place in criminology. (But unfortunately that progress were not seen in the penal system or criminal law.) The scientists began to agree with the principle that there are multiple reasons behind a crime. William Healy, an American was the first scientist who accepted this multiple factor approach. In Britain Lyril Burt also followed the same theory. In thirties Edwin. H. Sutherland and in forties sheldar and Eleanor-Gluch contributed a lot to the development of criminology.

According to Ernes A. Hooten they have same basical or biological shortage (or a sort of infirmity) with all criminals. They are becoming criminals when this shortage or discease mingles with the bad social enviornment.

After long studies and researches Nack Heather Published his famous book 'The Psychology of Crimes.' In it he descrised "The great majority of recorded crime is committed by a single section of society, the lower working class or 'disreputable poor. Equally most crimes are against property. So these two elementary facts about crime add up to the statement that a great deal it consist of the theft of other peoples property and that of the poorest least privileged member of the community. (surely here is an unavoidable invitation to at least include in our explanation of crime the unequal distribution of wealth, if not to begin with that fact.) But no! The leading British theory is that crime is the result of a special type of personality caused by the activity of some mysteries part of the brain. Thus a psychology which purports to explain crime makes no mention whatsoever or the brutalizing effects of crowded insanitary living, conditions appaling educational opportunity, periodic unemployment, and almost total lack of power to improve the quality of life. And no mention almost all the possibility that the future delinquent may appreciate his position at the bottom of societies heap, become justifiably better about it and conclude that he has nothing to lose by the life of crime.'

Conclusion:

So, the main purpose of punishment is to change the attitude of criminal and to get away him from crimes. For logic, let us argue with the result of that sort of punishment. If it is so, the punishment should be given to every criminal depending upon his personality and mental capacity so as to reform him to persons who are doing the same act may be totally different and distinct by their character, personality and mental capacity. Then to bring the real result that is expected different types of punishments will be also necessary. But in our penal system the main factor of punishment is depending upon the character of crimes. The introduction of scientific and psychological penal system is the only way to prevent the increasing crimes day by day. And thus it is high-time for the social scientists to think of such penal system.

THE PRINCIPLE OF "RAREST OF RARE CASES" —ITS APPLICABILITY

RAVI PRASAD K., III L.L.B.

The Supreme Court of India, recently by applying the principle of 'rarest of rare cases' decided the case of Machhi Singh and others V. State of Punjab (1983 Sc 470)

The facts of the case were as follows:

As a result of the family feud between Amar Singh and Machhi Singh, the later along with others with a Motive of retaliation committed Seventeen murders in five incidents occurring in the same night in quick succession in five neighbouring villages. The deceased persons as well as three others who sustained injuries in the course of those incidents but escaped death, included men, women and children, all related to one Amar Singh's family who were the Machhi Singh's Main opponents.

The victims were asleep at night. When the accused persons forcibly entered their respective houses and fired gunshots and inflicted kripa blows on them. The helpless victims offered no resistance and all of them, except the three succumbed to the injuries. The eye witnesses watched the respective incidents in lantern light.

The Sessions court relying upon the testimony of eye-witnesses as also the evidence regarding recovery of guns, convicted all the accused under Section 302 and sentenced four of them (Machhi Singh, Kashmir Singh, Jagir Singh and Mohinder Singh) to death and rest to life imprisonment. The High Court confirmed the conviction and sentence. Allowing the appeal of Mohinder Singh on benefit of doubt and setting aside his conviction and sentence, but dismissing the remaining appeals the Supreme Court. Held:

The following questions may be asked and answered so as to test and determine 'rarest of rare' case in which death sentence can be inflicted:

(a) Is there something uncommon about the crime which renders sentence of imprisonment for life inadequate and calls for a death sentence?

(b) Are the circumstances of the crime such that there is no alternative but to impose death sentence even after according maximum weightage to the mitigating circumstances which speak in favour of the offender?

The following guidelines which emerge from Bachan Singh's case will have to be applied to the facts of each individual case where the question of imposition of death sentence arises:

(i) The extreme penalty of death need not be inflicted except in gravest cases of extreme culpability.

(ii) Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with circumstances of the 'crime'.

(iii) Life imprisonment is the rule and death sentence is an exception. Death sentence must be imposed only when life imprisonment appear to be an altogether inadequate punishment, having to the relevant circumstances of the crime, and provided, the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant circumstances.

(iv) A balance—sheet of aggravating and mitigating circumstances has to be drawn up and in doing so the mitigating circumstances has to be accorded full weightage and a just balance has to be struck between the aggravating and mitigating circumstances before the option is exercised.

In rarest of rare cases when the collective conscience of the community is so shocked, that it will expect the holders of judicial power centre to inflict death penalty irrespective of their personal opinion as regards desirability or otherwise of retaining death penalty, death sentence can be awarded. The community may entertain such sentiment in the following circumstances:

I Manner of Commission of Murder

(1) When the murder is committed in an extremely brutal, ugly, cruel, revolting manner so as to arouse intense and extreme-indignation of the Community. For instance:

(i) When the house of the victim is set on flame with the end in view to roast him alive in the house.

(ii) When the victim is subjected to inhuman acts of torture or cruelty in order to bring about his or her death.

(iii) When the body of the victim is cut into pieces or his body is dismembered in a finedish manner.

II Motive for Commission of Murder

When the murder is committed for a motive which evinces total depravity and Meanness: For instances, when

(a) a hired assassin commits murder for the sake of money or reward (b) a cold-blooded murder is committed with a deliberate designs in order to inherit property or to gain control over a property of a ward or a person under the control of the murderer or Vis-a-vis whom the murderer is in a dominating position or in a position of trust or (c) a murder is Committed in the course of betrayal of the mother land.

III Anti-Social or socially abhorrent nature of the crime

(a) When murder of a member of Scheduled Caste or minority community, etc. is committed not for personal reason but in circumstance which arouse social wrath.

For instance, when such a crime is committed in order to terrorize such persons and frighten them into fleeing from a place or in order to deprive them of, or make them surrender, lands or benefits conferred on them with a view to reverse past injustices and in order to restore the social balance.

(b) In cases of 'bride burning' and what are known as 'dowry death' or when murder is committed in order to remarry for the sake of extracting dowry once again or to marry another woman on account of foolish devotion.

IV Magnitude of Crime

When the crime is enormous in proportion. For instance, when multiple murders say of all or almost all the members of a family or a large number of persons of a particular caste, community or locality, are committed.

V Personality of Victim of Murder

When the Victim of Murder is (a) an innocent child who could not have or has not provided even an excuse, much less a provocation, for murder (b) a helpless woman or a person rendered helpless by old age or infirmity (c) when the victim is a person Vis-a-vis whom the murderer is in a domination or trust or (d) When the victim is a public figure generally loved and respected by the community for the services rendered by him and the murder is committed for political or similar reasons other than personal reasons.

If upon taking an overall global view of all the circumstances in the light of aforesaid propositions and taking into account the answers to the questions posed by way of the test for the rarest of rare case, the circumstances of the case are such that death sentence is warranted the court would proceed to do so.

The art of a people is a true mirror of their minds.

—Jawaharlal Nehru

People do not lack strength; they lack will.

—Victor Hugo

It is man that makes truth great not truth that makes man gret

—Confucius

Collected by: **Nagesh Rao K. III LL.B.**

BYGONES ARE BYGONES

By NISHEETH KUMAR, III L.L.B

Oh, Bygones are Bygones
And past will never meet the future,
The ecastatic ruins built of my bones
Dissolves in time - Solvent's ceaseless streams,
Indistinct makes the assorting clouds
The priceless strains of joys and pains
Now sailing after in time's cradle
For and after to dark horizon.

A world more true than fast flitting presents
How can nought be an unravelled knot,
A world more mine than me myself be
How plunged in haste to sight's dark spot.

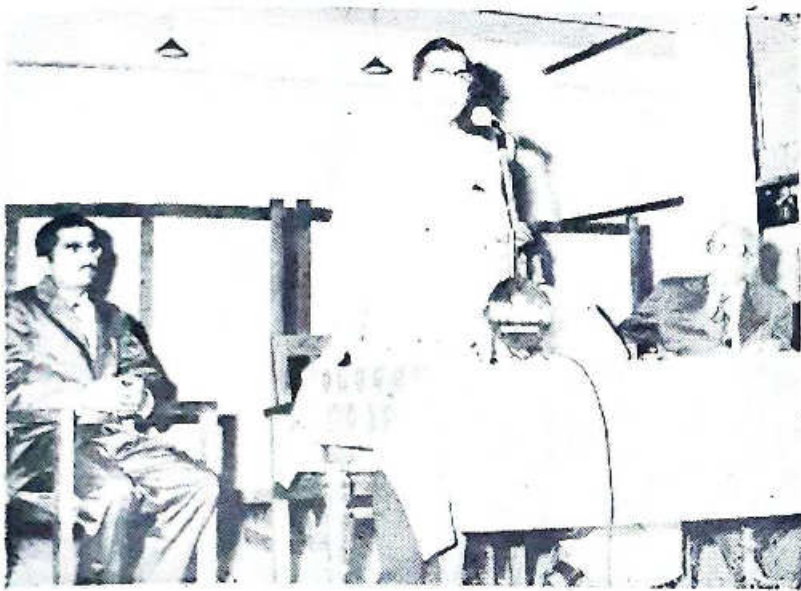
A breath-taking glow once soaked my Soul
How braving last breath in frugal flow
As rolls on the wheel of unending wind
Unmindful of pains will accurst me with

Healer a great indeed is time
Carrying in Womb dew fresh haley on Clime
Where past is past and present worth while
Yet some pasts may turn too real to be past
Scoffing all times from nobile heights.
Yet dealer a great indeed is time,
Striking steady is subtle Waves,
Smoothens all sharp edges to oblivion - Shapes.

The ruddy flow of magic Sun-Shine
Flooding from past in typhoon force
No more will flutter the innate wings,
Nor will curdle my soul to foaming bliss,
A dhurrie in pitch black will veil my thoughts
And a gay sloth will spell the tired limbs,
A sultry daze plagues in infectious speed
The doused innate flame gasping for life.

Indeed, Bygones are Bygones
And past will never meet the future.

Our Distinguished Guests of the College



Hon. Justice Sri G. K. Govinda Bhat
Chief Justice of
Karnataka High Court



Shri R Narayan Achar, Advocate



Sri D. Veerendra Heggade
addressing the students,
Sri N. Srinivas Rao, Advocate presided.



H.H. Rt. Rev. Basil D'Souza Bishop of Mangalore Inaugurated our Students Council



Kallige Mahabala Bhandary delivering the presidential address on the College Day



Justice Sabhahit, Karnataka High Court



Prof. K. A. Krishnamurthi and Dr. Valiath and Mr. B. V. Krishnaiah



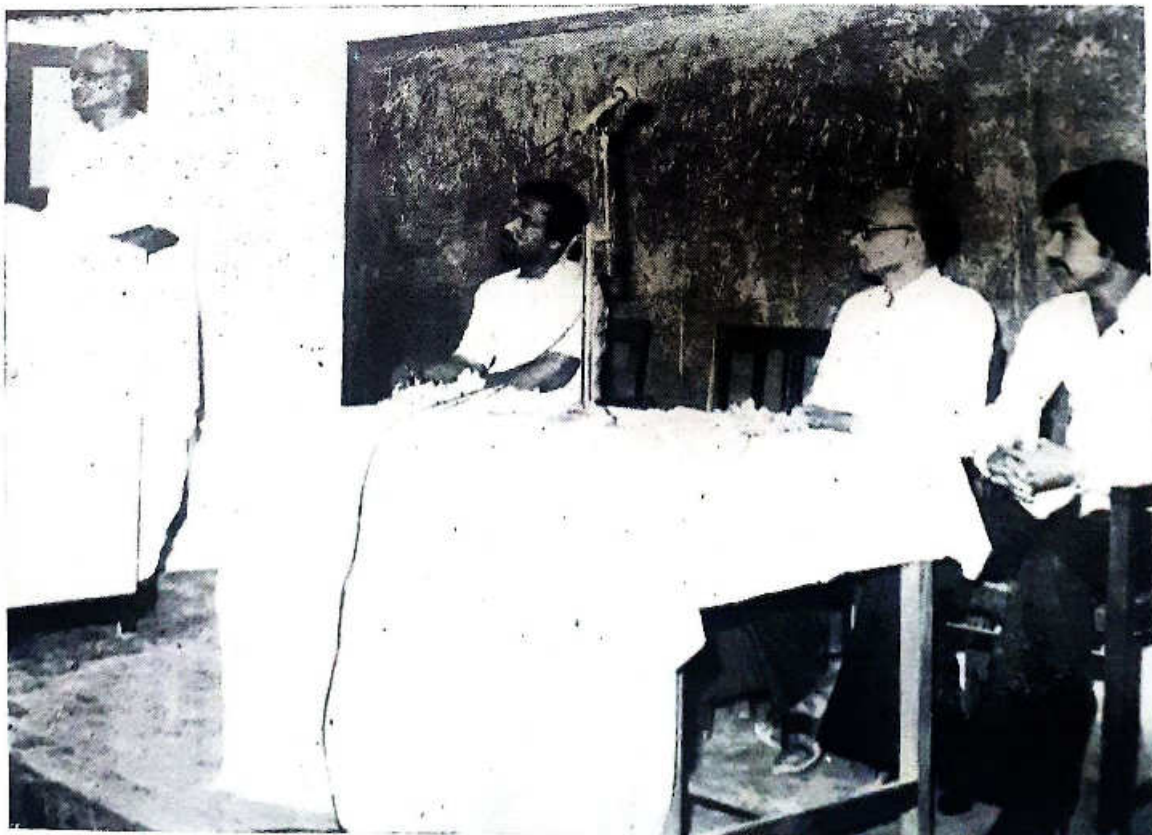
Sri P.F.Rodrigues, then Minister of State for Housing delivering the Inaugural address of Student's Council — 1978-79



Dr. K. Shivarama Karanth giving the Presidential address on the occasion of College day



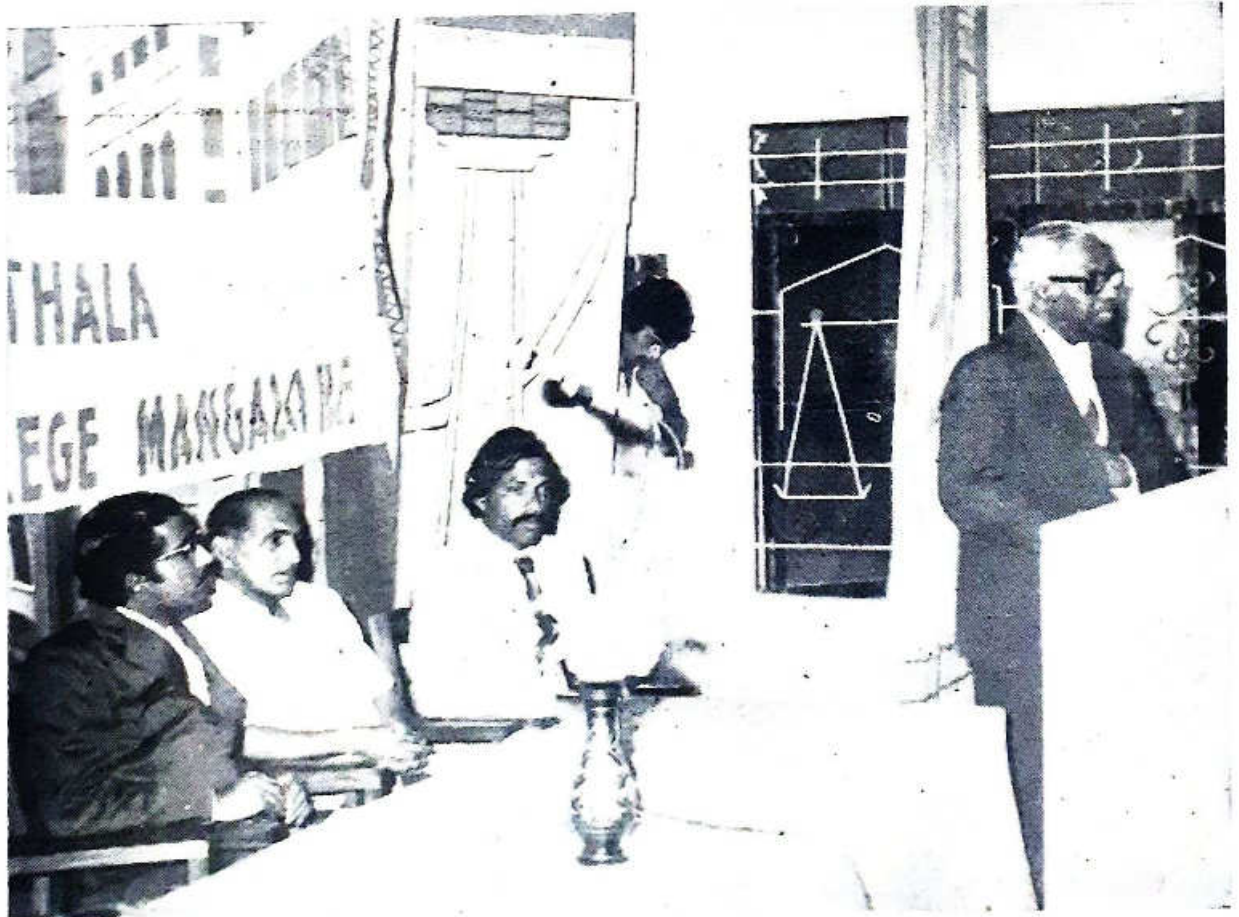
**Dr. B. M. Hegde and N. D. V. Bhat, Sessions Judge
Inauguration of the Student's Council 1979-80**



**Mr. Dattopanth Tengadi Trade Union Leader addressing the students and
Prof. T. Krishna Rao, Principal S. D. M. College of Business Management Presided**



Sri Subbaya Shetty, then Minister for Education addressing the students –1979-80



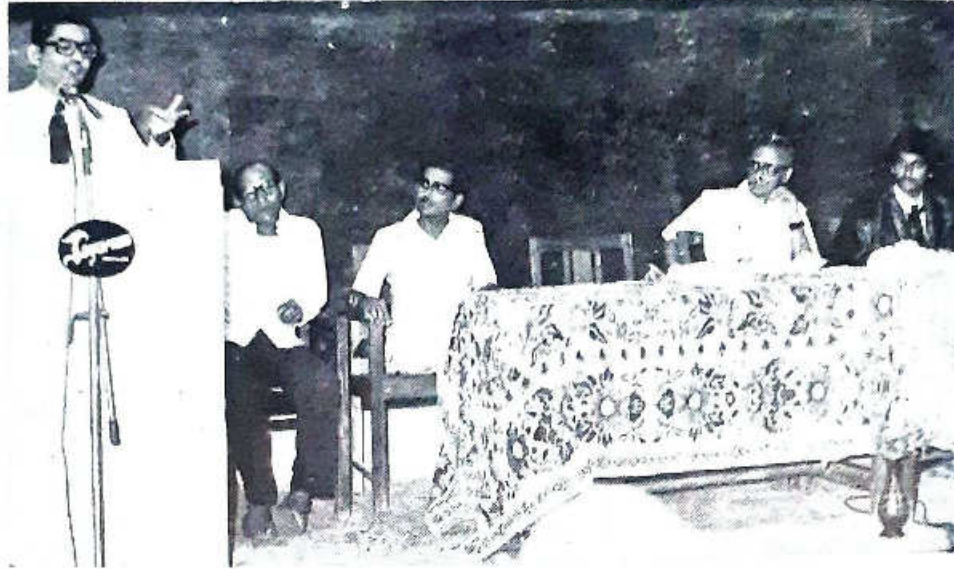
Justice N. R. Kudoor, Karnataka High Court Judge delivering the Presidential address on the occasion of College day 1979-80.



Prof. Sheik Ali, Vice Chancellor, Mangalore University Inaugurating the Students Council 1980-81



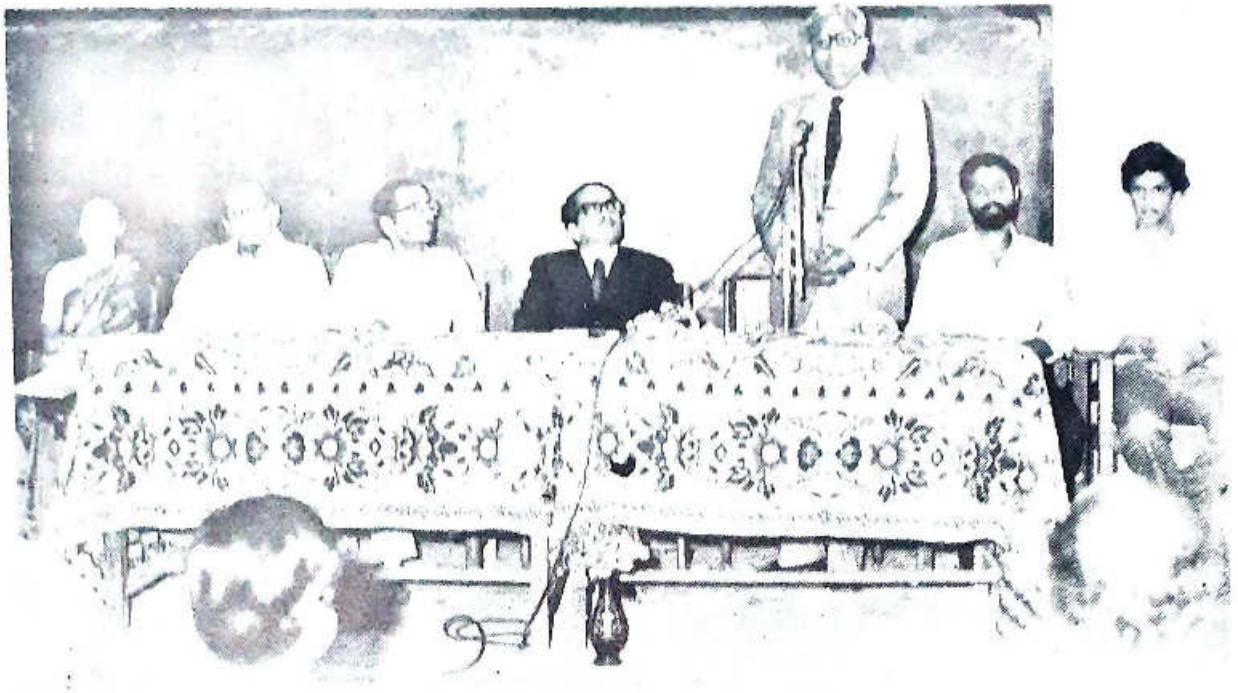
Sri B. V. Achar addressing the College Day Gathering—1980-81



Justice U. L. Bhat, Karnataka High Court and Sri P. Madhava Rao, Advocate
Inauguration of the Students Council—1981-82



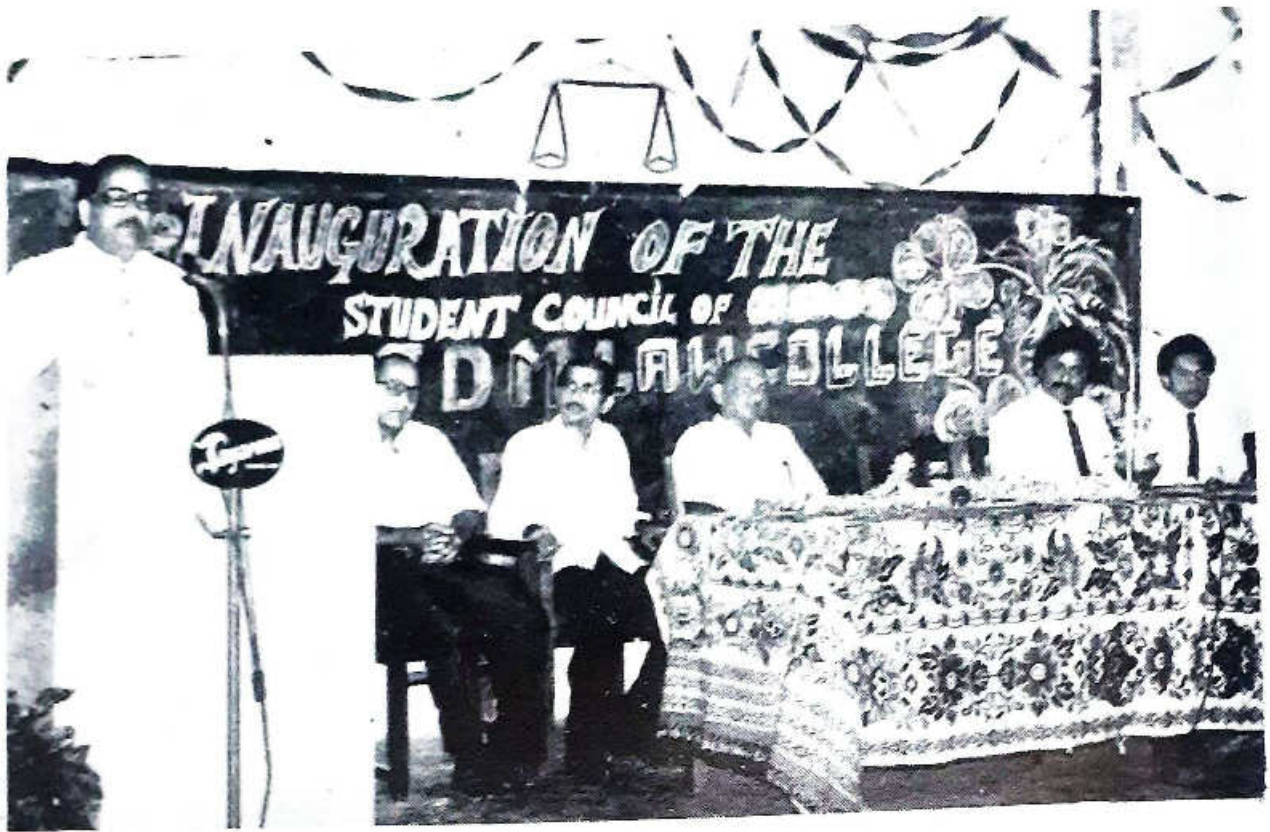
Hon. Justice Rama Jois delivering the presidential address —1981-82



Students Council Inauguration Prof. K. P. Ganeshan and Prof. V. T. Kulkarni – 1982-83



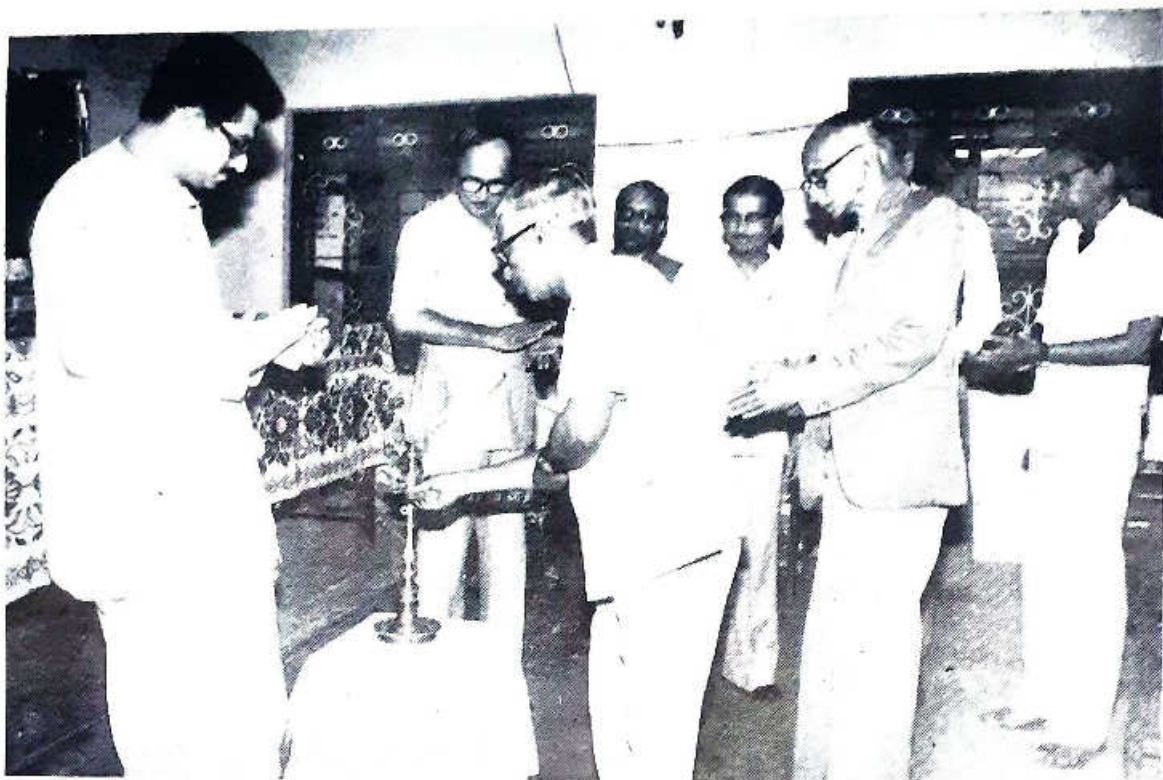
Prof H. P. Aithal delivering the Presidential address College Day—1982-83



Prof. Amir Ahamad, Principal, Udupi Law College addressing
 Prof. Gajendragad, Head of the Dept. of Chemistry is the chairman—1983-84



Inauguration Sri D. M. College of Business Management—1978



Mr. Gajarajan—Chairman, SIRC Inaugurating the ICWAI Oral Coaching Classes - 1983



ICWAI — Mr. Y. S. Hegde, Chairman Corporation Bank—delivering presidential address

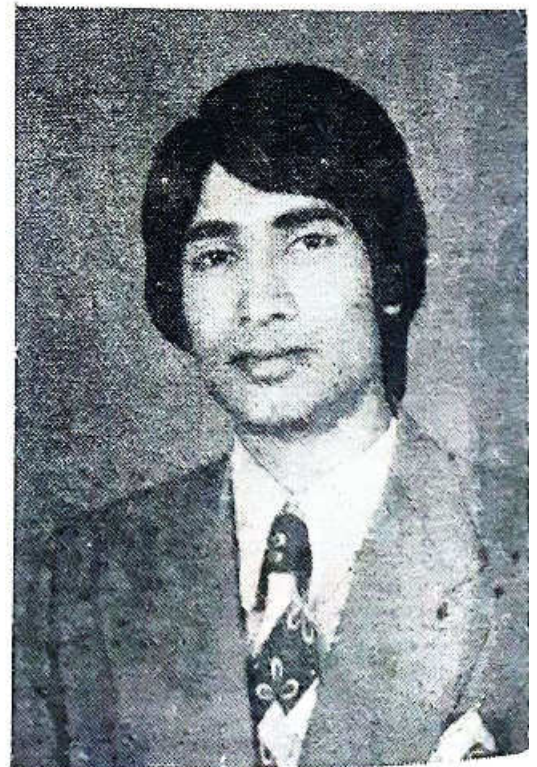
They Ran the Council



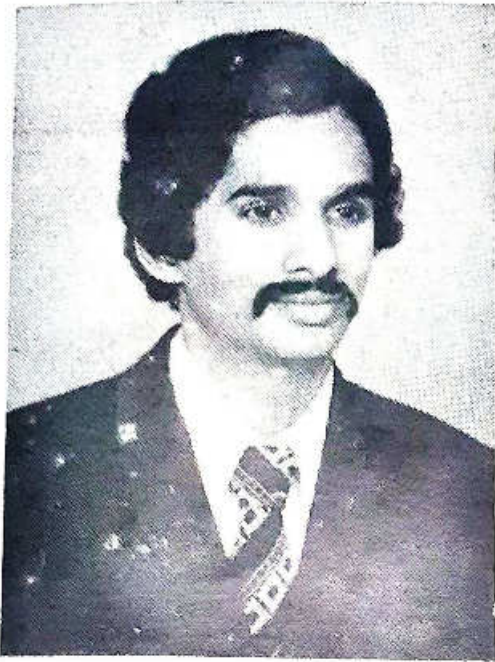
Placid Saldanha, President 75-76



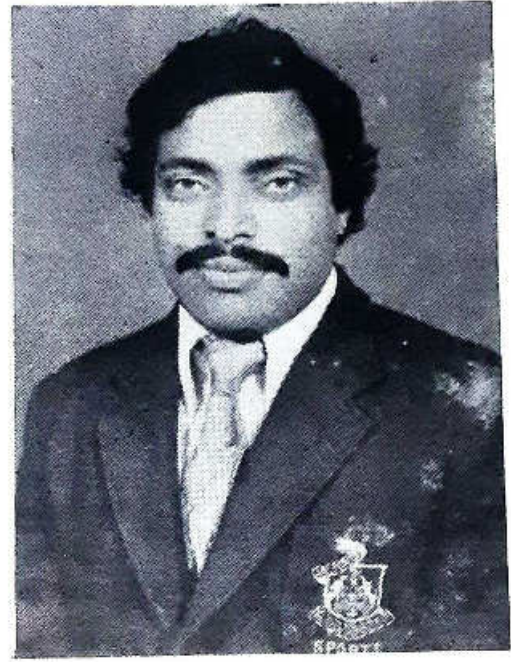
M. T. Narayana Shetty, President 76-77



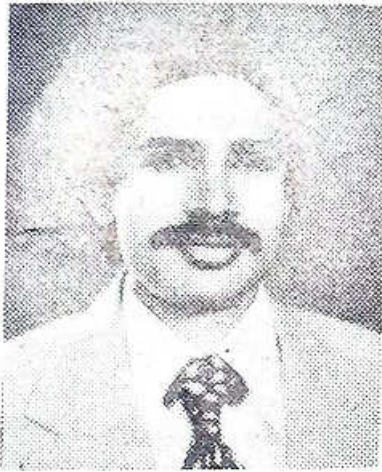
Shivakumar D. L. President 77-78



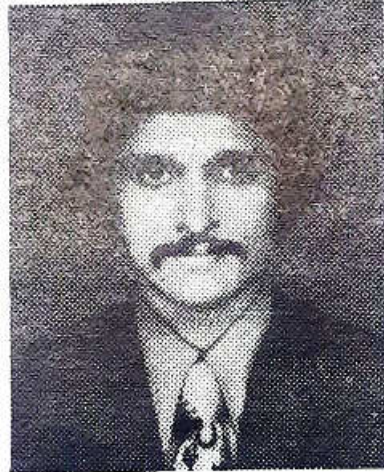
Johnson Mathew—President 78–79



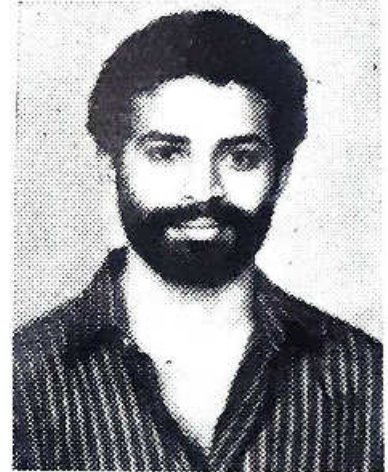
Lokanath Kadri—President 79–80



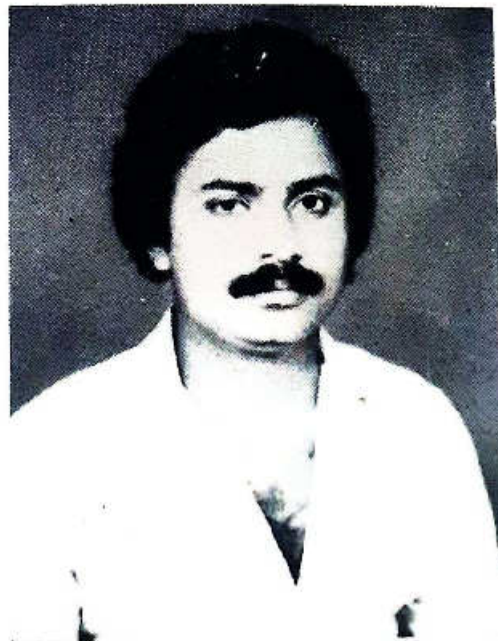
Ravindranath
President 80–81



Tharanath Shetty
President 81–82



Arun Naik
President 82–83

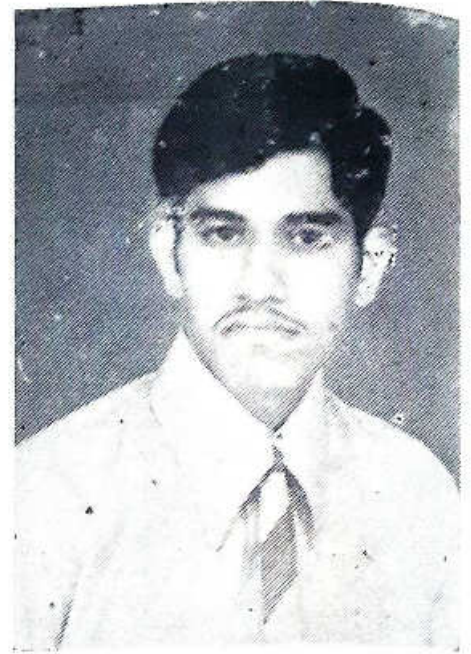


Ranjan Kumar—President 83–84

Our Rank Students



C. Padmanabha Shenoy



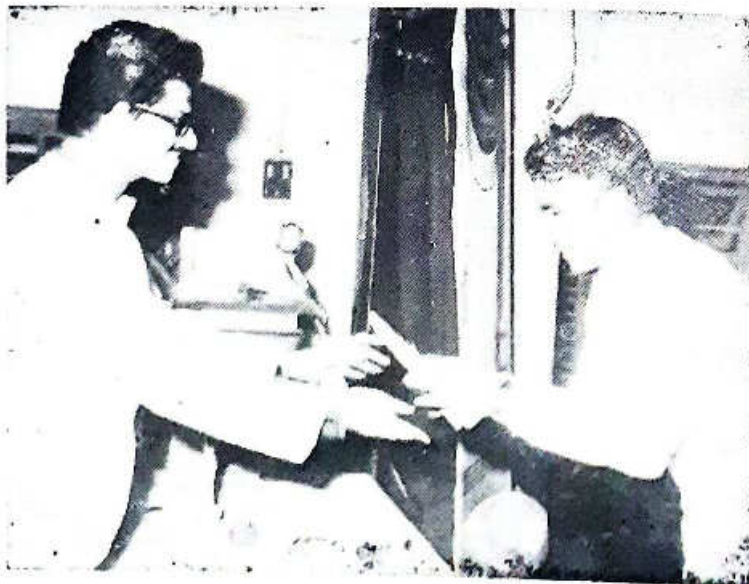
B. Srinivas Pai



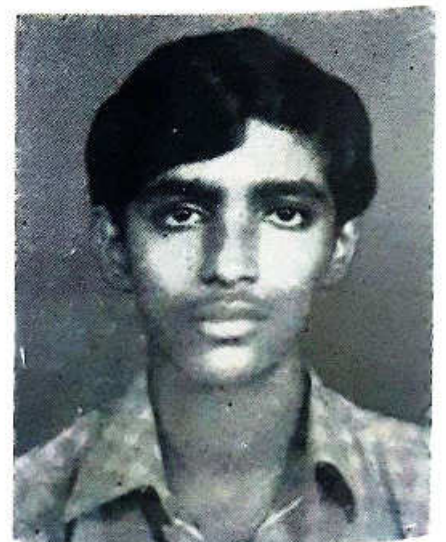
Karis Fernandes Prabhu



Kum. U. Ramani Mallya



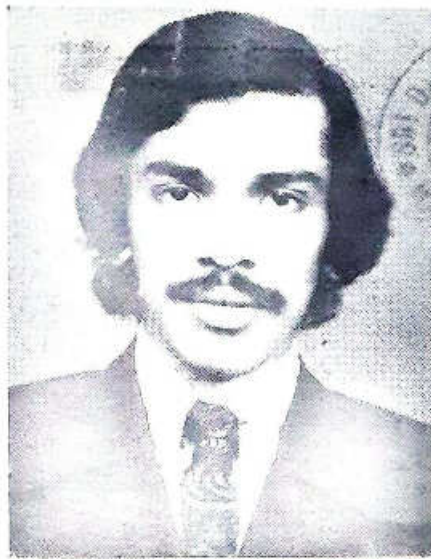
M. T. Narayana Shetty



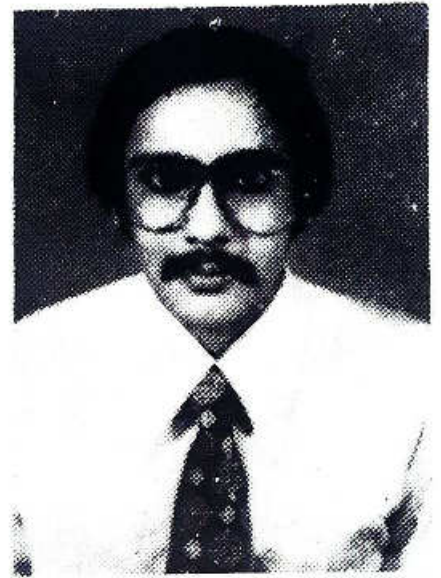
George Kurian



Krishna Prasad



Paul C. S.



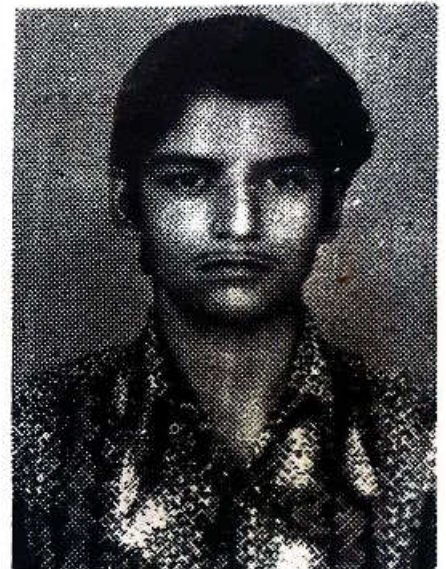
Mukyaprana Konchady



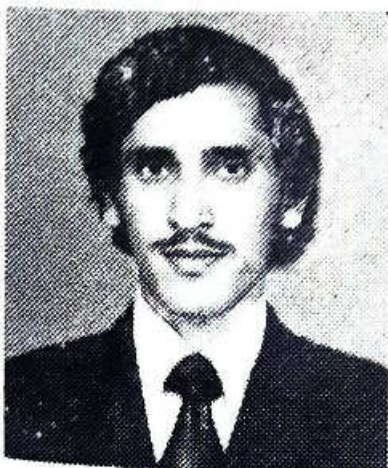
Narendra J.



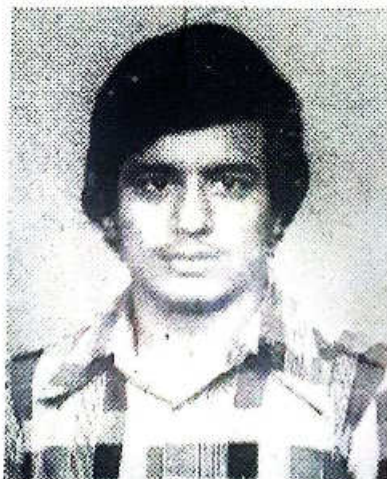
Tharanath P.



Vassan S. S.



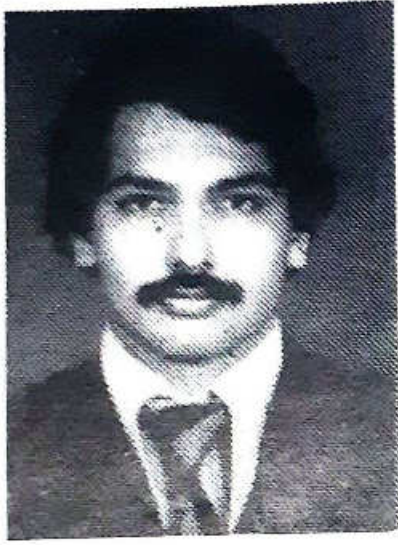
Wilfred Sequeira



Subraya Karanth P.



Jenifer Lydia Rego



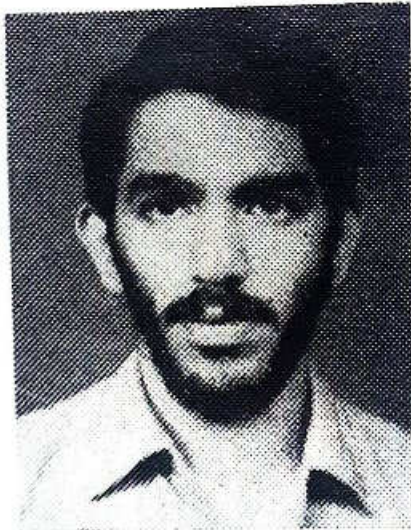
Narahari A. M.



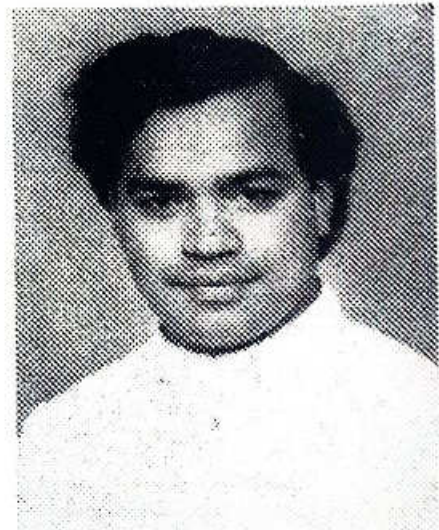
Vanitha Ballal



Sudha Kumari Kailar



Gopi Krishna Nambiar



Fr. Lawrence D'Souza

WHETHER LEADERS ARE BORN OR MADE

By MATHEW P. F. D'SOUZA, III L.L.B.

Leadership is a human characteristic which lifts a man's vision to higher sights, raises a man's performance to higher standards and builds a man's personality beyond its normal limitations. The significance of this can easily be grasped by considering what its absence would have meant in the history of human achievement in any field. Imagine, for instance, the Indian history without Mahatma Gandhi and Jawaharlal Nehru. One could multiply such instances almost ad-infinitum to show what a poor world it would have been without these outstanding personalities. As a matter of fact, every group, may it be small or big requires a strong leader to guide, inspire and direct its members towards the attainment of a particular objective. George R. Terry has rightly remarked "The will to do is triggered by leadership and lukewarm desires for achievement are transformed into a burning passion for successful accomplishments by the skillful use of leadership".

The concept of "Leadership" has not been exactly defined by anybody. Some people believe that "Leaders are born and not made", while others say "Leadership qualities can be acquired". Truly speaking "Leaders are both born and made". Those who possess the essentials of Leadership can undoubtedly develop the ability to utilize it to better advantage through experiences which give them the opportunity to lead others. According to the Encyclopaedia of the Social Sciences "Leadership is the relation between an individual and a group around some common interest and behaving in a manner directed or determined by him".

Leadership is a dynamic process. Its important functions are to guide and motivate the behaviour of the subordinates in furtherance of the objectives of the organisation and to understand the feelings of the subordinates and their problems as the plans are translated into action. The leader must set a good example by co-operating with his superiors and with others at his own level. He should be a psychologist and should try to do every thing possible to determine what his followers want the most. The best leader does not ask people to serve him but the common end. He does not have followers, but co-workers. As regards the use of power the following remarks of Tead are worth noting.

" Power comes by virtue of what we deeply are and do and every great leader is a silent but eloquent witness to the fact that his power derives from his devotion his loyalty and his helpfulness, to his followers in a common and important cause".

Consistency on the part of the leader is essential if he has to be successful in

using the technique of discipline and morale. Discipline is the force that prompts an individual or group to observe rules, regulations and procedures that are deemed necessary to the attainment of an objective, it is the force or fear of a force that restrains individuals or groups from doing things that are deemed destructive of group activities. Morale is the state of mind or attitude of individuals and groups growing out of the conditions under which they operate including their operating environment, their particular activity or work their associations in the group, the quality of their leadership.

F. M. Viscount Slim has chosen basic essentials primarily for military leadership even though these can apply with equal force to leadership in other walks of life. The leader must possess certain creative abilities like a quality of imagination, invention and innovation and courage to face realities of life boldly and cheerfully. Like a pioneer he must initiate many good activities, instead of waiting to be wire-pulled by others. He must possess the quality of attending to all irrespective of caste, colour or status. The power of judgement and ability to decide comes from self-confidence and self control. Decisiveness is an essential sine-qua-non for getting the right action at the right time. A leader must be a true worker and not a shirker. He must be in a position to bear the burden of all his decisions upon himself. According to Barnard "Responsibility is an emotional condition that gives an individual a sense of acute dissatisfaction because of failure to do, what he feels he is morally bound not to do in a particular concrete situation". Because, the leader will avoid such dissatisfactions, his behaviour is stable and can be predicted by his followers. Without moral courage there are no virtues. For faith, hope, charity and all the rest do not become virtues until it takes courage to exercise them. It is again the dictates of moral courage that one should take the responsibility of his action and not pass on the blame, should the action be blameworthy to one's subordinates. Success warrants that a leader should have an attitude of flexibility. Today when conditions in spheres like political, social, industrial and scientific change with bewildering rapidity. Flexibility of mind is vital. Without intellectual capacity, no leader, can be successful. The most important task of the leader is to get the best from others and this is possible only if the leader knows how to integrate. Only such a man can inculcate team spirit and feeling of spirit decors amongst his colleagues.

To conclude, a good leader analyses his conduct periodically, to be sure that faults are not becoming habitual. This is accomplished through formal education, training and self - development. It should be an education which develops mental discipline and an understanding of human relations.

PUBLIC INTEREST LITIGATION

Miss JENNIFER REGO, III LL.B.

It is unfortunate that inspite of 30 years of independence the poor people of India have not yet been able to take advantage of the egalitarian principles of the constitution and laws to redress their grievances. The courts were so much engrossed in technicalities and procedural wrangles that only the formalities were given importance rather than the spirit and content of the laws. The poor illiterate people, without sufficient means and incapable of comprehending trivial and confusing labyrinth of technicalities have no resources to initiate any legal action to get the legal redress nor the sustaining capacity to pursue them. As such, they were continually deprived of the high promises of equality of treatment before the eyes of law. Fully aware of these deprivations of helpless people and acutely conscious of the grave responsibilities to rectify the wrongs, the highest court in India, the Supreme Court, and a couple of High Courts in some litigations of public interest threw into air the technical and procedural trivialities, and created a new system of litigation called 'public interest litigation,' to provide sufficient remedies to those unlucky lot and on account of which the portals of justice were opened to innumerable helpless people. Public interest litigation is the best thing that has happened in Indian Judicial System.

Public interest litigation means, litigation initiated in the public interest to command the State to obey the law or to forbear from disobeying the law. In Judges Appointment and Transfer Case, it was defined by Justice Bhagwati of the Supreme Court, as consisting of cases where the State or a public authority may act in violation of a constitutional or statutory obligation or fail to carry out such obligation, resulting in injury to public interest or what may be conveniently be termed as public injury." In the same case, public interest litigation was described as a "strategic arm of the legal aid movement intended to bring justice within the reach of the poor masses who constitute the low visibility area of humanity." The emphasis in public interest law is on securing representation for the "unrepresented" due to poverty, ignorance, ethnic difference, smallness of their number etc. They are denied access to courts of justice because of the abovementioned handicaps. One of the methods by which representation for such people is secured is by organising class action. So far access to the courts was allowed on the principle of "locus standi." Only those who were wronged could approach the court to sue for redress. Representative suits, public interest litigations were not possible. But this rule was modified to allow class action and public interest litigations. Thus courts became accessible to poor. Even the letters addressed to newspapers were treated as writ petitions by courts. Thus many cases of class action also fall under the embrace of public interest litigation. The legal aid movement too, is closely associated with public interest litigation.

A few cases can be cited as examples of public interest litigation. In *Ratlam Municipality* (AIR 1980 SC 1622) the Court held that the power under Sec 133 of the Code of Criminal Procedure imposed a public duty. It directed the municipal council to stop the flow of effluents into the streets; to construct a sufficient number of private latrines; to provide water supply and sewage service and ensure sanitation. It directed the State Government to stop mosquito breeding and the Sub Divisional Magistrate to cause a report to be filed before him. It directed the Municipality to fill up cess pools and deep the place free from accumulation of filth. It commanded the Sub Divisional Magistrate to prosecute the officers who did not comply with the directions. This was a classic case where a group of citizens, directly or individually affected by the indifference of the Municipal Council and the uncaring attitude of the management of an alcohol plant, invoked Sec 133 of the Code of Criminal Procedure. They were really litigating for the people at large and if the interests they were pleading for were safeguarded, the result would obviously be in the larger public interest. No question arose of any personal benefit or sectional advantage.

An example of public interest litigation can be found in *Judges Appointment and Transfer Case* (AIR 1982 SC 149) wherein, it was held that the profession of lawyers has a special interest in preserving the integrity and independence of the judicial system, and hence they would have sufficient interest to challenge, by way of public interest litigation, any threat to the judicial system. Also in *Asiad Labourers Case* (AIR 1982 SC 1473) where the People's Union for Democratic Rights was held entitled to maintain, as public interest litigation, a case pleading for observance of labour laws in the employment of labourers in the construction and building activities for the Asian Games.

Even in our South Kanara district, a famous public interest litigation took place with regard to the Provident Fund dues of retired teachers. The Consumers Forum of Udupi wrote a letter to the Supreme Court depicting the travails of retired teachers. The Supreme Court treated it as a criminal writ petition and directed the Karnataka Government to pay the Provident Fund dues to teachers with compound interest. Teachers were hesitant to approach the court to take legal remedies due to the fear of harassment in the hands of the Department of Education. As a result they could not get their dues even after 13 years of their retirement. But due to the Supreme Court's intervention by treating the letter as writ petition for public interest litigation, many of the teachers were benefitted.

The 'public' in public interest litigation need not be every member of the population. Even though only a small proportion of the citizens will find itself behind prison gates; yet, there is a clear public interest in ensuring the civil rights of prisoners. Eventhough the poor and the downtrodden form the majority among the beneficiaries of public interest litigation, that does not mean that the non poor are completely excluded. A not-so-poor section of the public may be the victim of certain laws because it belongs to a particular race and what it does is consistent with its culture. It would be within

the purview of public interest law. Public interest litigation in a wider sense would also include actions of private authorities aiming at altering the practices, procedures, rules and regulations affecting the public.

To sum up, public interest litigation is totally different from traditional litigation of an adversary character, where there is a dispute between two litigating parties, one making claim or seeking relief against the other and that other opposing such claim or resisting such relief. On the contrary, public interest litigation is essentially a co-operative or collaborative effort on the part of the petitioner, the state or public authority and the court to secure observance of the constitutional or legal rights of weaker sections of the community and to reach social justice to them.

But to be effective, public interest law should not become elitist law. It should reach out to the poor all over the country and its benefits should soak into the grass roots. It should become part of people's jurisprudence. So far only the Supreme Courts and a few High Courts entertained public interest litigation and have laid down new principles of law for protecting the poor. But hereafter, the Subordinate courts should also implement these principles to benefit the poor. They are also competent to do so. Only then, the benefits arising out of public interest litigation could be fully tapped and enjoyed by the people of the country.

*The reason why worry kills more people than work
is not more people worry than work.*

—Robert Frost

Two great talkers will not travel far together.

—Spanish Proverb

An exaggeration is a truth that has lost its temper.

—Kahlil Gibron

Life is a foreign Language, all men mispronounce it.

—Christopher Marlow

PENAL LAW IS PENALIZED

P. D. SEBASTIAN, B.A. LL. M.

Criminal advocacy has not undergone much of a change during the past two hundred and odd years after the Anglo saxon jurisprudence was introduced by the British. The Indian Penal Code of 1860, the Criminal Procedure Code of 1898 and the Evidence Act of 1872, which can be characterised as the trinity of Criminal Jurisprudence, have successfully completed the rule of more than a century without any noticeable change though the procedure code, has undergone some changes for the better and some changes for the worse.

The basic criminal law principles enshrined in our constitution as no ex post facto laws shall be passed, double jeopardy, the rule against self-incrimination to the status of a constitutional prohibition, four basic rights guaranteed to an arrested person etc. have been commended as the very best principles obtained in any part of the world, governing and guaranteeing, freedom and dignity of a citizen in a civilised society. Indeed a rethinking has started on the feasibility of modifying the principle of immunity against testimonial compulsion by the accused.

The Range of the nature, type and class of crimes, however, is tremendous and in commensurate with the fast technological, scientific, industrial and socio-economic changes that have swept through the world during the last thirtyfive years. To face the situation and to meet the demands as to achieve the goals of 'Socialistic, secular Democratic Republic' and to fulfill the aspirations embodied in the Directive principles, innumerable number of 'welfare' enactments have come on the Statute Book. Of course it is usual to find penal consequences imposed on erring citizens transgressing the provisions of these enactments. The penal code, therefore, has not been holding the same dominant position, which it did till two decades ago. In the words of Justice (Rtd.) V. R. Krishna Iyer. The winds of crime wing their way across national boundaries and insulation of countries by law, and punishment is becoming difficult. The leading cities of most countries are close neighbours in crime, and scaled societies are not practical even in Moscow and Peking. Criminology must awake to this one-world phenomenon and readjust penal policy and procedure.

It is high time to liberate the criminal law from the medieval shackles. The failure of the law has nowhere been more marked than in the field of crime and so we cannot Gloat over the golden principles of ancient vintage. We are penalising the penal law due to the lack of social awareness. If criminal jurisprudence is not be smogged by backwardness, a new system of criminal justice must be drawn.

In fact the severity and seriousness of criminal law and its enforcement in India on various accounts have been inadequate and unsatisfactory. One would find it difficult to differ if we say that 'White-collar crime, drug crime, big money crime, political crime and quasi crime shakes man's faith in the rule of criminal law. The jurisprudential doctrine of the past is no longer adequate to meet the modern crime or the criminal. The cry of the faceless millions of Indians to criminologists, penologists and to first servant of the people — the politicians — for the new frontiers of law and law enforcement have not so far reached the latter's Ears.

It may be necessary to have just a cursory glance of the classes of crime enumerated in our penal code and evaluate the number of cases charged under each class, not to speak of their successful prosecution in criminal courts. We hardly find any case changed or prosecuted under various sections in the penal code. Chapter IX-A deal with the offence relating to Elections. The sanctity of elections is of primary importance. Gross violation of election laws must attract at least the threat of prosecution. Chapter XI deals with 'Of False Evidence and Offences against public Justice', Chapter XIV deal with the offences affecting the Public Health, Safety, Convenience, Decency and Morale. Chapter XII and XIII also deal with offences against coin and Government stamps; and weights and measures. Only in the rarest of the rare instances do we come across cases under these chapters. If we go by statistics of cases registered and investigated under these chapters, we will have to believe that offences listed under these chapters, are rarely committed. How, we wish it were true!

Cases relating to criminal breach of trust, misappropriation and mis-utilization of public funds and quasi-public funds from Panchayaths to Parliaments hardly go up for trial in criminal courts inspite of the wide spread public criticism about disappearance of public funds. Once again the penal law is penalized! Many a time even the one in thousand that is taken up miserably fails right from criminal investigation, prosecution, trial to conviction. It is an utter failure of the criminal justice that it should allow guilty people to get away without even being identified and named.

The presumption of innocence, the right of the prisoner to remain silent, the lightness of the burden of discharging the special plea of the accused compared to the burden of proving the guilt beyond reasonable doubt by the prosecution, the gulf between 'May be true; and Must be true' and the necessity to bridge this gulf with unimpeachable reliable evidence have all been left untouched as the 'Sacred cows' of criminal justice. The principle of allowing hundred guilty person to escape instead of punishing one innocent person has brought the law in dilemma. It is often difficult to convict even those who are plainly guilty. 'The imbalance of the system can be rectified by the wholesome thought that a miscarriage of justice may arise from the acquittal of the guilty no less than from the conviction of the innocent'. Frequent acquittal of the accused will result in the vanishing of fear and faith in criminal law, which is worse in terms of social damage than the prick of conscience at the punishment

of an innocent man. Innocence must be protected, surely, in any, refined system but not at the price of social security.

The effectiveness of criminal justice is not only the price of liberty, but the very success of the growth of an enlightened civilization. But unfortunately there does not appear to be a social consciousness and awakening about the duties and responsibilities of all the persons concerned and connected with the administration of criminal justices. Courts in India have a reach over every one from the "womb to the tomb", and enjoy power in citizen's life, liberty and property. But majority of the citizens feel that what they get from court is "criminal in justice" than the criminal justice. However the difficulties faced by the investigating and prosecuting agencies, must not be overlooked, especially those like white-collar and blue-collar crimes are very often not properly and promptly reported and quite often persons involved in this type of crime are socially influential and administratively powerful. Who will tie the bell to the sons and daughters of our first servant of citizens—Chief Ministers and Prime Ministers.

The theory of the Indian Society that the guilty will suffer for his 'Karma' some day or other and that the citizen need not involve himself in that process keeps away from court vital witness to an offence. What is alarming according to the Western view is the sympathy which an accused gain from the public as time passes. This has something to do with the Indian Society and very difficult to explain on a rational basis except probably on the hypothesis that the ordinary Indian is too ready to forgive and forget. This type of attitude of fortitude has built a fortress for the cruel crucifixion of our penal law.

After you've heard two eye witnesses on account of a motor accident; you begin to worry about history.

—Jhon Menab

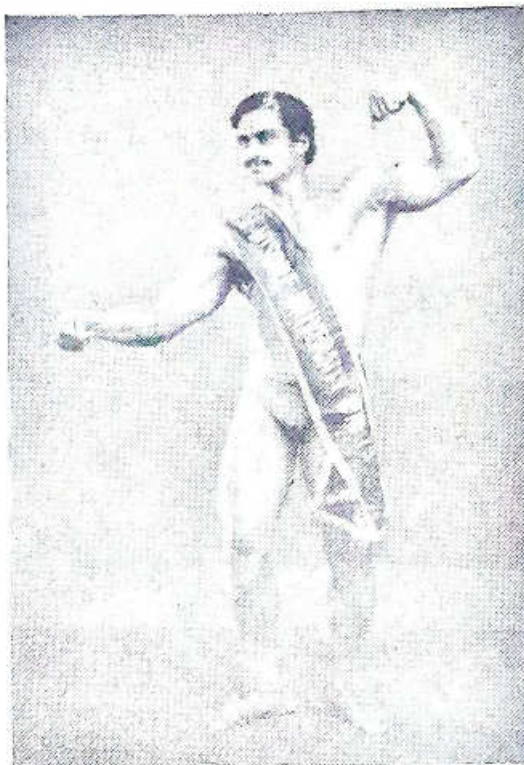
Animals are such agreeable friends; they ask no questions; they pass no criticisms.

—George Eliot

Behind every successful man there stands a woman, stating that he is wrong.

A conference is a meeting of a group of men who singly, can do nothing, but who collectively agree nothing can be done.

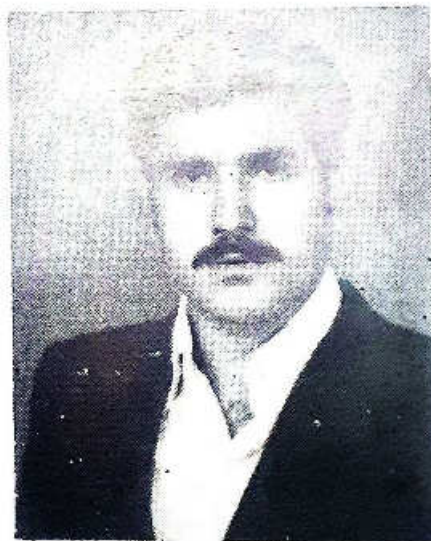
They represented the University in Sports & Games



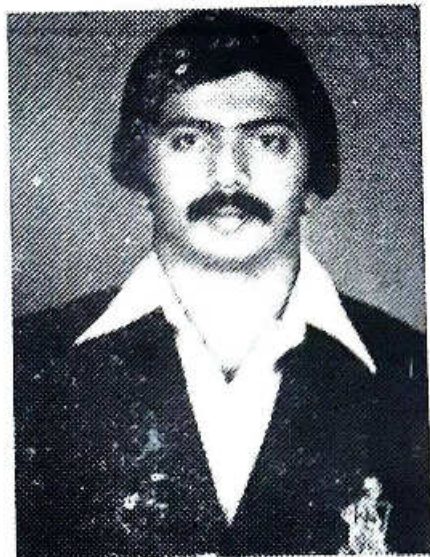
Jnanadev B. Kamath—Cricket 77-78 Harischandra Hejmady—Sri Mysore University 78-79



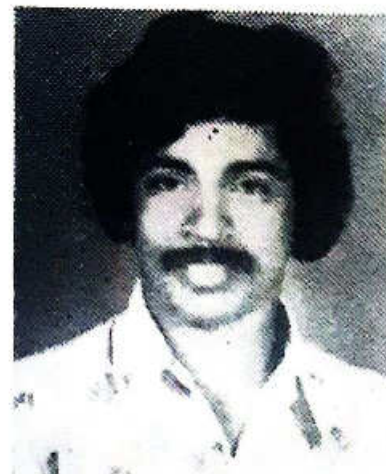
Sashidhar Kamath
Shuttle Badminton Team 79-80



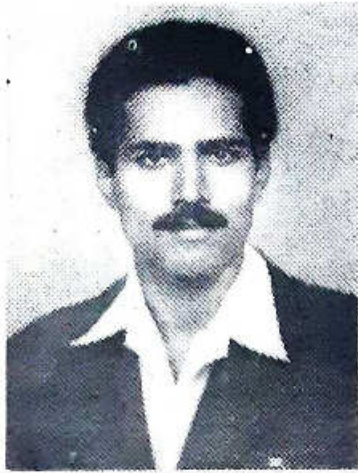
Harish Kopper
Shuttle Badminton Team 79-80



Gunakar Ashly Furtado—Tennis Captain 80-81.



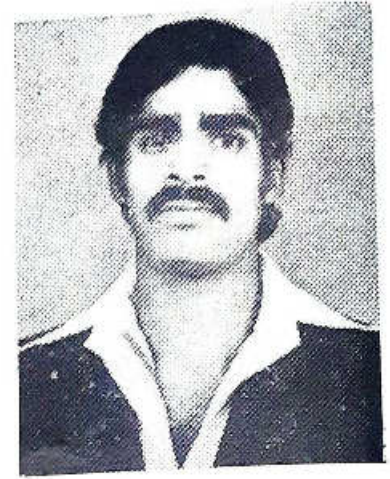
Pradeep Kumar—Kabaddi 81-82



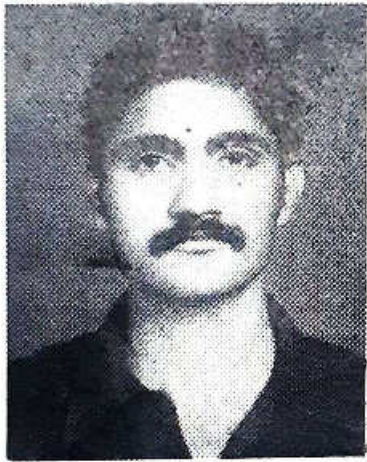
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Kabaddi 82-84



Sudhir Ranjandas Rai
Kabaddi 82-83



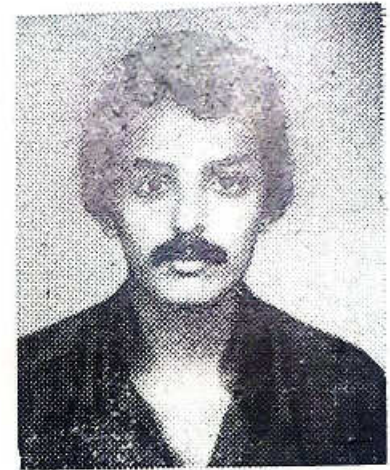
P. Vasudev
Volley Ball 82-83



N. Vasantha
Table Tennis 82-83
and Badminton Captain 82-84.



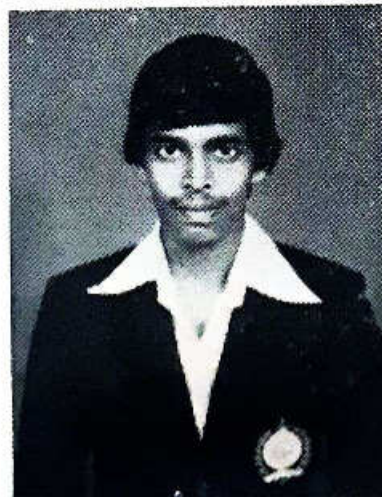
Johnson N. J.
Ball Badminton 82-83



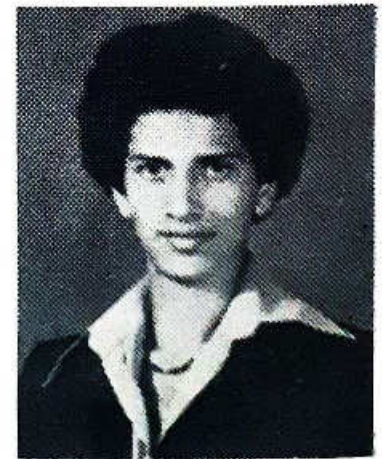
Sanath Kumar Shetty
Cricket 82-83



Rajeshwar S.
Cricket 82-83



Shubhaveer
Kho Kho 83-84



S. Ramesh Rao
Badminton 83-84

Inter Collegiate Games—1984



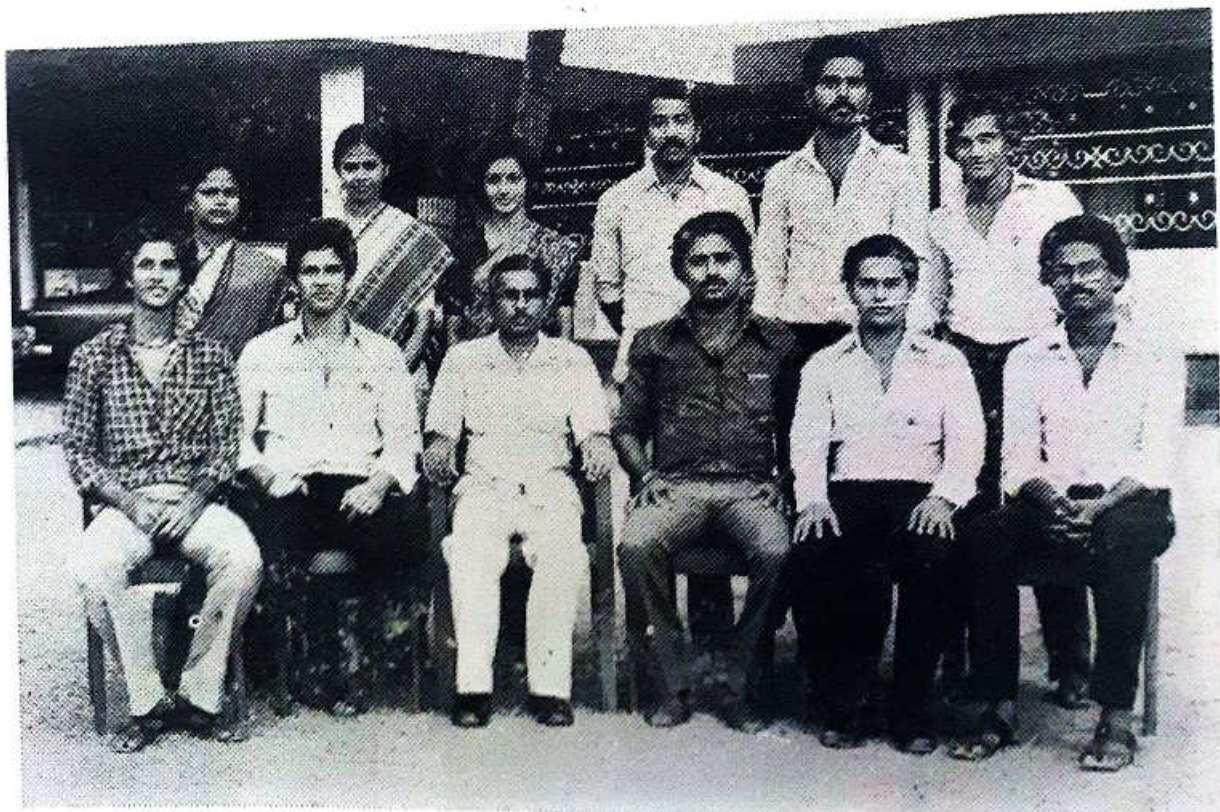
Inter Collegiate Games—Competitors are being introduced to Mr. Vinaya Hegde, Managing Director, Lamina Suspension, who inaugurated the meet.



"An Action" of Inter Collegiate Kabaddi meet



Inter Collegiate Throw Ball Match



Decennial Sports & Fine Arts Committee

CAPITAL PUNISHMENT—VIOLATION OF LIFE ?

By S. SULAIMAN, Final L.L.B.

The Mother of Parliaments, the British House of Commons has voted against the death penalty for any category of murder and thus concluded an agonised public controversy that has been going on for decades. The term 'capital punishment' is a subject of controversy in different parts of the world. The question is whether the State has the right to take life has been debated to no end. There are several arguments for and against the mode and retention of capital punishment.

The Judiciary, the Church, the media were against the death penalty in the European countries. Many of the European countries abolished the capital punishment. British also joins the rest of the European communities in doing away with the Capital punishment. When the Mother of Parliaments voted for abolition of death penalty, the matter needs to be taken up in depth in India also.

The doctrine of 'an eye for an eye and tooth for a tooth' is no doubt cruel but has deterrent effect, far greater than any other punishment. A man or woman who kills in cold blood must pay for it with his or her own life for the safety of society.

According to Indian Penal Code the persons convicted for certain offences punished with the imposition of death penalty. Regarding the capital punishment the situation in our country is still not ripe for abolition of the extreme punishment. Unless the fear of death is put in to the criminals, they will never keep away from such acts. The death penalty is the only answer to the mounting crime. But the abolitionists argue that the aim of justice should not be so cruel as to take away somebody's life. Is it necessary to kill people in order to teach them that killing is wrong? They further argue that if one cannot give life, he has no business to take away also. Prime Minister Shrimathi Indira Gandhi in an debate in the Loka Sabha last March reiterated that "She was personally opposed to capital punishment. But she stated that no decision could be taken to do away with practice due to several reasons".

After many European Countries abolished the death penalty we find the increase in the rate of offences. The Islamic Countries do not favour the abolition of the death penalty. They have the religious sanction behind it. We can find from the world statistics that in the countries where the death penalty imposed for various offences, the reoccurrence of such crimes are very very rare. Do you remember when a woman being raped under the hot sun at Bangalore, a learned lawyer murmured that the offence of rape must be punished at any cost -even by importing the Shariat Law from Islamic countries?

Along with the controversial term capital punishment there were hot arguments

for and against the mode of execution of death penalty. A majority of the people favour retaining the capital punishment. As for the mode of execution, they certainly want a change.

Most of the people argue that putting noose around the neck is a cruel and harsh when the science is developed and they propose new methods of execution. They prefer electric chair, life imprisonment, shooting, execution by injection of a fast acting toxin in sleep, injecting poison intravenously etc.

The supreme court of India upheld the constitutional validity of hanging by rope and ruled that it is just, fair and reasonable and not harsh, cruel or degrading. Law and Parliamentary Affairs Minister Laxmi Sagar states "It does not matter whether a person is hanged or shot dead. He has to be executed, so any method is okay. Since ages the system of hanging is working perfectly, why change now?"

The Judicial murder is no doubt inhuman. But it should be there as a warning to persons who became a menace to society. Out of the three theories—"Reformative, retributive, and deterrent"—Deterrent is the best. Because the fear of his death can always keep a man away from taking another life. The present state of Indian society does not favour abolition of death sentence. Rather it should be still harsh than it is, so that crime is rare, hence capital punishment is also rare.

*Every man has an end, it may be pleasant or
sorrowful.*
—Hazarath Ali

*Today is the tomorrow that you were thinking of
yesterday.*

*I am the boss of this house, and I have my wife's
permission to say so.*

Jagadish M. II L.L.B. 'B' Section

JAMES BOND REPULSED

by P. JANARDHAN RAO
Lecturer

"Don't be elated over your success in the recent cases handled by you. I am not going to spare you any longer and surely going to finish you soon. Not only you, your wife also will be done away with. The other day, I saw your black car in our area. I wanted to set fire to it. But as it was removed before I came for it, it could not be achieved. But you need not feel secure. I am going to do it and also finish you before the 29th of this month, 7th August."

On a fine morning, advocate Patwardhan of Mangalore received an unsigned inland letter written in the local regional language viz, Kannada the above matter. He was a little disturbed and at the same time amused by the contents of the letter. He had by then, sold his black car to another lawyer friend in the same city, who had taken possession of it. He surmised that it might be the act of a demented mind of a defeated opponent in some case. In order to protect the interest of the buyer of the that car from any to vandalism, he took the inland letter along with him when he went to court and told buyer of the car and asked him not to leave the car unattended anywhere for some months at least. Just then the Inspector of Police of the locality happened to meet them and when he came to know about the news, he took the inland letter to his possession and wanted to be informed of any developments in the matter.

Patwardhan was having his residence and office in the same building. He had a junior to assist him in his work and also a very young clerk, who was appointed about less than a year before. He had a wife and a son who had joined the Medical studies a year before at Manipal.

Ten days later, when the lawyer was at court, a telegram was received at his house containing the following "Nanu serious. Gopal." The lawyer's son's name was Narayan and the parents alone were calling him by pet name "Nanu." The lawyer's wife was shocked and became apprehensive as to whether the son was seriously ill, or whether the telegram refers to some client required to attend his legal proceedings. When Patwardhan returned home at 2 p. m., the clerk, who was waiting, came back in the same car with his master. On coming home, the contents of the telegram upset him, as he had no client of that name. Then on examining the place of despatch of the telegram, it was found to be from Buntwal. For the son's illness at Manipal, how, why and by whom a telegram is sent from Buntwal? Would it be by the same person who wrote the threatening letter? No stranger can know the pet name of the son. If the son is really ill, is not action called for immediately? When all these ideas began

to cross in the mind, suddenly another idea came to his mind. He booked a trunk-call to a friend in Manipal to ascertain the health of his son immediately and give a reply. Within a short time a reply came, to the effect that the son was hale and healthy and the son himself spoke to the father.

Relations and friends who came to know of these events began to advise Patwardhan not to go out alone or and to return home before nightfall. The clerk used to accompany the lawyer in his car as a body-guard in the evenings whenever he went out.

At night, on further thinking, Patwardhan thought that he must somehow or other unravel this mystery of the telegram, so that there may not be any further repetition of this annoyance. Early next morning, he consulted an astrologer, who told him that it was all the work of a person who had benefitted by Patwardhan and had been fed by him and he would get caught if he repeats any such acts and the person would be identified within a fortnight.

Patwardhan wanted to go to Buntwal telegraph office and see the original telegram and find out the full address of the sender and also his signature in the original message. He thought of taking assistance of a police officer like the Inspector of Police as the telegraph master might refuse to show the original message. When he went in search of the said officer, he came to know that officer had gone to a distant place on duty. Hence, Patwardhan returned to his office. It was about 9.30 a. m. then, and his phone began to ring. When he lifted the phone, the speaker at the other end ascertained whether it was the advocate speaking and said that if he acts or take steps in a case filed on behalf of a particular bus owner, he (advocate) would be done away with. When Patwardhan questioned as to who it was that was speaking the answer was that he should not bother who it is, that he is "MrX", and put down the receiver.

Patwardhan began to think that all the mischief must be by the ex-workers of a bus operator, against whom he had filed a civil suit for compensation for damages committed by them to the buses and the operator in an illegal strike launched by them some months before and which fizzled out later. So he called the manager of his client's concern and enquired him as to whether the defendants are likely to threaten or write as stated earlier. The manager felt that the defendants might not go to that extent.

Patwardhan felt, after the phone call, that investigation into the matter was not only absolutely, but also immediately necessary. So he proceeded by car to B. C. Road Police Station en route to Buntwal along with the manager of the transport concern. The Sub-Inspector on hearing the story gave the assistance of a police constable for seeing the record in Buntwal telegraphic office. On the appearance of the police man, the telegraph master showed the original telegram. It did not contain such details of the address of the sender enabling his being located or identified. Though the telegraph

master when questioned, said that he was transferred to the place recently and could not describe the sender's personality, a clerk sitting opposite to him said that the sender was a young boy looking like a college student, and that he appeared to be a person new to the place, as he was familiar with almost all students there, as it is a small place. The manager of the transport company could not identify the writing and signature in the message to be that of any of the defendants in the aforesaid suit or of any workers of the transport concern. Thinking that no progress was made in the discovery. Patwardhan returned home. To his dismay, he found an unsigned post-card written in English, stating that he was watching with pleasure the attempt to get police help and warning Patwardhan and also his junior and clerk of sure death in a short time, unless he obeyed instructions and wanted him to meet him alone at "Red-Rose Restaurant" at Hampankatta, Mangalore at 1 p. m. on the following Friday for some important talk.

All this, put Patwardhan on further thought about the mystery and the urgent need to break it before it proceeded further. At night, at his house, his clerk began to come to sleep. His client, the bus operator sent his two trusted servants to sleep in Patwardhan's house at nights.

Patwardhan began to think, that the man has started to make phone calls and might make threatening phone calls at nights also and make his life miserable due to sleeplessness, fear etc. Then some intuition dawned to him that in western countries, there are phone monitors for detecting the source of unwanted phone calls, so on enquiry, he came to know that the local office had two monitors to be supplied by the top officer on strong grounds being made out. So on sufficient ground made out, it was fitted to Patwardhan's house by nightfall, when no outsider was there. This was also not revealed to anyone in his office by Patwardhan. No one could know or suspect that the monitor was fixed. But that night passed peacefully contrary to expectations without any phone calls. A monitor is another phone receiver substituted in the place of the existing phone and receiver with a special earth connection. Whenever an unpleasant phone call comes, the receiving person has just to press a pin on it and engage the speaker in conversation. It can be heard and recorded at the telephone exchange and an arrow gets locked at the exchange, to the phone number from which the speech has started and the arrow remains there till released.

Next morning at the same time as the previous day, a phone call came and Patwardhan was asked not to leave his office till 1 p.m., as the speaker wants to come and personally to talk to him, when asked as to who was speaking, the answer was "X" and further he said if he leaves the office earlier, he would be murdered, Patwardhan had already fixed the pin and the entire talk was recorded in the telephone exchange. Patwardhan told this to his junior, clerk and clients about what he had done and what took place.

Though Patwardhan was sure that the person who threatened to come,

would not come, yet he wanted to be ready to receive him in the event of his keeping up his promise. So he rang up to the local police and after narrating the circumstances, asked them to give a constable in mufti. The S.I. immediately sent a constable in mufti with an identification letter and stating that he may be used for stay at night also if necessary and promised to send another as relief. This was followed by a visit of 2 or 3 Sub-Inspectors of police in a van to Patwardhan's house to know the various details. Meanwhile the source phone number was discovered by reference to the telephone exchange. That was a photo studio in Hampankatta centre. The constable in mufti was waiting in a corner as instructed.

At 1 p.m., the promised man did not come, though the lawyer was waiting. The clerk was narrating that at dusk near the gate on two or three occasions, a man with long hair wearing a lungi and red shirt used to make enquiries with him as regards the number of inmates etc., in the lawyer's house. A man answering the description appeared to have gone near the gate at 1 p.m. and the clerk ran to verify and returned saying that it must be the same man, but he got into a waiting cream coloured tourist taxi numbered MYD-421 and had gone away. He said he could identify him. The police were informed this and they said on enquiry that there was no such tourist taxi in the city and could not be located.

The police found out the studio from where the phone calls originated. The boys there informed the police, that in the absence of their boss, a friend of theirs had come on two days and talked on the phone roughly to some one. They gave his address also and also said that he had gone by a special bus to Mysore that morning for participating in Dasara Sports and would return 4 days later.

In the meanwhile, another anonymous post-card came to the lawyer stating that his movements with police are being noticed with pleasure and that the lawyer would be finished, and that detection will be baffled.

At the expiry of four days, the police rang up to the Advocate to come. The Inspector of Police enquired the Advocate whether he knew of a vakil's clerk by name Shankera and that he seems to be at the bottom and that his friend Peter Souza who had talked on the phone on two days was there, who could be questioned and who has given it in writing and also a letter left by Shankera in D'Souza's house before he arrived at midnight, not to disclose his name. The letters confirmed this as well as Peter D'Souza. This clerk Shankera was the clerk of lawyer Patwardhan. On the pretext the police want him to identify an arrested man as to whether he was the man found skulking near the gate on earlier occasions, clerk Shankera was taken to the police station.

On first questioning, he pleaded ignorance about any of the facts. Later, when the letter produced by Peter D'Souza was confronted, he admitted his guilt in full. He confessed that he used various friends to write the anonymous letters and a friend who

newly joined a college at Buntwal to send the telegram to the lawyer; when questioned for the reason, he said that the lawyer had found fault with him once for delay in obtaining certified copies of documents ordered by him for his clients. In order to retaliate and scare him, Shanker had adopted this method and wanted to be pardoned. The lawyer refused to accept this as the cause and took time to decide. Shanker was kept in police custody.

Next day it was discovered that some of the bundles of case records of Patwardhan were kept by Shanker in some shops near the office. In these records, some loose stamp papers were seen. On further search records of several cases entrusted to Shanker for filing into court on behalf of clients, were found missing. Several numbers of cases of clients noted in the lawyer's diary were found to be bogus as no such cases had been filed into court. The dates of posting noted in the diary for these cases were also false. The Inspector of Police was informed of these on the next day. Shanker then admitted that some records were in his house and that he would get and deliver them and some cases had not been filed by him into court and he gave bogus numbers and dates of posting in the lawyer's diary, that he had misappropriated the amount entrusted to him for buying and affixing court-fee stamps and stamp papers. He thought soon this would be discovered by the Advocate and that he might take action against him. In order to scare him and put a fear psychosis in him, so that he might not rake up these matters, he adopted this modus operandi and wanted to run away to Bombay in a short time.

The police in course of time charge-sheeted the clerk and prosecuted him and obtained a verdict of conviction.

It is the monitor and the secrecy kept of its fitting, that enabled the detection of the crime and criminal expeditiously, as otherwise, Patwardhan might have suffered miserably owing to the tension and excitement created, by his own unscrupulous clerk, in whom he had reposed confidence till the last day.

*In every man's heart there is a secret nerve that answers
to the vibrations of beauty.* —Christopher

*Respect should be earned by actions, and not acquired
by years.* —Wright

I would live to study, and not study to live.
—Francis Bacon

A TO Z OF SUCCESS

Collected by JAGADISH M., II LL.B. 'B' Section

Avoid procrastination

Be prompt in all your dealings

Consider well before you commit yourself

Dare to do right, fear to do wrong

Eschew Evil

Feed the needy

Go not in to the company of vicious

Hold Integrity sacred

Injure not, another's Reputation

Jump not ere you think twice

Know what's what

Lie not for any consideration

Make the most of God Almighty's creation around us

Never try to appear what you are not

Observe good manners

Pay your debits promptly

Question not the veracity of a friend

Respect the counsel of parents

Save when you are young and spend when you are old

Touch not, take not, handle not Intoxicating drinks

Use your leisure time for Improvement

Venture not to do injustice to your work

When you are in Rome, do as Romans do

X-Extend to Everyone a kindly saluation

Yield not to discouragement

Zealously labour for the right success is certain

BROKEN HEART

ABDULLAH MALI, III LL.B.

Along the path of my life
I lost myself
Inside the tomb of my mind
I searched for the skelton of love
But the ashes remained—

The past mocked from us grave, where
the ashes of my love remained
memories crowded by mind
I tried to shout aloud at the world
But my throat was dry—

With dry eyes, and filled heart
I tried to sing
the song of my broken heart
But none to lend a ear
For I was dead to the world and beings—

Future watched me silently
from the grave
Inside the tomb with
the silence to console
"I fell asleep"—

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the silence to console
“I fell asleep”—

CONSTITUTIONAL ASPECTS OF RESERVATION

T. DEVIDAS, Reader in Law,
P. G. Department of Law, Manasagangotri, Mysore

"Reservations under Art. 15 (4) exist and are applied. There is no dispute about that and the whole debate has left that pattern and policy of 'reservations' out of controversy", said the majority in *Jagdish Saran v. Union of India*, AIR 1980 S. C. at 826. These words of Justice Krishna Iyer for himself and Justice Chinnappa Reddy neatly sum up the position as obtaining. But with due respect I beg to disagree that what began with an error, and found as such, should be perpetuated.

'Reservations' arrived on the scene with the then Madras Governments communal order, providing for reservations as follows-Harijans 19, Muslims 5, Christians 6, Backward Hindus 10, Non-Brahmin Hindus 32, and Brahmins 11. The Supreme Court voided the order as unconstitutional. (*Champakam Dorairajan v. State of Madras*, 1951, SCR 525; *Venkataramana v. State of Madras* AIR 1951, S. C. 229).

A little peep into the pre-constitutional experience might be in order. During the British regime discrimination was rampant in the fields of education and public employment. (Mittal, J. K., *Right to Equality under the Indian Constitution in Public Law*, 1970, p. 66, 95). These weighed with the framers of the Constitution who therefore prohibited religion, race or caste as markers against general principles or equality enshrined in Arts. 14, 15 (1), 16 (2) and 29 (2). Here it should be kept in mind that the mandate of the Constitution was only for equality of status and of opportunity. (Preamble of the Constitution). Social equality, economic equality or cultural equality was not contemplated. In those aspects only justice was to be aimed at. Justice can only mean that every man should get his due proportional to his effort.

The Constitution provides for reservation only in two contexts, (1) in public Employment (Art. 16 (4) and (2) in the legislatures.(Arts. 330 to 334). The reservations in the legislatures were meant only as a transitory measure for 30 years to give the Scheduled Castes, the Scheduled Tribes and the Anglo-Indian Community a sense of participation in the formulation of law which is one form of public decision making. The reservation in the matter of public employment contemplated in Art. 16 (4) was with a significant rider that the reservations should be only consistently with the maintenance of efficiency of the administration reading Art. 335 along with Art. 16 (4) (*General Manager v. Rangachari*, AIR 1962 SC 36 and *Devadasan v. Union of India*, AIR 1964 SC 179), Under Art. 15 taken with Art. 29 (2) there is no provision for reservations as such in educational institutions either by text or by necessary implication. What is authorised is only special steps for the advancement of any socially and

educationally backward classes of citizens or for the scheduled Castes and the Scheduled Tribes.

From this stage on the analysis would have to be conveniently compartmentalized.

It was the then Government of Madras which introduced the idea of reservation in educational institutions of seats for certain mentioned classes of citizens. This idea subsumed that mere exposure to normal class-room experience in schools or institutions of higher learning would automatically produced the changes in persons so exposed as to ensure the advancement of the interests of the backward classes. The Supreme Court voided the experiments on the simple fact that prohibited markers i.e., caste or religion, had been applied to identify the groups. It was not required of the Supreme Court to examine the question whether reservation of seats in educational institutions would of itself produce the contemplated levelling up. The rejection of the scheme with reference to the markers came to be regarded as speaking only to the markers applied for classification and not to the idea of reservation itself. Therefore promoting equality of opportunity in the field of education continues to this day to be built on the expediency of reservations which the Madras Government preferred. Subsequent litigation in the Supreme Court has confined attention only to quantum of reservations, not to the idea of reservation itself.

Justice Mathew, in *State of Kerala, v. N. M. Thomas* (AIR 1976 SC 514) stated that equality of opportunity depends not merely on the absence of disability. But on the presence of abilities. It obtains in so far as and only in so far as each member of a community whatever his birth or occupation or social position possesses in fact and not merely in form equal chances of using to the full his natural environments of physique of character and of intelligence. The learned judge also noted that the natural environments of men are by no means equal. Parental character and atmosphere where things of the mind are accounted highly vary the environments and make the notion of equal opportunities a fantastic one. Complete identity of equality being impossible compensatory measures calculated to mitigate surmountable obstacles would therefore have to be understood as the content of the enabling provision in Art.15(4). The guarantee of the equal opportunity being something more than what is required by formal equality the Government has an affirmative duty to eliminate inequalities and to provide the opportunities for the exercise of human rights and claims. The judge observed that equality of results is the test of equality of opportunity. As excellence is immeasurable this can have reference only to the minima.

The meaning of Art. 15(4) would get enriched in content if proper attention is given to the directive in Art. 45 of the Constitution which requires that the state should reach a state of compulsory education for all children upto the age of 14 years within a period of 10 years from the Constitution. It is common knowledge that this is far from reality even now although more than 30 years have elapsed.

The method of reservation as the method of levelling up rests if at all, in the now exploded doctrine of 'separate' but equal. In *Brown v. Board of Education* the American Supreme Court ruled that in the field of public education the doctrine of 'separate but equal' has no place. The principle is as such relevant to India because it underlines the truth that in the field of education formal equality cannot speak anything to substantive equality and the mere provision of reserved seats in the educational institutions cannot produce the desired changes or the desired ends without any positive steps being taken to insulate the weaker sections from the influence of these factors of parental character the societal or home atmosphere of their actual upbringing or the economic impoverishments of these classes of personal. Therefore, if proper regard be had to specific exclusions of religion, race, caste, sex, place of birth or any of them as markers by Art.15(1) and of religion, race, caste, language or any of them by Art. 29(2), it would appear that reservations in the matter of admission to educational institutions in the manner in which it is presently done would be unsupported by the Constitution. The special steps contemplated by Art.15(4) have to be such as would produce the result of equality in the end and not merely the formal equality that is now reached. This would mean that the state would have to establish and administer a system of compulsory residential schooling for all the children belonging to all backward "class of citizens" not "castes of citizens" (This is also the view in *Thrilokinath v. State of Jammu and Kashmir*, AIR 1969 S.C.1). The argument of cost is not relevant because a welfare state is a costly state. The state cannot absolve itself of the dictate of the affirmative duties laid on it by Arts.15(4), 45 and 46 of the Constitution by merely reserving a few seats in educational institutions. The prohibited markers contained in Art. 15(1) cannot be used even indirectly through Art. 15(4). It is of particular significance here to remember that the Constituent Assembly rejected a provision similar to Art. 16 (4) providing for reservation in educational institutions. Art. 15 (4) in its present form was introduced by the First Amendment following the decision in *Champakam's case* and then it becomes highly significant that with the language of Art. 16 (4) readily available and corresponding to the practice attempted by the then Madras Government the text of Art. 15(4) did not provide for reservations but instead made for special steps. The Legislative History of this provision would therefore indicate that reservations in educational institutions is unconstitutional. In the words of Justice, V. R. Krishna Iyer, reservation as it is presently practised tends to create a society which is broken into fragments by narrow domestic walls. The present practice does not take note of the truism "each according to his ability is of pervading validity and it is a latent though radical fundamental that given propitious environment talent is more or less evenly distributed and every one has a prospect of rising to the peak.". Thinkers including Jethro Brown have pointed out that "environmental inhibitions mostly freeze toe genial current of the sould of many a humble human whose failure is inflicted not innate".

Pronounced state inaction in this area is only attempted to be covered through the thick mask of reservations, which create a new casteism which would be denial of equality of status contemplated by the Constitution.

This leads directly next to the reservation contemplated by Art. 16 (4). In *Balaji v. State of Mysore* (AIR 1963 SC649), the Supreme Court read Art. 16 (4) as permitting reservations upto 50%, presumably because the Miller Committee on Backward classes had recommended reservation upto 50% in favour of backward communities subject to a condition that the benefit of reservations should be given to qualified candidates only. The decision of the Supreme Court can also be justified on another count. When the interest of society as a whole in keeping with the tempo of progress in the modern technological era, be balanced against the need to provide reserved opportunities in participating in the exercise of public power in public decision making 50% would alone seem to be the maximum that a society can afford to concede if it should be reasonable capable of atleast keeping abreast. Any considerations of any injustice allegedly committed in the distant past in the name/ "caste" would not justify a reverse discrimination because Art. 16 (1) postulates the fundamental principles of equality of opportunity and Art. 16(4) is only an enabling provision which cannot be worked to destroy this principle itself has stated in *Balaji v. State of Mysore*, and *Arathi v. Union of India* and *Devadasan v. Union of India*.

The deference to executive determination of the method of promoting the purposes of Art. 16 (4) has so far restricted itself to the question of quantum of reservations. The Supreme Court does not seem to have endorsed categorically a reservation in excess of 50%. A balancing of interest of the advanced and backward sections of the society, would require that only 50% of opportunities of public employment can be reserved and that provided persons selected against the reserved lots would fit with regard to the delivery of societal services, through the public employment in question. Thus it would be implicit in any scheme of reservation in public employment that reservation of jobs in terms of community quotas per seat would not be within the meaning of Art' 16 (4). Only 16(4) would enable the state to prefer personnel from the backward classes of citizens provided that would not involve any sacrifice of administrative efficiency. Thus a mere analysis would have to be applied to justify any reservations under Art. 16 (4). Where the reservations would result in delivery of unequal services minimally considered at different points of tap the reservation would not be saved by Art. 16 (4). If it be remembered that Art. 16 (1) postulates the fundamental principles of equality and Art. 16 (4) permits only a preference to the extent unrepresented or inadequately represented groups of citizens would be permitted to be associated in public functions, reservations of posts in the manner presently done would be unconstitutional. It would be legitimately within the power of the administration to prefer a person from the backward class of citizens considered as a whole and fit him into posts reserved for backward class of citizens taken as a whole but reservations of posts for categories of the backward class of citizen would tend to perpetuate the communal quota in public appointment which was practised by the British Government in India before the commencement of the Constitution, and which was rejected by the Constitution makers by inscribing a principle of equality.

Creation of casteless society which is the aim of the constitution cannot be done through castes in whatever disguise it may be employed. Reservations in public employment to sections within the broad group of backward class of citizens would be unsupportable by the constitutional provisions. Backwardness will have to be ascertained only with reference to the social and educational backwardness. Caste application can be used as marker for any purpose because to do so would be to create a new caste according in displacement of the caste ordering of the society which has been chosen for rejection. Egalitarian equality would not permit a status disability and the ameliorative provision in Art. 16 (4) cannot be so worked as to create a status disability in some or confer a status ability in some other. In promoting equality of opportunity the state has to take equal care that it does not create any inequality of status.

THE EMBRACE OF DEATH

ABDULLAH MALI, II LL.B.

In the brightness of the day
the bitterness of death, trail
the path of my life
The shadow of the death, lies cold
deep within the darkness of my heart
where the warmth of the sun could never pierce

The harshness of life, gropes behind
to burn the smoldering embers of my heart
that decorates, the theme of my life
The faces of the ones, I loved
now lay, as pages of the past
that brings back to me, memories

MANGALORE A TOURIST CENTRE

By VAMANA K. P., III LL.B.

Mangalore is a District Headquarters of D. K. District. The population of D. K. District is about 23,73,359. The Netravathi and Gurupura Rivers join the Arabian Sea near Mangalore and Spread over an area of about 10 Square miles. Mangalore is noted for its predominant role in the field of Education, Banking and Commerce.

The Area of Mangalore is 8.5 Squire miles.

Population : 3,50,000

Latitude : 12 Degree to 50 degree — north longitude.
74 Degree, 53 degree Est.

Clothing : Cotton throughout the year.

Language : Tulu, Kannada, Konkani, English, Malayalam, Urdu.

Air Connection: Mangalore is connected by Air service with Bombay, Bangalore and Madras.

Train : Mangalore is connected by train with Cochin, Madras by Broadgage. Direct Bogies are attached to Malbar Express and West Coast express for Bombay and Delhi. Meter Guage is connected with Sakleshpura, Hassan and Bangalore.

Road : Mangalore is connected with all important towns of South and Bombay by Road.

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1) VISITORS ATTRACTION: SULTHAN'S BATTERY: The place is about 5 kms. from the State Bank City Bus Stand. The place is situated at Bolor which is of archeological importance. This fort was built by Tippu Sultan on the Banks of River Gurpur. The fort is built from the granite rock. The fort was built to prevent the entrance of warship into the Gurpur River. The Ruins of old Fort and wall, which is popularly known as "TIPPU'S WELL" is found.

2) ST ALOYSIUS COLLEGE CHURCH: The Church which is dedicated to St Aloysius Ganzaga, Patron of youth. The wall painting of the Church was done by an Italian Artist in the year 1899 to 1900 by name Fr. Anthony Moscheni. The place is about 1.5 kms. from the city Bus stand.

3) LIGHT HOUSE HILL: This is located in the heart of the city and also in a highest place called Baveta Gudde. There is a park which attract the tourists because of the beautiful sunset and small boats sailing on the Arabian sea. The Idga Mosque is situated on the opposite side of the park.

4) KADRI MANJUNATH TEMPLE: It is about 5 kms. from the heart of the city. This temple is dedicated to Lord Manjunatha Swami. The Idol of the Shrine is said to have oldest Bronze image in the South Indian Temples. It was installed in about 1068 A.D. This temple contains seven holy tanks. The curiosity of the tanks is that the Tanks are situated on the Higher level than the temple. Behind the temple of Kadri Hill there is a Mutt called Jogi Mutt. There are five caves known as Pandava Caves. Even today one can see the foot prints of Seetha Devi near by the Caves.

5) MANGALA DEVI TEMPLE: Mangala Devi temple is situated at a place called Bolar, just 3 kms. from the heart of the city. The name of Mangalore has come from this Mangala Devi temple. This temple was built in memory of princess of Kerala who was one of the great patrons of Natha Cult, namely Matseyendra Nath. He went to Kerala to preach his religion. He converted the Queen of Kerala namely Premala who was also renamed Mangala. She not renounced as Yogine and she resided at Bolar. The Ballal's of Attavar constructed a temple in her memory, and enshrined on it with an image of Shakti.

6) SRIMATHI BAI MEMORIAL GOVERNMENT MUSEUM: This is situated about 4 (four) kms. from the heart of the city. The place is located at Bejai. This Museum has good collection of historical events. The rare attractions of the Museums are stuffed animals and birds.

7) DEER PARK: The Deer Park is situated at Kadri Hills just 5 kms., from Hampankatta. A good collection of wild animals are found here. Like-wise some other attraction of the Mangalore city are:

- 1) Rosario Church
- 2) Sharavu Mahaganapathy Temple
- 3) Idga Mosque at Light House Hill
- 4) Gokarnatha Temple at Kudroli
- 5) Milagres Church
- 6) Sri Venkatramana Temple
- 7) Moszid Zeenath Bakshi at Bunder.

AROUND THE CITY OF MANGALORE:

1) Panambur New Mangalore Port: Panambur is about 10 kms., from Mangalore. It is one among the 9th Major Port's in India.

2) Mangalore Chemical and Fertilizer Factory: It is situated just opposite to the New Mangalore Port. The Mangala Urea and Ammonium Sulphate are main products of this factory. It is also one of the biggest Fertilizer factory in Karnataka.

3) Panambur Beach: It is also one of the good picnic spot. One can watch beautiful sunsets from here. Fishing is the main attraction.

4) **Surathkal Beach:** This place is located at a distance of 20 kms., from Mangalore. There is one Shiva and Venkatramana temple. It is a good picnic spot where one can see beautiful sunsets. There is a Huge Light House on the beach.

5) **Ullal Beach:** It is 12 kms. South of Mangalore and 30 kms. from Bajpe Airport. It is an important picnic spot and holiday resort. Here one can watch the enchanting beauty of sunset of Konkan Coast. Fishing is the main attraction of this place. Syed Mohammed Sheriful Madani Dargah and Jumma Mosque are very important pilgrim centres.

6) **Summer Sands Beach Resort, Ullal:** This beach resort is located 12 kms. South of Mangalore. It has 42 scenic cottages amidst coconut palm and Casuarina in a 11 acre plot by the side of Arabian sea. There is a Restaurant, Swimming Pool, Children Park, and out door games complete the scene. Ideal for tourist who want to spend a leisurly stay at Mangalore.

CITING EXCITING

Compiled by: A. SUDHI VASUDEVAN, II LL.B (A)

A man was accused for Battery and brought before Judge Maxwell.

Maxwell: What is your name, occupation and what are you charged with?

Prisoner: My name is sparks; I am an electrician and I am charged with battery.

Maxwell: Eh—eh—officer, put this guy in a dry cell.

o o o o

"Your Honour" said the Prisoner when asked for explanation, "I can't figure how I can be accused for forgery when I can't even write my own name."

"You are not charged with signing your own name" replied the Judge.

o o o o

"How is your Husband getting along after his accident"

"His doctor says he can walk around again, but his lawyer says he can't".

o o o o

Diana rushed into the house and told her mum that since her boy friend had just passed his Law exams, they wanted to get married
"Don't you think it'd be a good idea for him to practice a year first?" asked the woman.
"But mother", she replied, "we have been practicing."

o o o o

Judge Fournier removed his glasses leaned towards the witness, and said, "Do you understand that you are swearing to tell the truth."

"Yes Sir"

"And do you know what will happen if you do not tell the truth?"

"Yes Sir," replied the witness, "our side will win the case."

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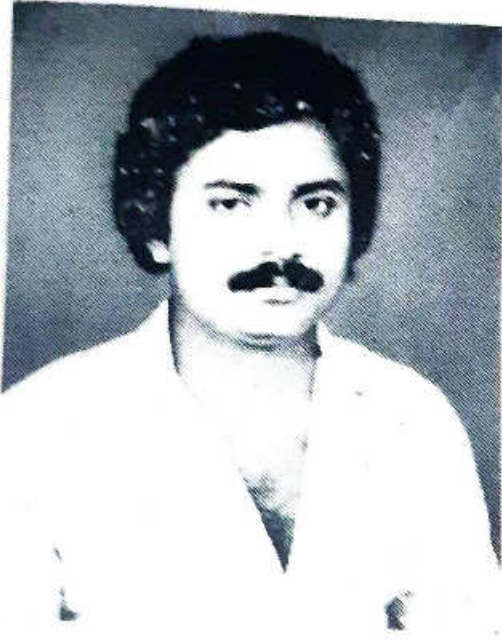
A recent judgement by the Michigan State Appeals Court offered both rhymes and reason in upholding the dismissal of a suit seeking damages for injuries to a tree hit by a Car. William Fisher had filed a suit against the owner of a Car and a Woman who was driving it when it left the road and hit an oak tree belonging to him. He claimed that he was entitled to damages beyond the expences of having a tree surgoon repair his beautiful Oak since the damage had been done to the living thing, with aesthetic quality such as beauty, majesty and loveliness. The suit was dismissed by circuit court. Upholding the dismissal, judge John Gills of the Appeals Court wrote a poetic judgement on behalf of the three judges court as follows:

A Suit to compensate a tree
A Suit whose claim in tort is prest
Upon a mangled trees behest
A tree whose buttered trunk was prest
Against a chevy's crumbled chest
A tree that faces each new day
A lasting need for tender care
Flora iovers though we three
We must uphold the Court's decree.

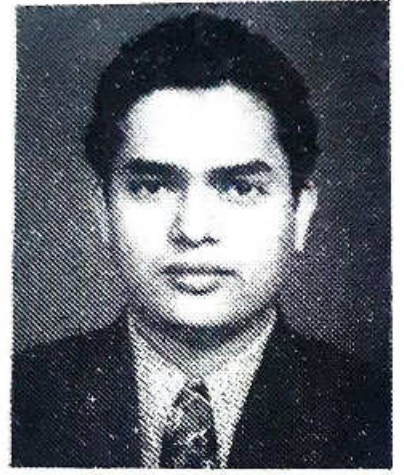
o o o o

C. P. Ramaswami Iyer was arguing a case before Sir Murray Coutta — Trotter of Madras High Court. Suddenly a telegram was brought to the Court. The Judge opened the telegram and burst into a loud guffaw. Ramaswami asked what is so humorous in the telegram. The Judge said "Look here all of you, what a remarkably intelligent fellow this is, he sends this telegram for getting an adjournment of his insolvency case posted today. Of course he will have it, but then he has addressed to the "insolvent judge" High Court of Madras. Wonderful — How this fellow knows my exact financial position!"

Student's Council—1983-84



Ranjan Kumar—President



Mr. Harish K , Secretary



Smt. Anitha Shetty, Jt. Secretary

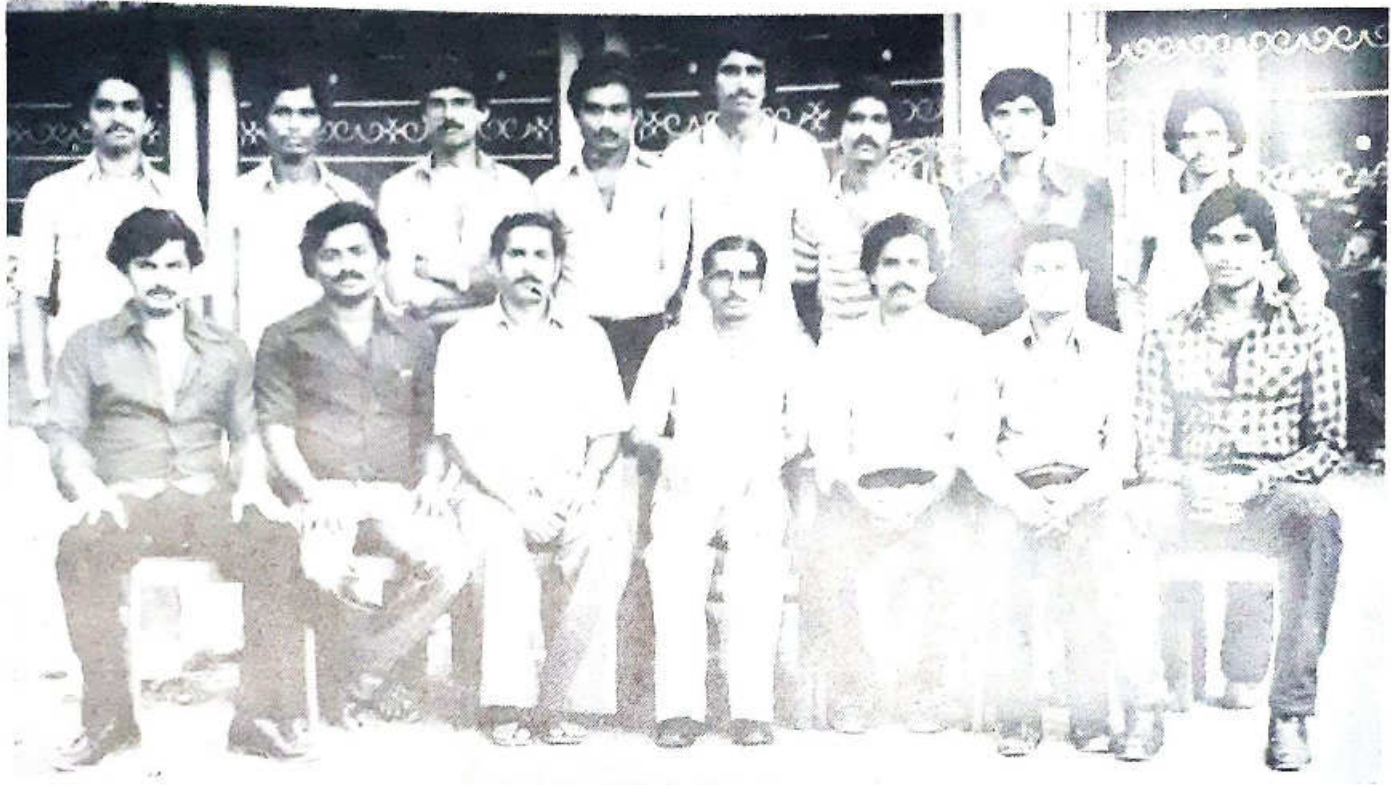


Editorial Board

Student's Council



Volley Ball Team



Cricket Team

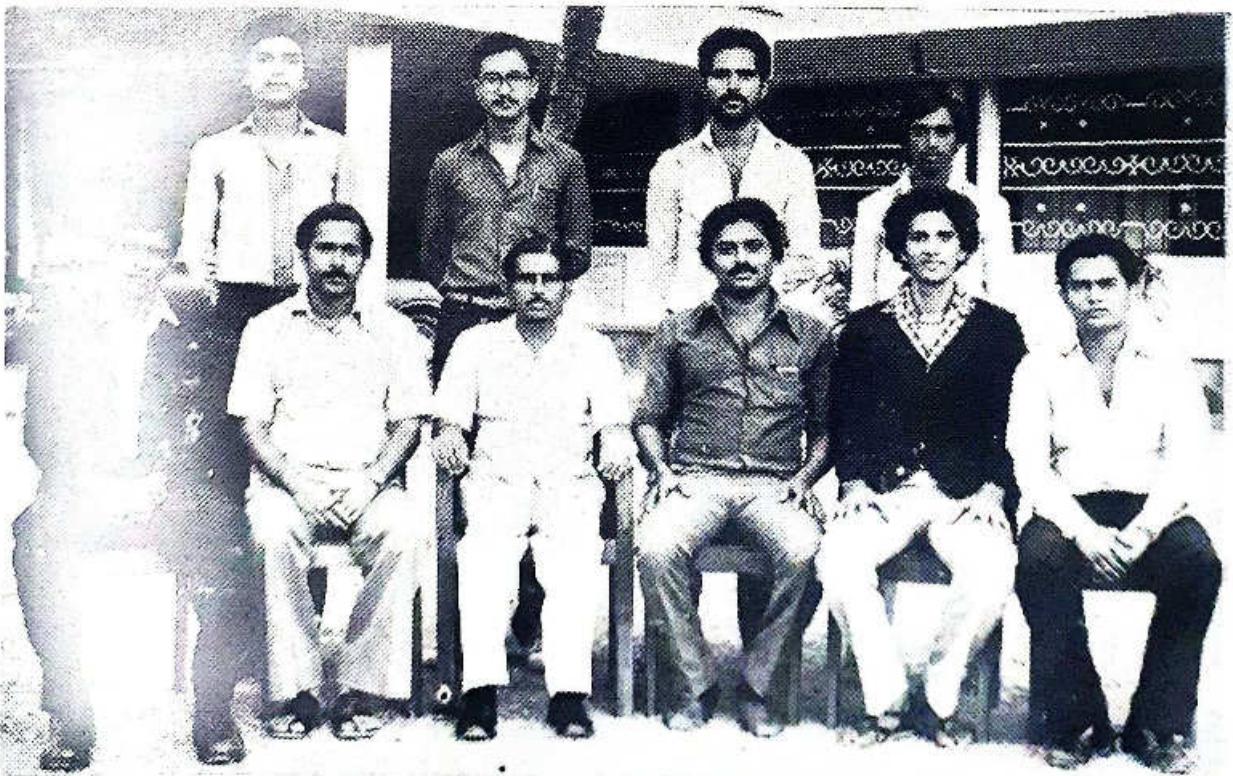


Kabaddi Team



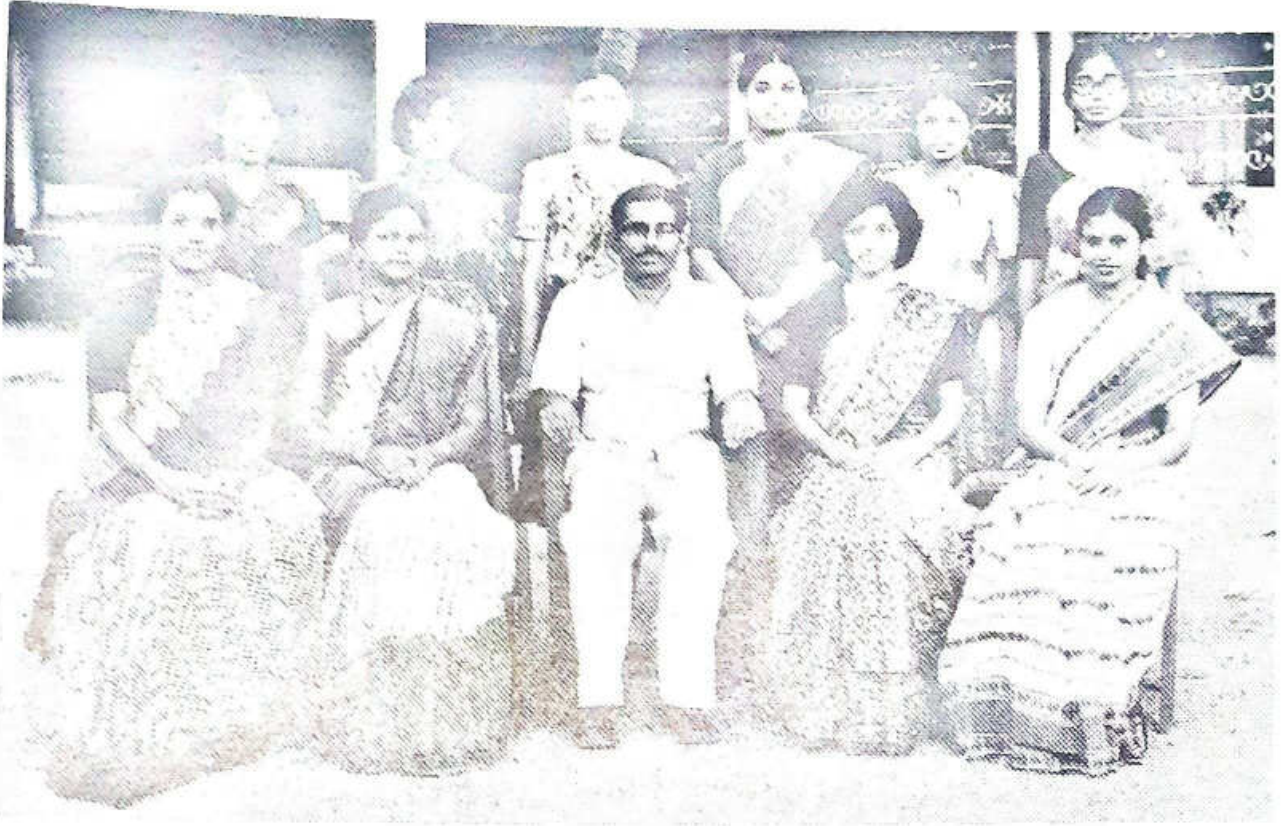
The Best in the Field

Bail badminton team



Our Budding Heroes

Throw Ball Team



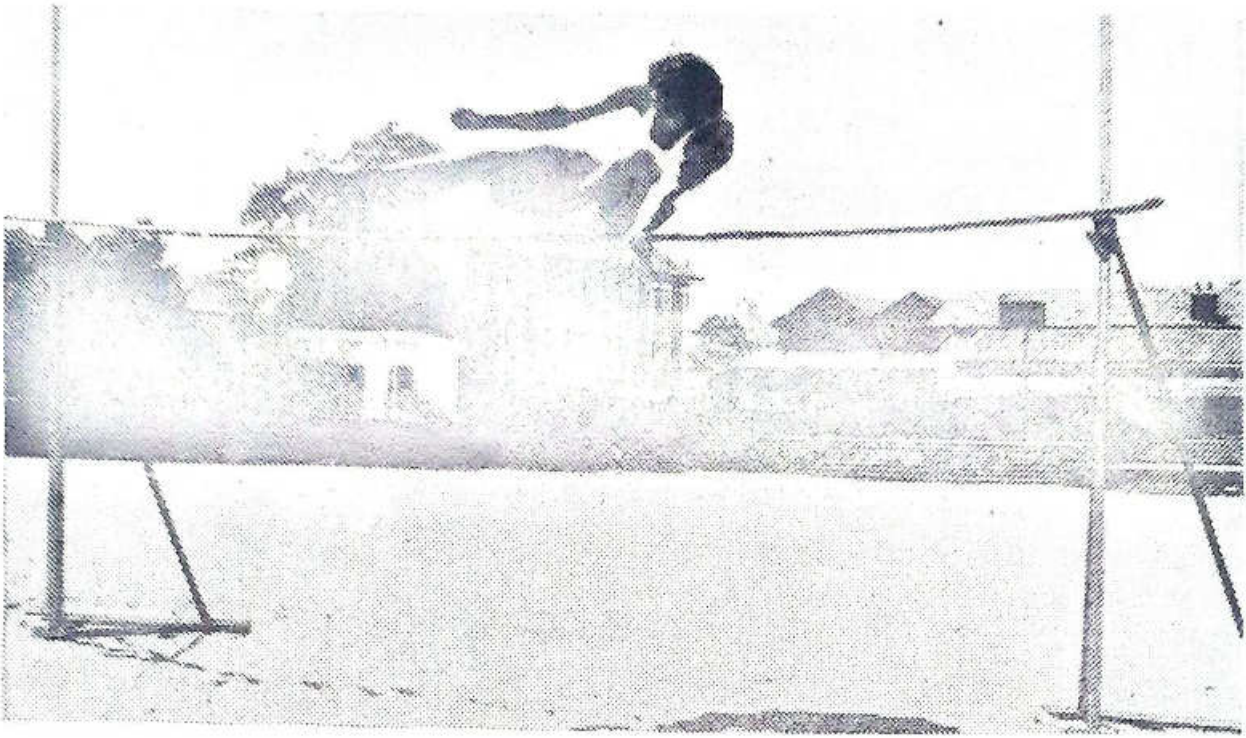
A Tough lot to Defeat

Base Ball Team

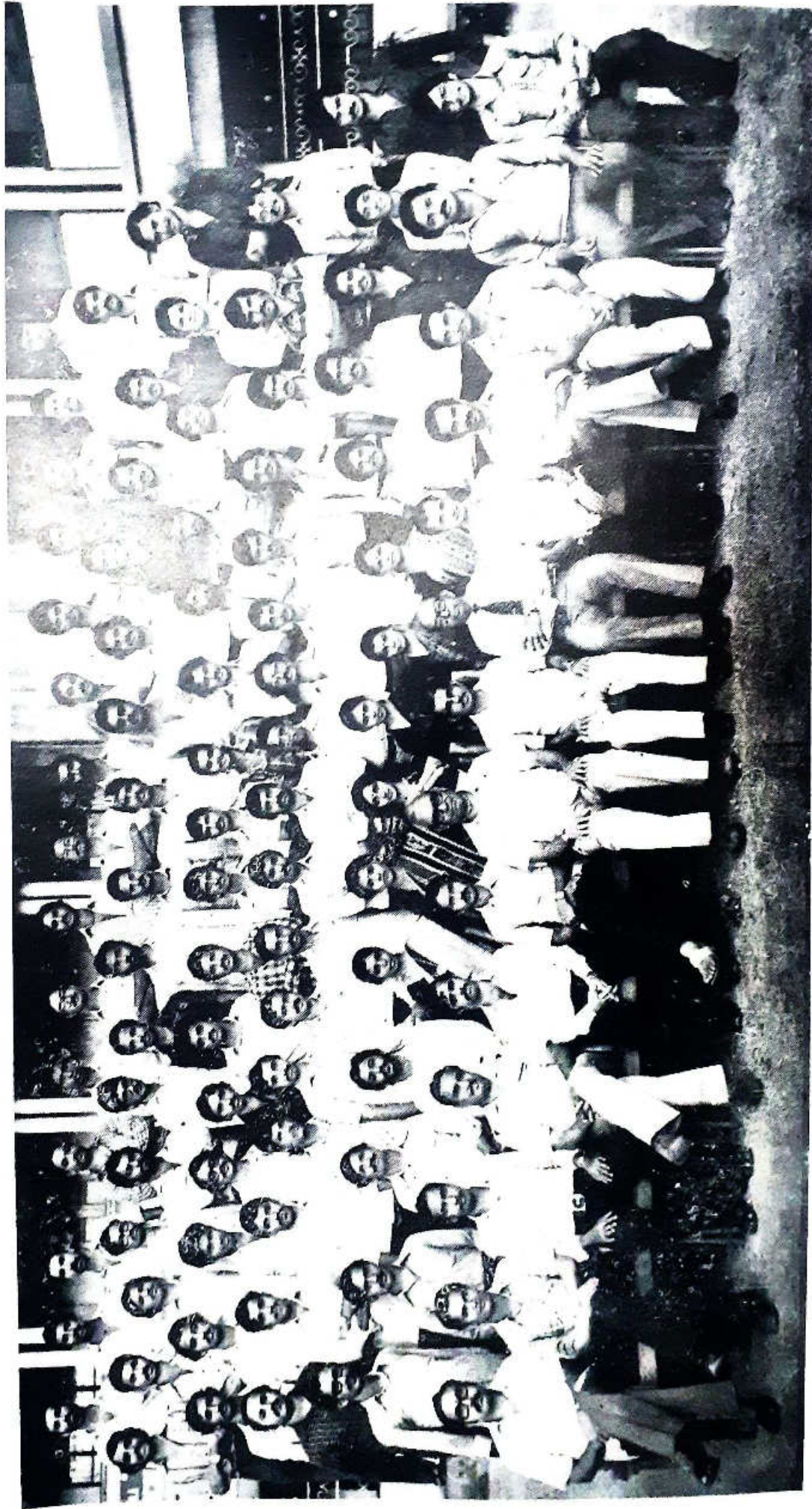


College Day Sports

In Action !



Out Going!



Final Year Students

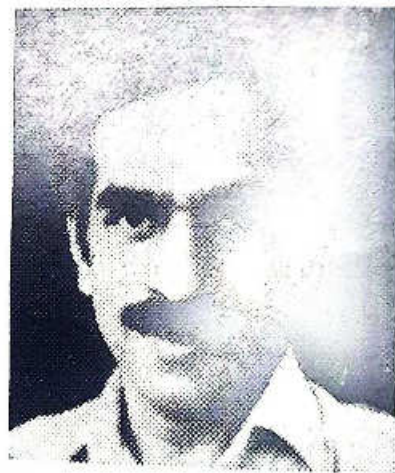
Our Faculty members



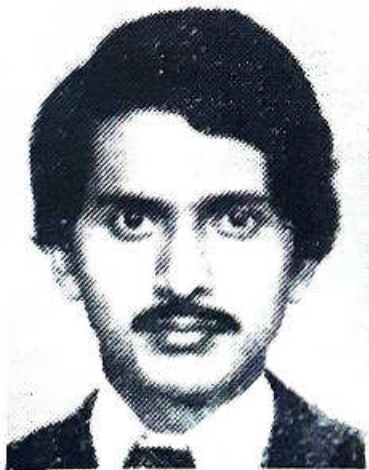
Sri N. J. Kadamba (Principal)



Sri G. D. Shetty



Sri A. Rajendra Shetty



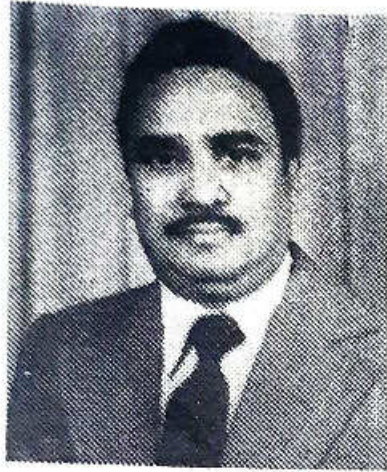
Sri P. D. Sebastain



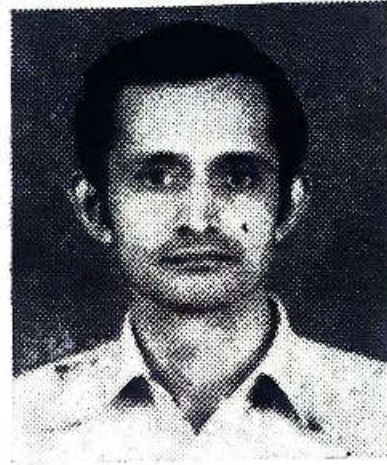
Sri P. Janardhana Rao



Sri P. F. Rodrigues



Sri J. Puttabba



Sri K. S. Bhat



Sri B. Rajarama Samitha

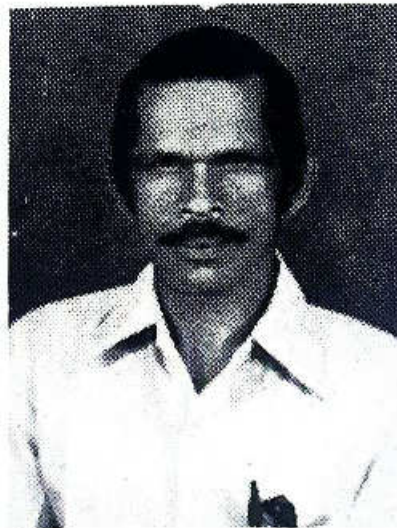


Sri B. K. Raveendra

They served in the College Faculty



Sri K. Balakrishna Rao

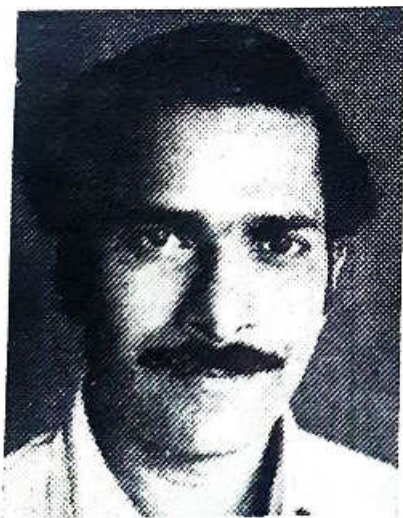
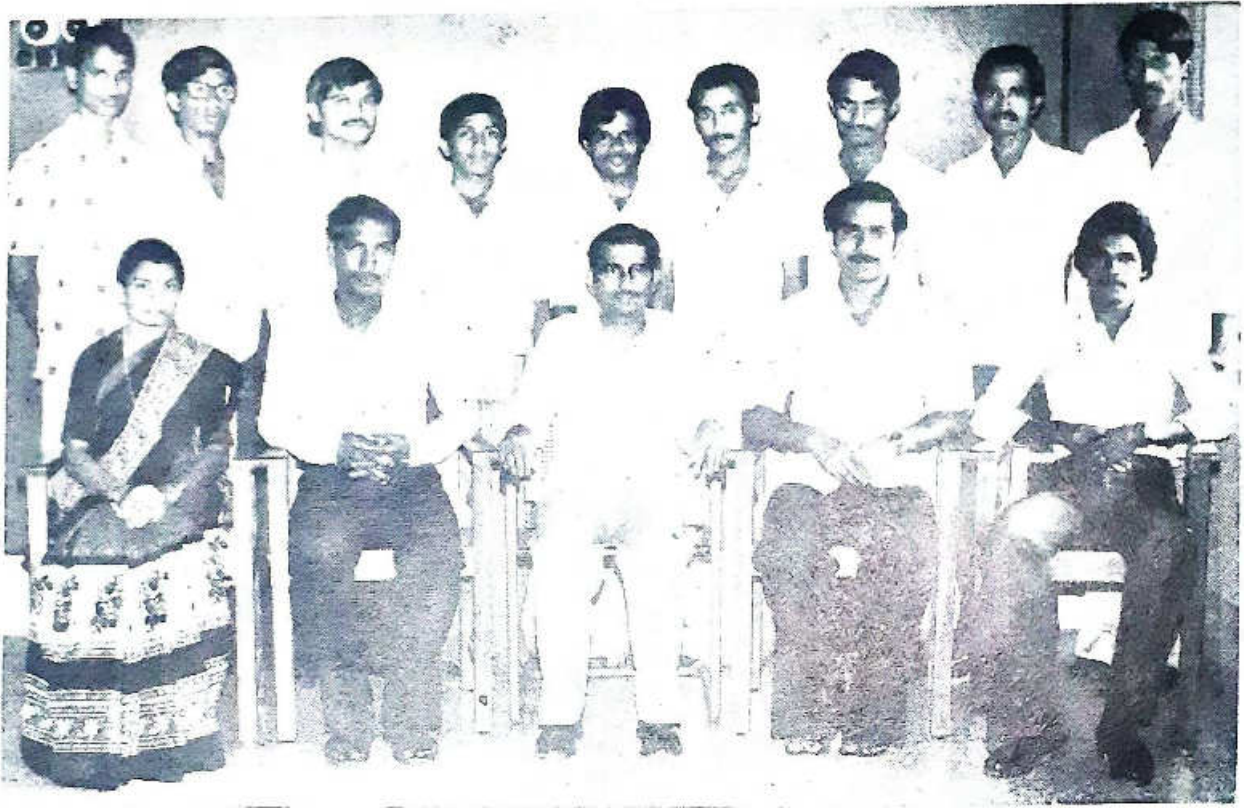


Sri Mohamad Kunhi

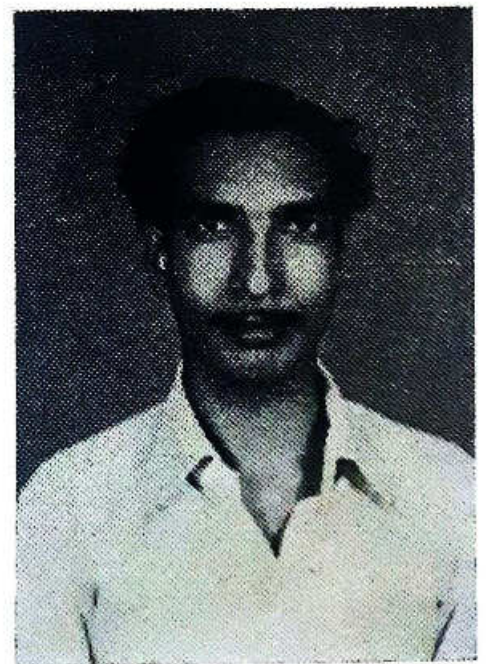


Sri P. Bindusara Shetty

Non Teaching Staff



Sri P. Krishnadas
Office Manager



Sri Raghuvveer Mudya
Librarian

ಕನ್ನಡ ವಿಭಾಗ

- | | | |
|--|---|----|
| 1) ಕನ್ನಡ ಸಾಹಿತ್ಯಾಗಸದ ಧ್ರುವತಾರೆ ಬಿ. ಎಂ. ಶ್ರೀ | — | 1 |
| 2) ಇಂದಿನ ವಿದ್ಯಾಭ್ಯಾಸದಲ್ಲಿ ವೃತ್ತಿ ಶಿಕ್ಷಣದ ಅವಶ್ಯಕತೆ | — | 3 |
| 3) ಮೆರವಣಿಗೆ | — | 5 |
| 4) ಕಾಲೇಜು ಶಿಕ್ಷಣದಲ್ಲಿ ಗ್ರಂಥಾಲಯ ಮತ್ತು ಗ್ರಂಥಪಾಲಕನ ಪ್ರಾಧಾನ್ಯತೆ ಹಾಗೂ ಪಾತ್ರ | — | 6 |
| 5) ರಾಜ್ಯಪಾಲರು—ಕವಲುದಾರಿಯಲ್ಲಿ | — | 10 |

ಕನ್ನಡ ಸಾಹಿತ್ಯಾಗಸದ ಧ್ರುವತಾರೆ ಬಿ. ಎಂ. ಶ್ರೀ.

ಲೇಖಕ—ನರಸಿಂಹ ಭಟ್, ಪಿ. ಪ್ರಥಮ ಕಾನೂನು ಪದವಿ ತರಗತಿ.

ಕನ್ನಡ ನಾಡಿನಲ್ಲಿ ಕನ್ನಡವೆಂದರೆ ಮೂಗು ಮುರಿಯುತ್ತಿದ್ದ ಕಾಲದಲ್ಲಿ ಆಂಗ್ಲ ಭಾಷಾ ಬೋಧಕರಾಗಿ ಸದ್ದು ಗದ್ದಲವಿಲ್ಲದೆ ಕನ್ನಡ ನಾಡಿನ, ಕನ್ನಡ ನುಡಿಯ ಸೇವೆಯನ್ನು ತ್ರಿಕರಣಪೂರ್ವಕವಾಗಿ ಮಾಡಿದ ಮಹನೀಯರೇ ಕನ್ನಡದ ಕಣ್ಣು ಪ್ರಾಚಾರ್ಯ ಬಿ. ಎಂ. ಶ್ರೀಕಂಠಯ್ಯನವರು. ನವೋದಯ ಸಾಹಿತ್ಯದ ಪ್ರವರ್ತಕರಾಗಿ, ಕನ್ನಡ ಸಾಹಿತ್ಯವನ್ನು ಜನಸಾಮಾನ್ಯರ ಹೃದಯವನ್ನು ಮುಟ್ಟಿಸುವ ಹೊಣೆಯನ್ನು 'ಹೊತ್ತು ಕನ್ನಡದ ಕಂಪನ್ನು ನಾಡಿನ ಉದ್ದಗಲಕ್ಕೆ ಹರಡಿದ ಕೀರ್ತಿಗೆ ಭಾಜನರಾದರು. ಕನ್ನಡಕ್ಕಾಗಿ ಹಗಲಿರುಳೆನ್ನದೆ ಜೀವ ಸವೆಸಿದರಲ್ಲದೆ ಕನ್ನಡ ಸಾಹಿತ್ಯದ ವಿವಿಧ ರಂಗಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡಲು ಸಮರ್ಥರಾದ ಹಲವರನ್ನು ರೂಪಿಸಿ ಕಳುಹಿಸಿದರು. ಅವರು ನೈಜವಾಗಿ ಕನ್ನಡದ 'ಶ್ರೀ' (ಸಿರಿ).

ಬೆಳ್ಳೂರು ಮೈಲಾರ ಶ್ರೀಕಂಠಯ್ಯನವರು 1884ರ ಜನವರಿ 3 ರಂದು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಸಂಪಿಗೆಯಲ್ಲಿ ಜನಿಸಿದರು. ತಾಯಿ ಭಾಗೀರಥಮ್ಮನವರ ತವರೂರು ಸಂಪಿಗೆ. ತಂದೆ ಮೈಲಾರಯ್ಯ ಶ್ರೀರಂಗಪಟ್ಟಣದಲ್ಲಿ ವಕೀಲ ವೃತ್ತಿಯಲ್ಲಿದ್ದರು. ಅವರ ಹಿರಿಯರು ಬಾಳಿ ಬದುಕಿದ ಊರೇ ಬೆಳ್ಳೂರು. ಶ್ರೀಯವರ ಬಾಲ್ಯದ ದಿನಗಳು, ಆಟ-ಪಾಠಗಳೆಲ್ಲ ಶ್ರೀರಂಗಪಟ್ಟಣದಲ್ಲಿ ಆಯಿತು. ಮೈಸೂರಿನಲ್ಲಿ ಪ್ರೌಢ ಶಾಲೆಯನ್ನು ಮುಗಿಸಿದ ಶ್ರೀಯವರು 1906 ರಲ್ಲಿ ಬೆಂಗಳೂರಿನ ಸೆಂಟ್ರಲ್ ಕಾಲೇಜಿನಲ್ಲಿ ಬಿ. ಎ. ಪದವಿಯನ್ನು ಪಡೆದರು. ಬಳಿಕ ಮದರಾಸಿನಲ್ಲಿ ಬಿ. ಎಲ್. ಹಾಗೂ

“ಕನ್ನಡ ನನಗೆ ಮುಂದು, ಉಳಿದುದು ಅದರ ಹಿಂದೆ.
ಕನ್ನಡದ ಕಾವಲು ನಾಯಿ ನಾನು, ಅದಕ್ಕೆ ಕಾವು
ತಟ್ಟುವುದಾದರೆ ನಾನು ಬಗುಳುವುದುಂಟು, ಕಚ್ಚುವ
ನಾಯಿಯಲ್ಲ” ಎಂದ ಕನ್ನಡದ ಕಣ್ಣು ಶ್ರೀ ಬಿ. ಎಂ.
ಶ್ರೀ ಕನ್ನಡವು ಅವನತಿ ಹೊಂದಿದ್ದ ಕಾಲದಲ್ಲಿ ಕನ್ನಡ
ಕ್ಕಾಗಿ ಹಲವಾರು 'ಕಚ್ಚುವ ನಾಯಿ'ಗಳನ್ನೂ ತಯಾರು
ಮಾಡಿದರು. ಅವರ ಜನ್ಮ ಶತಾಬ್ಧಿಯ ಸವಿನೆನಪಿಗಾಗಿ
ಈ ಕಿರುಲೇಖನ.

ಎಂ. ಎ. ಪದವಿಗಳನ್ನು ಪಡೆದ ಅವರನ್ನು ಮೈಸೂರು ಮತ್ತು ಕೈಬೀಸಿ ಕರೆಯಿತು. 1909 ರ ಜನವರಿಯಲ್ಲಿ ಅವರು ಮೈಸೂರಿನ ಮಹಾರಾಜಾ ಕಾಲೇಜಿನಲ್ಲಿ ಇಂಗ್ಲೀಷ್ ಅಧ್ಯಾಪಕರಾಗಿ ನೇಮಕಗೊಂಡರು.

ಶ್ರೀಯವರು ಬೆಳೆದ ಈ ಕಾಲದಲ್ಲಿ ಕನ್ನಡ ಭಾಷೆಯು ತುಂಬಾ ಅಧೋಗತಿಯನ್ನು ಪಡೆದಿತ್ತು. ಇದಕ್ಕೆ ಕಾರಣ ಹೆಚ್ಚು ಹೆಚ್ಚಾಗಿ ಬೀಸಿದ ಇಂಗ್ಲೀಷ್ ಭಾಷೆಯ ಗಾಳಿ. ಈ ಇಂಗ್ಲೀಷ್ ವ್ಯಾಮೋಹ ಕನ್ನಡದ ಬಗ್ಗೆ ಕೀಳರಿಮೆಗೆ ಕಾರಣವಾಗಿತ್ತು. ಇಂತಹ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಇಂಗ್ಲೀಷ್ ಭಾಷಾ ಬೋಧಕರಾಗಿದ್ದರೂ ಅವರು ತಾರುಣ್ಯದಲ್ಲಿಯೇ ಕನ್ನಡದ ಮೇಲಿನ ಮಮತೆಯನ್ನು ಹೃದಯದಲ್ಲಿ ಮೂಡಿಸಿಕೊಂಡವರು. 'ನನ್ನ ಭಾಷೆಯನ್ನು ನಾನು ಉದ್ಧಾರ ಮಾಡದಿದ್ದರೆ ಇನ್ನಾರು ಉದ್ಧಾರ ಮಾಡುವರು' ಎಂಬ ಭಾವನೆಯಿಂದ ಕನ್ನಡದ ಏಳಿಗೆಯೇ ತನ್ನ ಪವಿತ್ರ ಕರ್ತವ್ಯವೆಂದು ಭಾವಿಸಿಕೊಂಡು ಅದಕ್ಕಾಗಿ ಅಪರ್ನಿತಿ ದುಡಿದವರು. “ಕನ್ನಡ ನಾಡಿಗೆ, ಕನ್ನಡ ನುಡಿಗೇ ಅನ್ಯಥಾ ಶರಣಂ ನಾಸ್ತಿ. ಸಂಸ್ಕೃತವಲ್ಲ, ಇಂಗ್ಲೀಷ್‌ಲ್ಲ, ಹಿಂದಿಯಲ್ಲ; ಕನ್ನಡ” ಎಂದು ಅವರು ಘೋಷಿಸಿದರು.

ಅಧ್ಯಾಪಕ ವೃತ್ತಿಯನ್ನು ಕೈಗೊಂಡ ಶ್ರೀಕಂಠಯ್ಯನವರು ಆ ವೃತ್ತಿಯ ಪವಿತ್ರತೆಯನ್ನು ಅರಿತು ಅವರ ಹಿರಿಮೆಯನ್ನು ಎತ್ತಿ ಹಿಡಿದರು. ವೃತ್ತಿಯಲ್ಲಿ ಪರಿಪೂರ್ಣತೆ ಅವರ ವೈಶಿಷ್ಟ್ಯ. ಇದರಿಂದಾಗಿಯೇ ಅವರು ಮುಂಬೆ ಪ್ರೊಫೆಷರ್ ಹುದ್ದೆಗೆ ತರುವಾಯ ಮೈಸೂರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ರಿಜಿಸ್ಟ್ರಾರ್ ಸ್ಥಾನವನ್ನು ಆಲಂಕರಿಸಿದರು. ಆ ಸಂದರ್ಭದಲ್ಲಿ ಅವರು ಕನ್ನಡದ ಬೆಳವಣಿಗೆಗಾಗಿ ಹಲವಾರು ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡರು. ಮೈಸೂರು ವಿಶ್ವವಿದ್ಯಾಲಯದಲ್ಲಿ ಆಗ ಕನ್ನಡ ಎಂ. ಎ. ತರಗತಿಗಳಿರಲಿಲ್ಲ. ಕನ್ನಡದ ಬೆಳವಣಿಗೆಗಾಗಿ ಕನ್ನಡ ಎಂ. ಎ. ತರಗತಿಯನ್ನು ಪ್ರಾರಂಭ ಮಾಡಿದರು. "ಮೈಸೂರು ವಿಶ್ವವಿದ್ಯಾಲಯ ಗ್ರಂಥಮಾಲೆ"ಯನ್ನು ಸ್ಥಾಪಿಸಿ, ವಿಶ್ವವಿದ್ಯಾಲಯದ ಪ್ರಕಟಣೆಗಳು ಸಾಹಿತ್ಯ ಸಕ್ರಮಕ್ಕೆ, ಜನಸಾಮಾನ್ಯರಿಗೆ ತಿಳಿಯುವಂತೆ ವ್ಯವಸ್ಥೆ ಮಾಡಿದರು. ಆಸಕ್ತ ವಿದ್ಯಾರ್ಥಿಗಳಿಗಾಗಿ "ಗೋಷ್ಠಿ"ಗಳನ್ನು ಏರ್ಪಡಿಸಿದರು. ಶಿಸ್ತಿನ ಸಿಪಾಯಿಗಳಾದರೂ ವಿದ್ಯಾರ್ಥಿಗಳಲ್ಲಿ ಒಂದಾಗಿ ಬೆರೆತು ಭಾಷಾ ಬೆಳವಣಿಗೆಗಾಗಿ ದುಡಿದ ಶ್ರೀಗಳವರ ಶಿಷ್ಯರಲ್ಲಿ ಪ್ರಮುಖರು ಮುಂದೆ 'ಕನ್ನಡದ ಆಸ್ತಿ'ಯಾಗಿ ಬೆಳೆದ ಮಾಸ್ತಿಯವರು. ಕುವೆಂಪುರವರು.

ಎಡೆಬಿಡದೆ ನಡೆದ ಕನ್ನಡದ ಕಾರ್ಯಕ್ರಮಗಳ ನಡುವೆ ಶ್ರೀಯವರು ತಮ್ಮ ಸಾಂಸಾರಿಕ ಜೀವನದಲ್ಲಿ ಹಲವು ದುರಂತಗಳನ್ನು ಎದುರಿಸಬೇಕಾಯಿತು. ಅಕಾಲದಲ್ಲಿ ಅರ್ಧಾಂಗಿಯನ್ನೂ, ಪುತ್ರನನ್ನೂ ವಿಧಿ ಅವರಿಂದ ಕಳೆದುಕೊಂಡಿತು. ಅವರ ಮಗಳ ವೈಧವ್ಯವನ್ನೂ ಅವರು ನೋಡಬೇಕಾಯಿತು. ಈ ಎಲ್ಲಾ ದುಃಖಕರವಾದ ವಾರ್ತೆಗಳ ಮಧ್ಯೆಯೂ ಅವರು ಕರ್ತವ್ಯ ಪ್ರಜ್ಞೆಯನ್ನು ಅರಿತು ಸ್ಥಿತಿಪ್ರಜ್ಞೆ ನಂತೆ ನಡೆದುಕೊಂಡರು.

ಕರುಣಾಳು ಬಾ, ಬೆಳಕೆ, ಮುಸುಕಿಡಿ:

ಮುಟ್ಟಿನಲಿ ಕೈಹಿಡಿದು ನಡೆಸೆನ್ನನು

ಎಂದು ಪ್ರಾರ್ಥಿಸಿದ ಶ್ರೀಯವರು 'ಪ್ರತಿಯೊಬ್ಬ ಕನ್ನಡಿಗನೂ ಕನ್ನಡವನ್ನು ಪೂಜಾರಿಯಾಗಬೇಕು' ಎಂತ ತಮ್ಮ ಮಾತಿನಂತೆ ತಾವೂ ಕನ್ನಡವನ್ನು ಪೂಜಾರಿಯಾಗಿ ಹಲವಾರು ಸಾಹಿತ್ಯ ಕೃತಿಗಳನ್ನು ರಚಿಸಿದರು. ಇಂಗ್ಲೀಷ್ ಭಾಷೆಯ ಮೇಲೆ ತಮಗಿರುವ ಪಾಂಡಿತ್ಯದ ಪ್ರಭಾವದಿಂದ ಷೇಕ್ಸ್‌ಪಿಯರ್, ಶೆಲ್ಲಿ, ವರ್ಡ್ಸ್‌ವರ್ತ್ ಮೊದಲಾದ ಆಂಗ್ಲ ಕವಿಗಳ ಕವನಗಳನ್ನು ಕನ್ನಡಕ್ಕೆ ಭಾಷಾಂತರಿಸಿ "ಇಂಗ್ಲೀಷ್ ಗೀತೆಗಳು" ಎಂಬ ಕೃತಿಯನ್ನು ಕನ್ನಡ ಸಾಹಿತ್ಯಕ್ಕೆ ತಮ್ಮ ಮೊದಲ ಕವನ ಸಂಕಲನವಾಗಿ ನೀಡಿದರು. ಅನಂತರ ಬಂದ ಅವರ "ಹೊಂಗಳಸುಗಳು" ಕವನ ಸಂಕಲನವು ಜನಸಾಮಾನ್ಯರನ್ನು ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟುಕೊಂಡು ರಚಿಸಿದ ಕೃತಿ. ಇಂಗ್ಲೀಷ್ ಸಾಹಿತ್ಯದ ದುರಂತ ನಾಟಕಗಳಿಂದ ಪ್ರಭಾವಿತರಾಗಿ "ಅಶ್ವತಾಮಸ್" ಎಂಬ ದುರಂತ ಪದ್ಯ ನಾಟಕವನ್ನು ರಚಿಸಿದರು. ಹಾಗೆಯೇ "ಗದಾಯುದ್ಧ" ನಾಟಕವೂ "ಪಾರಸೀಕರು" ಎಂಬ ಪದ್ಯನಾಟಕವೂ ಬಿ. ಎಂ. ಶ್ರೀಯವರ ಕನ್ನಡದ ಮೇಲಿನ ಮಮತೆ ಹಾಗೂ ಪ್ರಭುತ್ವದ ದ್ಯೋತಕಗಳು.

"ಕನ್ನಡದ ಬೇರನ್ನು ಕೊಯ್ದು ಕನ್ನಡನಾಡನ್ನು ಒಂದುಗೂಡಿಸಬಹುದೇ? ನಾಡಿಗೆ ಆಗ ಕನ್ನಡ ತನವೆಲ್ಲಿದೆ?" ಎಂದು ಪ್ರಶ್ನಿಸಿದ ಬಿ. ಎಂ. ಶ್ರೀಯವರು ಅಣ್ಣ ಮಾಸ್ತಿಯವರು ಹೇಳಿದಂತೆ 'ಕನ್ನಡದ ಹೊಸನಡೆಯ ಹೆಜ್ಜೆಗಳನ್ನಿಡಲು ಕಲಿಸಿದವರು'. ಪಂಪ, ರನ್ನ, ಜನ್ನರೇ ಮೊದಲಾದ ಕವಿಗಳ ಕಾವ್ಯಗಳನ್ನು ಅವರು ಹೃದ್ಯತೆ ಮಾಡಿಕೊಂಡಿದ್ದರು. ಅವರ ಕೃತಿಗಳು ಬದುಕಿನಲ್ಲಿ ಹೊಸ ಜೈತನ್ಯವನ್ನು, ಮಾನವೀಯತೆಯನ್ನು ಬೆಳೆಸಿಕೊಳ್ಳಲು ಸಹಾಯಕವಾಗುತ್ತವೆ. ತಾವು ಕಂಡ ಸತ್ಯಗಳನ್ನು ಕನ್ನಡ ನಾಡಿನ ಜನತೆಗೆ ಕಾವ್ಯದ ಮೂಲಕ ನೀಡಿದರು. 1938 ರಲ್ಲಿ ಕನ್ನಡ ಸಾಹಿತ್ಯ ಪರಿಷತ್ತಿನ ಉಪಾಧ್ಯಕ್ಷರಾದಾಗ ಕನ್ನಡ ಸಾಹಿತ್ಯದ ಬಳಿಗೆಗಾಗಿ ಹಲವಾರು ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಯೋಚಿಸಿದರು.

ಬಿ. ಎಂ. ಶ್ರೀ ಎಂಬ ವ್ಯಕ್ತಿ ಇಂದು ನಮ್ಮ ಕಣ್ಣಿನಿಂದ ಮರೆಯಾಗಿರಬಹುದು. ಆದರೆ ಅವರು ಬಿತ್ತಿದ ಕನ್ನಡ ಪ್ರೇಮ, ಬೆಳೆಸಿದ ಕನ್ನಡ ಸಾಹಿತ್ಯ, ನೀಡಿದ ಸಂದೇಶಗಳು, ಸಾಹಿತ್ಯಕೃತಿಗಳು ನಮ್ಮ ಮನಸ್ಸಿನಿಂದ ಮರೆಯಾಗಲಾರವು. ಕನ್ನಡಕ್ಕಾಗಿ ತನು ಮನ ಧನಗಳನ್ನು ಸಮರ್ಪಿಸಿ ಅಹರ್ನಿಶಿ ದುಡಿದ ಅವರು ತಮ್ಮಂತೆಯೇ ಕನ್ನಡಕ್ಕಾಗಿ ಕೆಲಸ ಮಾಡುವ ಹಲವಾರು ವ್ಯಕ್ತಿಗಳಿಗೆ ಮಾರ್ಗದರ್ಶಕರಾದರು. ಕನ್ನಡದ 'ಕಾವಲುನಾಯಿ'ಯಾಗಿ ಕನ್ನಡಕ್ಕೆ 'ಕಾವು ತಟ್ಟುವಾಗ ಬಗಳು' ಅವರು ಕನ್ನಡವು ಅವನತಿ ಹೊಂದಿದ್ದ ಕಾಲದಲ್ಲಿ ಕನ್ನಡ ಸಾಹಿತ್ಯದ ಪುನರುಜ್ಜೀವನವನ್ನು ಮಾಡಿ ಕನ್ನಡಕ್ಕಾಗಿ 'ಕಟ್ಟುವ ನಾಯಿ'ಗಳಿಗೂ ಮಾರ್ಗದರ್ಶಕರಾದರು. ಇತ್ತೀಚೆಗೆ ಬೆಳ್ಳೂಡಿಸಲಿಲ್ಲ ನಡೆದ ಶ್ರೀಯವರ ಜನ್ಮಶತಮಾನೋತ್ಸವದ ಅಚರಣೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಬಿ. ಎಂ. ಶ್ರೀ ಪ್ರತಿಷ್ಠಾನದ ಜೀವನಾಡಿಯಾದ ಪ್ರೊ. ಎಂ. ವಿ. ಸೀತಾರಾಮಯ್ಯನವರು ಮಾತನಾಡುತ್ತ. "ನಾನೂ ಅವರಂತೆ ಭಿಕ್ಷೆ ಬೇಡಲು ಬಂದ ಕನ್ನಡದ ದಾಸಯ್ಯ. ಅವರು ಕಟ್ಟಿದ ಕಾವಲು ನಾಯಿ. ಅದೇ

ಸಮಯ ಬಂದರೆ ನಾನು ಕಚ್ಚುವ ಕಾವಲು ನಾಯಿ, ಆದರೂ ನನ್ನ ಕಚ್ಚಿನಲ್ಲಿ ಪ್ರೀತಿಯ ನಚ್ಚುಂಟು, ರೊಚ್ಚಿಲ್ಲ" ಎಂದು ಹೇಳಿದುದೇ ಇದಕ್ಕೆ ಸಾಕ್ಷಿ.

ಶ್ರೀ ಅವರ ನೆನಪು ಕನ್ನಡದ ಪ್ರೇಮಿಗಳಿಗೆಲ್ಲ ಚೇತೋಹಾರಿ. ಇಂದು ಅವರು ನಮ್ಮ ನಡುವೆ ಇರುತ್ತಿದ್ದರೆ ನೂರು ವರ್ಷ ತುಂಬಿದ ಸಾರ್ಥಕ ಬಾಳನ್ನು ನಡೆಸುತ್ತಿದ್ದರು. ಆದರೆ ವಿಧಿ ಅವರನ್ನು 1946 ಜನವರಿ 5 ರಂದು ತನ್ನ ಬಳಿಗೆ ಕರೆಸಿಕೊಂಡಿತು. ಅವರ ಕನ್ನಡದ ಕೆಚ್ಚನ್ನು ನಾವು ಅವರ ಜನ್ಮಶತಮಾನೋತ್ಸವದ ಈ ವರ್ಷ ಮೈಗೂಡಿಸಿಕೊಂಡು, ನಮ್ಮ ಜಾಡ್ಯತೆಯನ್ನು ತೋಲಗಿಸಿ ಕನ್ನಡದ ಅಭಿವೃದ್ಧಿಗಾಗಿ ದುಡಿಯಬೇಕಾಗಿದೆ. ಈ ದಾರಿಯಲ್ಲಿ ಅವರ ಕೃತಿಗಳು ನಮಗೆ ಕೈಮರವಾಗಿ, ಅವರ ಕೆಚ್ಚು ಸ್ಫೂರ್ತಿಯಾಗಿ, ಅವರ ಸಂದೇಶಗಳು ನಮಗೆ ದಾರಿದೀಪವಾಗಿ ನಮ್ಮನ್ನು ನಡೆಸಿತ್ತು. ಗೋಖಲೆಯವರ ಬಗೆಗೆ ಡಾ| ಡಿ. ವಿ. ಗುಂಡಪ್ಪನವರಾಡಿದ ಒಂದು ಮಾತು ಕನ್ನಡ ಸಾಹಿತ್ಯಾಗಸದ ಈ ಧ್ರುವತಾರೆಗೂ ಅಷ್ಟೇ ಆನ್ವಯಿಸುತ್ತದೆ—

ವರಗುಣ ಭೂಷಿತ ನೀತಂ

ಪರ ಹಿತದೊಳೆ ತನ್ನ ಹಿತವ ಕಂಡವನೀತಂ

ಗುರುವೀತಂ ನಮಗೆಂಬುದ

ಮರೆವುದೇ, ಹಾ ವಿಧಿಯೆ! ನೀನದೇಂ ನಿರ್ದಯನೋ.

ಇಂದಿನ ವಿದ್ಯಾಭ್ಯಾಸದಲ್ಲಿ ವೃತ್ತಿ ಶಿಕ್ಷಣದ ಅವಶ್ಯಕತೆ

ಲೇ :—ತಾಳ್ಮೆ, ಸುಬ್ರಹ್ಮಣ್ಯ ಭಟ್. (I. L. L. B.)

ಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಕ್ರಾಂತಿಕಾರಿ ಬದಲಾವಣೆ ಆಗಬೇಕು—ಎಂಬುದರಲ್ಲಿ ಶಿಕ್ಷಣ ತಜ್ಞರುಗಳ ಒಮ್ಮತವಿದೆ. ಮಂಗಳೂರು ವಿ. ವಿ. ದ ಪ್ರಥಮ ಘಟಿಕೋತ್ಸವ ಭಾಷಣದಲ್ಲಿ ಶ್ರೀ ವಿ. ಆರ್. ಕೃಷ್ಣಯ್ಯರ್ (ಭಾರತದ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ, ನಿವೃತ್ತ ನ್ಯಾಯಾಧೀಶ) ಅವರು ಈ ಕುರಿತು ವಿವೇಚಿಸುತ್ತಾ, ನಮ್ಮ ಶಿಕ್ಷಣದಲ್ಲಿ ರಾಷ್ಟ್ರೀಯದರ್ಶನವಿಲ್ಲ ಎಂದಿದ್ದಾರೆ. ಇದೇ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಚರ್ಚೆಗೊಳಗಾಗುತ್ತಿರುವ ಇನ್ನೊಂದು ವಿಷಯ—'ವೃತ್ತಿ ಶಿಕ್ಷಣದ ಅವಶ್ಯಕತೆ'! ಇಂದಿನ ವಿದ್ಯಾಭ್ಯಾಸ ಕ್ರಮ, ಆಧುನಿಕತೆಯ ಪ್ರಭಾವ, ಬಾಳುವೆಯ ಸಾರ್ಥಕತೆ, ವೃತ್ತಿಶಿಕ್ಷಣ, ಶಿಕ್ಷಣರಂಗದಲ್ಲಿ ಪರಿಶೀಲನೆ ಗೊಳಗಾಗಬೇಕಾದ ಕೆಲವು ಅಂಶಗಳು—ಈ ಕುರಿತಾಗಿ ನಡೆಸಿದ ವೈಚಾರಿಕ ವಿಶ್ಲೇಷಣೆಯೇ ಈ ಲೇಖನದ ವಸ್ತು.

ಸಂಸ್ಕೃತದ ಒಂದು ಸುಭಾಷಿತ ಹೀಗೆ ಹೇಳುತ್ತಿದೆ:—'ವಿದ್ಯಾದಧಾತಿ ವಿನಯಂ, ವಿನಯಾದ್ಯಾತಿ ಪಾತ್ರತಾಂ! ಪಾತ್ರತ್ವಾತ್ ಧನಮಾಪ್ನೋತಿ ಧನಾದ್ ಧರ್ಮ ತತಃ ಸುಖಂ'—ಇದರರ್ಥ ವಿದ್ಯೆ ವಿನಯವನ್ನೂ, ವಿನಯದಿಂದ ಪಾತ್ರತ್ವ ವನ್ನೂ (ಯೋಗ್ಯತೆ), ಆ ಪಾತ್ರತ್ವದಿಂದ ಧನಾರ್ಜನೆ ಮಾಡಿದಲ್ಲಿ ಅದರಿಂದ ಧರ್ಮಮಯ ಜೀವನವಾಗಿ ಸುಖಾಂತವಾ ಗುವುದು—ಎಂದು. ಆದರೆ! ಇಂದಿನ ವಸ್ತುಸ್ಥಿತಿಯನ್ನು ಗಮನಿಸಿದರೆ ಅದರ ಯತಾರ್ಥತೆ ಏನೋ ಅರ್ಥವಾಗದು. ಒಟ್ಟಿನಲ್ಲಿ, ವಿನಯ ಕೊಡುವ ವಿದ್ಯೆ ಇಲ್ಲ; ವಿದ್ಯಾವಿನಯ ಸಂಪನ್ನರು ಆಧುನಿಕ ದೃಷ್ಟಿಯಲ್ಲಿ 'ಯೋಗ್ಯರು' ಅನ್ನಿಸಿಕೊಳ್ಳುವುದೇ ಕಷ್ಟ; ಯೋಗ್ಯರು, ಯೋಗ್ಯವಾದ ದಾರಿಯಲ್ಲಿ ಧನ ಸಂಪಾದಿಸಿದರೇ ಅದು ಧರ್ಮ (ಆಧಾರ); ಇಂದು ಹಾಗಾಗುವುದಿಲ್ಲ—ಅದು ಸಾಧ್ಯವಿಲ್ಲ. ಆದ್ದರಿಂದಲೇ ಯಾರೂ ಸುಖಿಗಳಾಗಿಲ್ಲ—ಶಾಂತಿಯಿಲ್ಲ. ಜೀವನದ ಸುಗಮತೆಗೆ ಹಣ ಮುಖ್ಯ. ನಮ್ಮ ವಿದ್ಯೆ ಜೀವನದಾರಿಯನ್ನು ತೋರಿಸುವುದಿಲ್ಲವೆಂದಾದಾಗ, ವಿದ್ಯಾಭ್ಯಾಸದಲ್ಲಿ ಭರವಸೆ ಶಿಥಿಲವಾಗುತ್ತಿರುವಾಗ "ವಿದ್ಯೆಗಾಗಿಯೇ ವಿದ್ಯೆಯನ್ನೇ ಕಲಿಯಬೇಕು" ಎನ್ನುವ ಹಾರಿಕೆಯ ಉತ್ತರ, ಇದೀಗ ರಾಷ್ಟ್ರೀಯ ಸಮಸ್ಯೆಯಾಗಿರುವ ವಿದ್ಯಾವಂತ ನಿರುದ್ಯೋಗಿಗಳಿಗೆ ರುಚಿಸಿತೆ! ಇಂದಿನ ವಿದ್ಯಾವಂತರು ರಾಷ್ಟ್ರದ 'ಸಂಪತ್ತು'—ಆಗದೆ 'ಸಮಸ್ಯೆ' ಆಗುವುದಕ್ಕೆ ಮೂಲ ಕಾರಣವೇನು! ವಿವೇಚಿಸಬೇಕಾಗಿದೆ.

ಮನುಷ್ಯನಿಗೆ ಪ್ರಪಂಚದಲ್ಲಿ ಬದುಕುವುದು ಮುಖ್ಯ. ಸುಸಂಸ್ಕೃತನಿಗೆ ಅದು ಬದುಕು ಯಾವ ರೀತಿ ಎಂಬುದು ಮುಖ್ಯ, ಇಂದಿನ ವಿದ್ಯಾವಂತರಿಗೆ ಅದು ಎಷ್ಟೇಸಲ ಮುಖ್ಯ ಆಗದೇ ಇರುವುದು ವಿಶಾಧನೀಯ. ಇಂದಿನ ವಿದ್ಯಾಭ್ಯಾಸ ದಿಂದ, ವಿದ್ಯಾರ್ಥಿಗಳು, ಆಧುನಿಕ ದೃಷ್ಟಿಯ 'ನಾಗರಿಕ'ರಾಗಬಲ್ಲರೇ ಹೊರತು. ಸಂಸ್ಕಾರವನ್ನೇ ಹೊಂದಿ ಹೃದಯವಂತಿಕೆ ಯನ್ನು ಬೆಳೆಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಮನುಷ್ಯನಿಗೆ ಪ್ರಾಥಮಿಕವೂ, ಪ್ರಾಮುಖ್ಯವೂ ಆಗಿರುವ ಅವಶ್ಯಕತೆಗಳು ಮೂರು:—ಅಶನ, ವಸನ, ವಸತಿ. ಇದು ಲಭ್ಯವಾದಾಗ ಮಾತ್ರ ಇತರ ವಿಚಾರಗಳು ಸುಖದಾಡಬಲ್ಲವು. ನಾವು ಮೊದಲಾಗಿ ಬದುಕಲು ಕಲಿಯಬೇಕು. (ಎಲ್ಲರೂ ಓದಲೇಬೇಕಾದ, ಸ್ವಾಮಿ ಜಗದಾತ್ಮಾನಂದರ, "ಬದುಕಲು ಕಲಿಯಿರಿ" —ಎಂಬ ಪುಸ್ತಕ.) ಬದುಕುವುದರಲ್ಲಿ 3 ವಿಧ—ಹೇಗಾದರೂ ಬದುಕುವುದು ಮತ್ತು ಬದುಕಬೇಕಾದ ರೀತಿಯಲ್ಲಿ ಬದುಕು ವುದು. ಪಾಶ್ಚಾತ್ಯ ವಿದ್ಯಾಪದ್ಧತಿಯಿಂದ ಮನುಷ್ಯ ಹೆಚ್ಚಾಗಿ ಸಂಸ್ಕೃತನಾಗುತ್ತಾನೆ. ಎನ್ನುವುದಕ್ಕಿಂತ ನಾಗರೀಕನಾಗುತ್ತಾನೆ. ಎನ್ನಬೇಕು. ಆ ಗಾಳಿ ಬೀಸಿದ ಈ ಭಾರತದಲ್ಲೂ ಉನ್ನತಸ್ಥಾನದ ವಿದ್ಯಾವಂತರು ಹೆಚ್ಚಾಗಿ ಮಾನವೀಯತೆಯನ್ನು ಮರೆತು ವರ್ತಿಸುವುದನ್ನು ನೋಡಿದಾಗ ಇದು ಆ ವಿದ್ಯಾಭ್ಯಾಸದ ಬಳುವಳಿ ಎಂಬುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ. ವಿದ್ಯಾವಂತನಿಗೆ ತರಬೇತಿ ಆಗಿದೆ, ಘನತೆ ಗೌರವಗಳ ಕಟ್ಟುಣಾಡು—ಆತನನ್ನು ಹೇಗೋ ಬಾಳುವುದಕ್ಕೆ ಬಿಡದು. ಅವಶ್ಯಕತೆಗಳನ್ನು ನೀಗಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ 'ಹಣ' ಬೇಕು. "ಉತ್ತಮ ಸ್ವಾರ್ಜಿತಂ ವಿತ್ತಂ"—ತಾನೇ ಸಂಪಾದಿಸಿದ್ದು ಉತ್ತಮ. ಸ್ವಾವಲಂಬಿ ಬೀವನದಿಂದ ಮಾನಸಿಕ ನೆಮ್ಮದಿ; ಸ್ವಾಭಿಮಾನ ಉಳಿಯುತ್ತದೆ. ಆದಕ್ಕಾಗಿ, ಕಾನೂನುಬದ್ಧವಾದ, ಗೌರವಯುಕ್ತವಾದ ಧನ ಸಂಪಾದಿಸುವ 'ವೃತ್ತಿ' ಬೇಕು. ನಮ್ಮ ವಿದ್ಯಾವಂತರಿಗೆ ಇಂತಹ ಒಂದು ವೃತ್ತಿ ದೊರೆಯದೆ ಇರುವುದಕ್ಕೆ, ಅವರಿಗೆ ಕೊಡುವ ಶಿಕ್ಷಣದಲ್ಲೂ ಏನೋ ಒಂದು ನ್ಯೂನತೆ ಇರಬಹುದಷ್ಟೆ. ಆರ್ಥ್ ಅವರು ಹೊಂದಿದ ಶಿಕ್ಷಣ ವೃತ್ತಿ ಶಿಕ್ಷಣ ಅಲ್ಲ ಎನ್ನುವುದು ಸ್ಪಷ್ಟ.

ನಮಗೆ ಕೊಡುವ ಶಿಕ್ಷಣ, ನಮಗೊಂದು ಸ್ವತಂತ್ರ ಉದ್ಯೋಗದ ದಾರಿ, ನಿರ್ದಿಷ್ಟವಾದ ಕೆಲಸದ ರೀತಿ, ಸಮಾಜದಲ್ಲಿ ಸ್ವಾವಲಂಬಿಯಾಗಿ ಬದುಕುವಂತೆ ಮಾಡಬೇಕು. ಅದು ವೃತ್ತಿ ಶಿಕ್ಷಣ, ಇಂದು ನಮ್ಮಲ್ಲಿ ವೃತ್ತಿ ಶಿಕ್ಷಣವೇ ಇಲ್ಲವೆಂದಲ್ಲ. ನಾವು ಅಭ್ಯಸಿಸುವ ಪಾಠಗಳೆಲ್ಲ ಅನುಷ್ಠಾನಕ್ಕೆ ಯೋಗ್ಯವೂ, ಸೂಕ್ತವೂ ಆದುದಾಗಿರಬೇಕು. ಹಾಗಾದಾಗ ರಾಷ್ಟ್ರದ ಪ್ರಗತಿಯೂ ಸಾಧ್ಯ ಎನ್ನುವುದಕ್ಕೆ 'ಜಪಾನ್' ದೇಶವನ್ನು ಮೊದಲನೆಯದಾಗಿ ಹೆಸರಿಸಬಹುದು. ನಮ್ಮ B. A., B. Sc., B. Com ಗಳು ನೇರವಾಗಿ ಯಾವುದೇ ಉದ್ಯೋಗಕ್ಕೂ ಅರ್ಹವಾಗಿರದೆ, ಮತ್ತೆ ವೃತ್ತಿರಂಗದಲ್ಲಿ ಪುನಃ ಅವರಿಗಾಗಿ ಕೆಲವು Special Training ಕಾದಿರುತ್ತದೆ. ಮಾತ್ರವಲ್ಲ ತರಗತಿಯಲ್ಲಿ ಕಾಲಕಳೆದು ಕಲಿತ ವಿಷಯಗಳೆಲ್ಲ ಯಾವ ಅವಿದ್ಯಾವಂತರನ್ನು ಮಂಕುಗೊಳಿಸುವುದಕ್ಕೋ! ಇನ್ನು ಅಂಥವರ ಕ್ರಿಯಾಶೀಲತೆಗಳು ಭಿನ್ನ ಭಿನ್ನ ರಂಗಗಳಲ್ಲಿ ವ್ಯಕ್ತ ವಾದಾಗ ಅದರಲ್ಲಿ ಅಚ್ಚರಿಯೇನಿಲ್ಲ. "ಓದುವುದು ಶಾಸ್ತ್ರ, ಇಕ್ಕುವುದು ಗಾಳ" ಎಂಬಂತಾಗಿದೆ ಇಂದಿನ ವಿದ್ಯಾಭ್ಯಾಸ.

ಶತಮಾನದ ಹಿಂದೆಯೇ ಜಾರಿಗೆ ಬಂದ ಈ ಕಾರಕೂನ ಪದ್ಧತಿಯ ಶಿಕ್ಷಣವು "ಲಾರ್ಡ್ ಮೆಕಾಲೆ" ಎಂಬ ಆಂಗ್ಲ ಶಿಕ್ಷಣ ತಜ್ಞನ ಕೊಡುಗೆ ಎನ್ನಲಾಗಿದೆ. ಇದಕ್ಕಿಂತ ಉನ್ನತ ಶಿಕ್ಷಣ ಪದ್ಧತಿ ನಮ್ಮಲ್ಲಿತ್ತು ಎಂದು ಬಲ್ಲವು; ಎಲ್ಲೋ ಕೆಲವೊಂದು ಆಶ್ರಮಗಳ ಶಿಕ್ಷಣಗಳನ್ನು ಬಿಟ್ಟರೆ, ಸಾರ್ವತ್ರಿಕವಾಗಿ ಅವನ್ನು ಆಚರಣೆಗೆ ತರಲು ಸಾಧ್ಯವಾಗಿಲ್ಲ. ಅದು ಸಾಧ್ಯವಾಗುವ ಸಂಭವವೂ ಇಲ್ಲ. ಭಾರತದ ಭವಿಷ್ಯ ತರಗತಿಗಳ ಕೋಣೆಯಲ್ಲಿ ರೂಪಿಸಲಾಗುತ್ತಿದೆ. ವಿದ್ಯಾರ್ಥಿಶಕ್ತಿಯನ್ನು ಅರಾಜಕೀಯವಾದ ವಾತಾವರಣದಲ್ಲಿ ಬಳಸಲಾಗುತ್ತಿದೆ. ವೃತ್ತಿಶಿಕ್ಷಣಗಳನ್ನು ಹೆಸರಿಸಿ, ವಿಭಾಗಿಸಿ, ವಿಸ್ತರಿಸುವುದಕ್ಕೆ ಇಲ್ಲಿ ಅವಕಾಶವಿಲ್ಲ. ಇಂದಿನ ವಿದ್ಯಾಭ್ಯಾಸ—ವೃತ್ತಿಶಿಕ್ಷಣ ಇವುಗಳ ಹಿನ್ನೆಲೆಯಾಗಿಯೇ ಪರಿಶೀಲಿಸಲೇ ಬೇಕಾದ ಕೆಲವು ಮುಖ್ಯ ಅಂಶಗಳು:—(1) ಶಿಕ್ಷಣದ ಅವಧಿ ಹೆಚ್ಚುವುದಕ್ಕಿಂತ ಶಿಕ್ಷಣದ ಮಟ್ಟ ಹೆಚ್ಚಬೇಕು. (2) ಶಿಕ್ಷಕರ ಆಯ್ಕೆಯಲ್ಲಿ ಯಾವುದೇ ಮೀಸಲಾತಿ ಇಡದೆ, ಪೂರ್ಣ ಅರ್ಹತೆಯ ಆಧಾರದಿಂದ ನೋಡಬೇಕು. (3) ಶಿಕ್ಷಕರ ಗುಣನಡತೆ ಪರಿಶುದ್ಧವಾಗಿರಬೇಕು—ಅವರು ವಿದ್ಯಾರ್ಥಿಯ ಮೇಲೆ ನೇರವಾದ ಪರಿಣಾಮ ಬೀರುತ್ತಾರೆ. (4) ಶಿಕ್ಷಕರಿಗೆ ಮನಃ ಶಾಸ್ತ್ರದ ಸ್ಕೂಲ ಪರಿಚಯವಾದರೂ ಇರಲೇಬೇಕು, ಇದರಿಂದ ಆದರು ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಸುಶಿಕ್ಷಿತರನ್ನಾಗಿ ಮಾಡಬಲ್ಲರು. (5) Teaching ಒಂದು ವ್ಯಾಪಾರ ಆಗಬಾರದು—ತಿಂಗಳ ಕೊನೆಗೆ ಹೇಗೂ ಸಂಬಳ ಬರುತ್ತವೆ ಎಂಬ ಭಾವನೆ ಸಲ್ಲದು. ಶಿಕ್ಷಕ—ವಿದ್ಯಾರ್ಥಿಯಲ್ಲಿ ಮಾನವೀಯ ಸಂಬಂಧವಿರಬೇಕು. (ಇಂದಿನ ಪಟ್ಟಣದ ಹೆಚ್ಚಿನ ಶಿಕ್ಷಕರಿಗೆ ಮನೆಯಲ್ಲಿ union ಕೊಟ್ಟು, ಹಣ ಮಾಡುವುದೇ ಯೋಚನೆ) (6) ವಿದ್ಯಾರ್ಥಿಗಳು, ಅರ್ಹ ಶಿಕ್ಷಕನಲ್ಲೇ ವಿದ್ಯಾಭ್ಯಾಸ ಮಾಡುವಂತಾಗಬೇಕು: ಅವನು ಕೊಡುವ ಶಿಕ್ಷಣವೂ ವಿದ್ಯಾರ್ಥಿಗಳು ಬದ್ಧರೂ. (7) ವಿದ್ಯಾರ್ಥಿಗೆ ಸಾಮಾನ್ಯ ಶಿಕ್ಷಣಗಳೆಲ್ಲ ಬೇಗ ಮುಗಿಸಿ.

ಅವನ ಆಸಕ್ತಿಯ ವಿಷಯಗಳಲ್ಲಿ ಉನ್ನತವಾಗಿ, ಆಳವಾಗಿ ಅಧ್ಯಯನ ಮಾಡುವ ಅವಕಾಶ ಕಲ್ಪಿಸಬೇಕು. ಇದರಿಂದ ಅನೇಕ ಅನೈಚ್ಛಿಕ ವಿಷಯಗಳನ್ನೇ ಕಲಿಯುವುದು ತಪ್ಪೇಕು. (9) ವ್ಯಕ್ತಿಶಿಕ್ಷಣದಲ್ಲಿ ಪ್ರಾಯೋಗಿಕತೆ ಹೆಚ್ಚಾಗಿರಬೇಕು. (10) ವ್ಯಕ್ತಿ ಮಾಡುವ ಭರವಸೆಯನ್ನು ಮೂಡಿಸುವುದರೊಂದಿಗೆ, ವ್ಯಕ್ತಿತ್ವ ವಿಕಾಶಕ್ಕೆ ಗಮನವೀಯಲೇಬೇಕು. ವಿದ್ಯಾರ್ಥಿಗಳಲ್ಲಿ ಮಾನವೀಯತೆಯನ್ನು ಬೆಳೆಸಿ, ಸುಸಂಸ್ಕೃತರನ್ನಾಗಿ ಮಾಡುವ ಶಿಕ್ಷಣ ಆದಾಗಿರಬೇಕು.

ಮೊದಲು ಉಳಿವಿನ ಪ್ರಶ್ನೆ, ಬೆಳವಣಿಗೆ ಬಳಿಕ. ಬದಲಾವಣೆ ಪ್ರಕ್ರಿಯೆಯ ಸಹಜ ಸ್ವಭಾವ. ಶಿಕ್ಷಣರಂಗದಲ್ಲಿ, ಅರ್ಪತೆಯ ಆಧಾರವಿಲ್ಲದೆ, ಜಾತೀಯ ಕಾಯ್ದಿರಿಸುವಿಕೆ ಮಹಾಪಾಪ. ವಿಚಿತ್ರವಾದ ನಾಟಕೀಯ ರೀತ್ಯಾ ಸಾಗುತ್ತಿರುವ ಬಾಳುವಿಕೆಯಲ್ಲಿ ಸಿಂಹಾವಲೋಕನಕ್ಕೇ ಆಸ್ಪದವಿಲ್ಲ. ಇಂದಿರುವ ವಿದ್ಯಾರ್ಥ್ಯಾಸ ಕ್ರಮ ಹೀಗೇ ಉಳಿದಲ್ಲಿ "ವಿದ್ಯಾರ್ಥಿಗಳೇ ರಾಷ್ಟ್ರೀಯ ಸಮಸ್ಯೆ" ಎನ್ನುವ ಕಾಲವೂ ಬಾರದೆ ಇರದು.

★ ಮೆರವಣಿಗೆ ★

ಎಲ್ಲಿ ನೋಡಿದರೆ ಅಲ್ಲಿ ಸಂಭ್ರಮ - ಸಡಗರ
 ತಳಿರು ತೋರಣ ಕಮಾನುಗಳ ಅಲಂಕಾರ
 ಧ್ವಜಗಳ ಹಾರಾಟ
 ತಾಳ ಮೇಳಗಳೊಂದಿಗೆ ವಾದ್ಯ ಘೋಷ
 ವರ್ಣರಂಜಿತ, ಕಣ್ಮನ ತಣಿಸುವ ಮೆರವಣಿಗೆ.
 ಬಿರುಸು ಬಾಣ, ವಿಜಯದ ಘೋಷಣೆ
 ಜಯಭೇರಿ - ಕಹಳೆ - ಕೊಂಬು
 ಸಂಗೀತ. ಸಂತೋಷ—ಉಲ್ಲಾಸ
 ತಲೆ ಎತ್ತಿ, ಎದೆ ಉಬ್ಬಿ ಗೆಲುವಿನ ಅಬ್ಬರ.
 ವಾಹನದಲ್ಲಿ ಎತ್ತರದಲ್ಲಿ
 ಎದ್ದು—ನಿಂತು ಕಾಣುವುದು ಅವರೇ.....
 ಎಲ್ಲೆಲ್ಲೂ ಸ್ವಾಗತ, ಆರತಿ—ತಿಲಕ
 ಹೂಹಾರ—ಹೊಗಳಿಕೆ, ಭಾಷಣ, ಕರತಾಡನ
 ಜನ ಮನಗಳ ಪ್ರೀತಿ ಆದರ ಗೌರವ.
 ಮತ್ತೆ ಸಾಗುತ್ತಿದೆ ಮುಂದೆ ಅದೇ ಜನರ ಸಾಲು ಸಾಲು
 ಕುಗ್ಗಿ ತಗ್ಗಿ ನಿರ್ಜೀವವಾಗಿದೆ
 ಕ್ಷೀಣ ಸಂಗೀತದ ಅರ್ತನಾದ ಕೇಳುತ್ತಿದೆ
 ಕಳಾಹೀನ ಮೌನ ಮೆರವಣಿಗೆ,
 ಎಲ್ಲೆಲ್ಲೂ ನೀರಸ—ನಿರುತ್ಸಾಹ ದುಃಖದ ಛಾಯೆ.,
 ಸೋಲಿನ ಕಳಕೊಂಡ ಕಳವಳ,
 ಎತ್ತರದಲ್ಲಿ ಎದ್ದು ನಿಂತು ಕಾಣಬೇಕಾದ ವ್ಯಕ್ತಿ,
 ಆ ಧೀಮಂತ ಶಕ್ತಿ, ಬಿಳಿಯ ವಸ್ತ್ರದಲ್ಲಿ ಸುತ್ತಿ,
 ಹೂವಿನ ರಾಶಿಯಲಿ ಹುಗಿದು,
 ಮಣಿನಲ್ಲಿ ಮಣ್ಣಾಗಿ, ಕತ್ತಲಲ್ಲಿ ಕರಗಿ
 ಅದೇ ಜನರ ಮನೆ ಮನದಲ್ಲಿ ಮರೆಯಾಗಿ ಹೋಯಿತು.

—ಕೆ. ರಾಜಾರಾಮ ಹೆಗ್ಡೆ.

ಕಾಲೇಜು ಶಿಕ್ಷಣದಲ್ಲಿ ಗ್ರಂಥಾಲಯ ಮತ್ತು ಗ್ರಂಥಪಾಲಕ (Librarian) ನ ಪ್ರಾಧಾನ್ಯತೆ ಹಾಗೂ ಪಾತ್ರ.

ರಘುವೀರ ಮುದ್ದು, ಬಿ. ಎ., ಬಿ. ಲಿಬ್, ಎಸ್.ಸಿ. ಗ್ರಂಥಪಾಲಕ.

ಗ್ರಂಥಾಲಯ ಶಾರದೆಯ ಮಂದಿರದಲ್ಲಿ ಗರ್ಭಗುಡಿ ಇದ್ದಂತೆ, ಅಲ್ಲಿರುವ ಪುಸ್ತಕಗಳೇ ಶಾರದೆಯ ಪ್ರತಿರೂಪ ವಿದ್ದಂತೆ, ಗ್ರಂಥಪಾಲಕನೇ ಶಾರದೆಯ ಪ್ರಾಣಿ. ಗ್ರಂಥಾಲಯದಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಗ್ರಂಥಪಾಲಕನು ಕೊಡುವ ಮಾಹಿತಿಗಳು ವೇದ ಮಂತ್ರಗಳಂತೆ ಹಾಗೂ ಪುಸ್ತಕಗಳಿಗೂ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೂ ಸಂಪರ್ಕಗಳನ್ನು ಕಲ್ಪಿಸಿ ಕೊಡುವುದೇ ಶಾರದೆಯ ದರ್ಶನ ಭಾಗ್ಯವನ್ನು ಒದಗಿಸಿ ಕೊಟ್ಟಂತೆ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳ ಜ್ಞಾನಾರ್ಜನೆಯ ಅಭಿರುಚಿಗೆ ತಕ್ಕಂತೆ ಕ್ಲಪ್ತ ಸಮಯದಲ್ಲಿ ಪುಸ್ತಕಗಳನ್ನು ಓದಲು ಕೊಡುವುದೇ ಜ್ಞಾನವೆಂಬ ತೀರ್ಥ ಪ್ರಸಾದಗಳನ್ನು ಕೊಟ್ಟಂತೆ ಎಂದು ತಾತ್ವಿಕ ದೃಷ್ಟಿಯಿಂದ ಹೇಳಿದರೂ ಅತಿಶಯೋಕ್ತಿಯಾಗಲಾರದು.

ಸಾಮಾನ್ಯವಾಗಿ ಗ್ರಂಥಪಾಲಕನ ಕರ್ತವ್ಯ ಗ್ರಂಥಾಲಯಕ್ಕೆ ತರಿಸಿದ ಪುಸ್ತಕಗಳನ್ನು ಒಂದು ರಿಜಿಸ್ಟ್ರಿಯಲ್ಲಿ ಬರೆದಿಟ್ಟು ಕಪಾಟುಗಳಲ್ಲಿ ಇಟ್ಟು ವಿದ್ಯಾರ್ಥಿಗಳು ಕೇಳಿದಾಗ ಅವರಿಗೆ ಓದಲು ಕೊಡುವುದು ಯಾ ಎರವಲು ಕೊಡುವುದು ಎಂಬುದಾಗಿ ಕಾಣಬಹುದು. ಆದರೆ ಇಂದಿನ ವೈಜ್ಞಾನಿಕ ಯುಗದಲ್ಲಿ ಶಿಕ್ಷಣರಂಗವು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಮುಂದು ವರಿದಿದೆ ಮತ್ತು ಆಧುನಿಕ ಜಗತ್ತಿನಲ್ಲಿ ವೈಜ್ಞಾನಿಕ ಮುನ್ನಡೆ, ತಾತ್ವಿಕ ಜ್ಞಾನ ಹಾಗೂ ವಿವಿಧ ಜ್ಞಾನಗಳ ಮುನ್ನಡೆಗೆ ಕಾರಣಭೂತವಾಗಿದೆ ಎಂದು ತಿಳಿಯುವುದು ಕಷ್ಟ ಸಾಧ್ಯವಾದ ವಿಚಾರವಾಗಿದೆ. ಶಿಕ್ಷಣರಂಗದ ಆಧುನಿಕ ಘನತೆ ಸಾಧನೆಯ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕಾರ್ಯಾಚರಣೆ ಮಾಡುವ ಪ್ರಾಮುಖ್ಯ ಸಾಧನವೇ ಗ್ರಂಥಾಲಯ; ಆದರೆ ನಿರ್ವಾಹಕನೇ ಗ್ರಂಥ ಪಾಲಕ.

ಜ್ಞಾನವನ್ನು ಪಡೆಯಬೇಕಾದರೆ ಮೂಲ ಸಾಧನವೆಂದು ಬೇಕಾಗುತ್ತದೆ. ಆ ಮೂಲ ಸಾಧನಗಳೇ ಪುಸ್ತಕ ಗಳು, ಪತ್ರಿಕೆಗಳು ಹಾಗೂ ಭೂಪಟಗಳು, ಆಧುನಿಕ ಕಾಲದ ವೈಜ್ಞಾನಿಕ ಸಂದೇಶಗಳು ಅಗತ್ಯವಾಗಿವೆ. ಅವುಗಳನ್ನು ಜ್ಞಾನಾರ್ಜನೆಯ ವಿಷಯಗಳನ್ನು ಅರಿತು ಶೇಖರಣೆ ಮಾಡಿ ಒದಗಿಸಿ ಕೊಡಲು ಗ್ರಂಥಾಲಯವು ಒಂದು ಪ್ರಮುಖ ಅಂಗ. ಆದರೆ ನಿರ್ವಾಹಕ ಗ್ರಂಥಪಾಲಕನೇ ಪ್ರಮುಖ ಅಧಿಕಾರಿ, ಉಪನ್ಯಾಸಕ ಹಾಗೂ ಶಿಸ್ತಿನ ರಕ್ಷಕ.

ಕಾಲೇಜು ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಗ್ರಂಥಪಾಲಕನು ನಿರ್ವಹಿಸಬೇಕಾದ ಪ್ರಮುಖ ಪಾತ್ರಗಳು : —

- 1) ಸ್ವಾಗತಗಾರನಾಗಿ. (Receptionist)
- 2) ಮಾರ್ಗದರ್ಶಕನಾಗಿ. (Guide)
- 3) ಸಮಾಚಾರಗಳ ತಿಳುವಳಿಕೆಯವನಾಗಿ. (Information Bureau)
- 4) ನಿಯೋಗಕಾರನಾಗಿ. (Agent)
- 5) ಉಪನ್ಯಾಸಕನಾಗಿ. (Lecturer)
- 6) ಮಾನಸಿಕ ವೈದ್ಯನಾಗಿ. (Psychological Doctor)
- 7) ಶಿಸ್ತಿನ ರಕ್ಷಕನಾಗಿ. (Disciplinary Protector)
- 8) ಗುಪ್ತಚರನಾಗಿ. (C. I. D.)
- 9) ವಿಜ್ಞಾನಿಯಾಗಿ. (Scientist)
- 10) ಆಡಳಿತಗಾರನಾಗಿ. (Administrator)

1. ಸ್ವಾಗತಗಾರನಾಗಿ :—(Receptionist) :—

ಗ್ರಂಥಾಲಯಕ್ಕೆ ವಿದ್ಯಾರ್ಥಿಗಳು ಪ್ರವೇಶಿಸಿದಾಗ ಗ್ರಂಥಪಾಲಕನು ಹಸ್ತಾಂತರವಾಗಿ ಪ್ರತಿಯೊಬ್ಬನಲ್ಲಿ ಏನು ಬಯಸುತ್ತೀರಿ, ವೈದಿಕ ಪತ್ರಿಕೆಗಳೇ, ನಿಯತಕಾಲಿಕ ಪತ್ರಿಕೆಗಳೇ ಅಥವಾ ಪುಸ್ತಕಗಳೇ ಯಾವ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಿ

ಪುಸ್ತಕಗಳು ಬೇಕು ಎಂದು ಕೇಳಿ. ನಂತರ ಅವರು ಬಯಸುವ ಪುಸ್ತಕಗಳನ್ನು ಒದಲು ಒದಗಿಸಿಕೊಟ್ಟು ಅಸನುವು ಸೂಚಿಸುವುದು ಗ್ರಂಥಪಾಲಕನ ಪ್ರಾಮುಖ್ಯ ಕರ್ತವ್ಯಗಳಲ್ಲಿ ಒಂದು. ಈ ಕರ್ತವ್ಯವನ್ನು ಗ್ರಂಥಪಾಲಕನು ಸರಿಯಾಗಿ ನಿರ್ವಹಿಸಿದಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಗ್ರಂಥಪಾಲಕನ ಮೇಲೆ ಹಾಗೂ ಗ್ರಂಥಾಲಯದ ಮೇಲೆ ಅಭಿಮಾನ ಮಟ್ಟಿ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಹೆಚ್ಚಿನ ಜ್ಞಾನಾರ್ಜನೆಯನ್ನು ಪಡೆಯಲು ಸಾಧ್ಯವಿದೆ.

2. ಮಾರ್ಗದರ್ಶಕನಾಗಿ (Guide):—

ಗ್ರಂಥಪಾಲಕನು ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಹೆಸಮ್ಮನಿನಾಗಿ ಸ್ವಾಗತಿಸಿ ತಾಳ್ಮೆಯಿಂದ ಪ್ರತಿಯೊಬ್ಬ ವಿದ್ಯಾರ್ಥಿಗೂ ಅವರವರ ಅಭಿರುಚಿಗೆ ತಕ್ಕಂತೆ ಕ್ಲಪ್ತ ಸಮಯದಲ್ಲಿ ಪುಸ್ತಕಗಳನ್ನು ಗ್ರಂಥಾಲಯದ ವೈಜ್ಞಾನಿಕ ವ್ಯವಸ್ಥೆಗನಾದ ಗ್ರಂಥ ಸೂಚಿ (catalogue) ವರ್ಗೀಕರಣ (Classification) ಮತ್ತು ಪುಸ್ತಕಗಳ ಜೋಡಣೆ ವ್ಯವಸ್ಥೆ (Shelf Arrangement) ಬಗ್ಗೆ ಸೂಕ್ತ ಮಾರ್ಗದರ್ಶನ ಕೊಡುವುದು.

3. ಸಮಾಚಾರಗಳ ತಿಳುವಳಿಕೆಯವನಾಗಿ (Information Bureau):—

ಗ್ರಂಥಪಾಲಕನು ಸಾಮಾನ್ಯವಾಗಿ ಎಲ್ಲಾ ಸಮಾಚಾರಗಳನ್ನು ತಿಳಿದವನಾಗಿರಬೇಕು. ದೈನಿಕ ವರ್ತಮಾನ ಪತ್ರಿಕೆಗಳನ್ನು ಓದಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸಮಾಚಾರಗಳನ್ನು ಅಥವಾ ಹೆಚ್ಚಿನ ಮಾಹಿತಿಗಾಗಿ ವಿಷಯಗಳನ್ನು ನಿಯತಕಾಲಿಕ (Magazines, Journals etc) ಗಳಿಂದ ಸಂಗ್ರಹಿಸಿ, ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ತಿಳಿಸುವುದು, ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳು ತಮಗೆ ಬೇಕಾದ ವಿಚಾರಗಳನ್ನು ಕೇಳಿದಾಗ ಗ್ರಂಥಪಾಲಕನು ತಿಳಿಸುವಷ್ಟು ತಿಳುವಳಿಕೆಯವನಾಗಿರಬೇಕು ಇಲ್ಲವೇ ಪುಸ್ತಕಗಳನ್ನು ಪಠಾಂಬರಿಸಿ ತಿಳಿಸಬೇಕು. ಈ ಕರ್ತವ್ಯವನ್ನು ಗ್ರಂಥಪಾಲಕನು ಸೂಕ್ತ ರೀತಿಯಿಂದ ಮಾಡಿದಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಗೌರವ ಭಾವನೆ ಹಾಗೂ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಹೆಚ್ಚಿನ ಜ್ಞಾನಾರ್ಜನೆಯನ್ನು ಪಡೆಯಬಹುದೆಂಬ ವಿಶ್ವಾಸ ಹುಟ್ಟುವುದು.

4. ನಿಯೋಗಕಾರನಾಗಿ (Agent):—

ವಿದ್ಯಾರ್ಥಿಗಳ ಮತ್ತು ಪುಸ್ತಕಗಳ ಸಂಪರ್ಕವನ್ನು ಹೆಚ್ಚಿಸಲು ಗ್ರಂಥಪಾಲಕನು ನಿಯೋಗಕಾರನಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಬೇಕಾಗುತ್ತದೆ. ಹೊಸ ಪುಸ್ತಕಗಳನ್ನು ಪ್ರದರ್ಶನಕ್ಕಿಟ್ಟು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಆ ಪುಸ್ತಕಗಳ ಬಗ್ಗೆ ತಿಳಿಸುವುದು ನಂತರ ವಾರಕ್ಕೊಂದು ಬಾರಿ ಒಂದೊಂದೇ ವಿಷಯಗಳ ಪುಸ್ತಕ ಸಂಗ್ರಹಗಳ ಪ್ರದರ್ಶನಗಳನ್ನೇರ್ಪಡಿಸಿ ಅವುಗಳಲ್ಲಿರುವ ಪ್ರಾಮುಖ್ಯ ವಿಷಯಗಳನ್ನು ಸೂಚಿಸಿ ವಿದ್ಯಾರ್ಥಿಗಳಲ್ಲಿ ಓದುವಂತೆ ಪ್ರೇರೇಪಿಸುವುದು. ಈ ಪಾತ್ರವನ್ನು ಕೂಡ ಗ್ರಂಥ ಪಾಲಕನು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ನಿರ್ವಹಿಸಿದಲ್ಲಿ ಹೆಚ್ಚು ಹೆಚ್ಚು ಪುಸ್ತಕಗಳನ್ನು ಹೆಚ್ಚಿನ ಸಂಖ್ಯೆಯಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳು ಓದುವಂತಾಗುತ್ತದೆ.

5. ಉಪನ್ಯಾಸಕನಾಗಿ (Lecturer):—

ಗ್ರಂಥಪಾಲಕನು ಉಪನ್ಯಾಸಕ ವರ್ಗಕ್ಕೆ ಸೇರಿದವನಾಗಿರುತ್ತಾನೆ. ಉಪನ್ಯಾಸಕರು ಕ್ಲಾಸಿನಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಪಾಠಗಳನ್ನು ಉಪನ್ಯಾಸವಿತ್ತರೆ ಗ್ರಂಥಪಾಲಕನು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಪಾಠಗಳನ್ನೊಳಗೊಂಡಿರುವ ಪುಸ್ತಕಗಳ ಬಗ್ಗೆ ಮತ್ತು ಪ್ರಾಮುಖ್ಯ ವಿಷಯಗಳನ್ನು ಬರೆದುಕೊಳ್ಳುವ ಬಗ್ಗೆ ಉಪನ್ಯಾಸವೀಯುತ್ತಾನೆ. ಓದಿನ ಪರಿಣತಿಗಳ ಮಾದರಿ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆಗಳನ್ನು ಒಟ್ಟುಗೂಡಿಸಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಒದಗಿಸಿ ಕೊಟ್ಟು ಉತ್ತರಗಳನ್ನು ನಿರೂಪಿಸುವ ವಿಧಾನ ಉತ್ತರಗಳ ನೋಡುಗಳೊಂದ ಪುಸ್ತಕಗಳನ್ನು ಒದಗಿಸಿ ಕೊಟ್ಟು ವಿದ್ಯಾರ್ಥಿಗಳು ಪರೀಕ್ಷೆಗೆ ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ತಯಾರಾಗಿಸುತ್ತಾ ಹಂತೆ ಪ್ರೇರೇಪಿಸುತ್ತಾನೆ. ಈ ಕರ್ತವ್ಯದಿಂದ ವಿದ್ಯಾರ್ಥಿಗಳು ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉತ್ತಮ ಫಲಿತಾಂಶ ಪಡೆಯಲು ಉಪನ್ಯಾಸಕರವ್ಯ ಗ್ರಂಥಪಾಲಕನು ಕೂಡಾ ಕಾರಣಭೂತನಾಗಿರುತ್ತಾನೆ.

6. ಮಾನಸಿಕ ವೈದ್ಯನಾಗಿ (Psychological Doctor):—

ಗ್ರಂಥಪಾಲಕನು ಪ್ರತಿಯೊಬ್ಬ ವಿದ್ಯಾರ್ಥಿಯ ಮಾನಸಿಕ ಸ್ಥಿತಿಯನ್ನು ಅರ್ಥ ಮಾಡಿಕೊಳ್ಳುವವನಾಗಿರಬೇಕು. ವಿದ್ಯಾರ್ಥಿಗಳಲ್ಲಿ ಪ್ರತೀ ಸಲ ಯಾವ ಪತ್ರಿಕೆಗಳು ಬೇಕು, ಪುಸ್ತಕ ಬೇಕು ಎಂದು ಕೇಳಿ ತಿಳಿದುಕೊಂಡು ಒದಗಿಸುವ ಬಹು

ಆವರವರ ಅಭಿರುಚಿಗೆ ತಕ್ಕಂತೆ ಪುಸ್ತಕಗಳನ್ನು ಅವರ ಮುಖ ಸೋಡಿದ ತಕ್ಷಣ ಮನಸ್ಸನ್ನು ಅರಿತು ಒದಗಿಸಿದಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಗ್ರಂಥಪಾಲಕನಲ್ಲಿ ಹೆಚ್ಚಿನ ವಿಶ್ವಾಸ ಬೆಳೆದು ನಂತರ ಗ್ರಂಥಪಾಲಕನು ಸೂಚಿಸಿದ ಪುಸ್ತಕಗಳನ್ನು ಓದಿ ತಮ್ಮ ಪಾಠಗಳ ಬಾಬು ಮುಖ್ಯ ವಿಷಯಗಳನ್ನು ಬರೆದುಕೊಂಡು ಪರೀಕ್ಷೆಗೆ ತಯಾರಿ ಮಾಡುತ್ತಾರೆ. ಇದೇ ರೀತಿ ಓದಲು ಬರೆಯಲು ಏಕಾಗ್ರತೆ ಬಾರದೆ ಮನೋದೋರ್ಬಲ್ಯವಿರುವ ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಓದಲು ಬರೆಯಲು ಪ್ರೇರೇಪಿಸಬಹುದು. ಅಂತಹ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಮೊದಲು ಅವರ ಅಭಿರುಚಿಗೆ ತಕ್ಕಂತೆ ಆಟಗಳ ಪತ್ರಿಕೆ, ಪ್ರಬಂಧ, ಕಥೆಗಳನ್ನೊಳಗೊಂಡ ಪತ್ರಿಕೆಗಳನ್ನು ಪ್ರಥಮವಾಗಿ ಓದಲು ಕೊಟ್ಟು ನಂತರ ಇತರ ವಿದ್ಯಾರ್ಥಿಗಳು ಹಠ ಪುಸ್ತಕಗಳನ್ನು ಓದುವ ಹಾಗೂ ಬರೆಯುವತ್ತ ಗಮನ ಹರಿಸಿ ಅವರನ್ನು ಕೂಡಾ ಓದಿ ಬರೆಯುವಂತೆ ಪ್ರೇರೇಪಿಸಬೇಕು. ಇದಕ್ಕೆ ಮಾನಸಿಕ ವೈದ್ಯನಾಗಿ ಪಾತ್ರ ನಿರ್ವಹಿಸಬೇಕು.

7. ಶಿಸ್ತಿನ ರಕ್ಷಕನಾಗಿ (Disciplinary Protector) :—

ಗ್ರಂಥಪಾಲಕನು ಹಸನ್ಮುಖಿಯಾಗಿ ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ಸ್ವಾಗತಿಸಿ ಓದುವಂತೆ ಪ್ರೇರೇಪಿಸಿದರೆ ಗ್ರಂಥಪಾಲಕನು ತನ್ನ ಪಾತ್ರವನ್ನು ನಿರ್ವಹಿಸಿದಂತಾಗುವುದಿಲ್ಲ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಶಿಸ್ತು ಅತಿ ಪ್ರಾಮುಖ್ಯ. ವಿದ್ಯಾರ್ಥಿಗಳು ಗ್ರಂಥಾಲಯ ದೊಳಗೆ ಸಭ್ಯ ರೀತಿಯಿಂದ ವಸೌನವಾಗಿ ಬಂದು ಅವರವರಿಗೆ ಬೇಕಾದ ಪುಸ್ತಕಗಳನ್ನು ಪಡೆದು ಗ್ರಂಥಪಾಲಕನು ಸೂಚಿಸಿದ ವಿಭಾಗದಲ್ಲಿ ಆಸನದಲ್ಲಿ ಕುಳಿತು ಇತರ ಓದುಗರಿಗೆ (ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ) ತೊಂದರೆಯಾಗದಂತೆ ಓದುವಂತೆ ನೋಡಿಕೊಳ್ಳಬೇಕು. ವಿದ್ಯಾರ್ಥಿಗಳೆಲ್ಲರಿಗೂ ಗ್ರಂಥಾಲಯದ ನಿಬಂಧನೆಗಳಂತೆ ವಿದ್ಯಾರ್ಥಿಗಳು ಗ್ರಂಥಾಲಯದಲ್ಲಿ ನಡೆದುಕೊಳ್ಳುವಂತೆ ಮಾಡುವುದು ಗ್ರಂಥಪಾಲಕನ ಮುಖ್ಯ ಕರ್ತವ್ಯವಾಗಿದೆ.

ಗ್ರಂಥಾಲಯದಿಂದ ಪುಸ್ತಕಗಳನ್ನು ವಿದ್ಯಾರ್ಥಿಗಳು ಎರವಳು ಪಡೆದು ಕ್ಲಪ್ತ ಸಮಯಕ್ಕೆ ಹಿಂತಿರುಗಿಸದಿದ್ದಲ್ಲಿ ದಂಡನೆಯನ್ನು ವಸೂಲು ಮಾಡುವುದು, ಪುಸ್ತಕಗಳನ್ನು ವಿರೂಪಗೊಳಿಸಿದಲ್ಲಿ ದಂಡನೆಯನ್ನು ವಸೂಲು ಮಾಡುವುದು, ಗ್ರಂಥಾಲಯದಲ್ಲಿ ವಸೌನವಾಗಿ ವರ್ತಿಸುವಂತೆ ಸಭ್ಯ ರೀತಿಯಲ್ಲಿ ಆಸನಗಳಲ್ಲಿ ಕುಳಿತುಕೊಂಡು ಓದುವಂತೆ, ಗ್ರಂಥಾಲಯದ ಶುಚಿತ್ವಕ್ಕೆ ತೊಂದರೆಯಾಗದಂತೆ ಮಾಡುವುದು ಶಿಸ್ತು ರಕ್ಷಣೆಯ ಪಾತ್ರವಾಗಿದೆ.

8. ಗುಪ್ತಚರನಾಗಿ (C. I. D.) :—

ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಗ್ರಂಥಪಾಲಕನು ಗುಪ್ತಚರನಾಗಿ (C. I. D.) ಪಾತ್ರ ನಿರ್ವಹಿಸಬೇಕಾಗುತ್ತದೆ. ಕೆಲವೊಮ್ಮೆ ವಿದ್ಯಾರ್ಥಿಗಳು ಪುಸ್ತಕಗಳನ್ನು ಓದಲು ಪಡೆದು ಮೂಲೆಯಲ್ಲಿ ಕುಳಿತು ಪ್ರಾಮುಖ್ಯ ವಿಷಯಗಳನ್ನು ಹಾಳೆಗಳನ್ನು ಹರಿದು ತೆಗೆದು ತಮ್ಮ ಜೇಬುಗಳಲ್ಲಿ ಸೇರಿಸುತ್ತಾರೆ. ತೆರೆದಿಟ್ಟ ನಿಯಮದ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಪುಸ್ತಕಗಳನ್ನು ತೆಗೆದು ತಮ್ಮ ಬನಿಯನುಗಳೆಡೆಯಲ್ಲಿ ಬಚ್ಚಿಟ್ಟು ಯಾ ಕಿಟಕಿಗಳ ಮೂಲಕ ಹೊರಗೆ ಬಿಸಾಡಿ ನಂತರ ಅಲ್ಲಿಂದ ಹೆಚ್ಚಿಕೊಂಡು ಹೋಗುತ್ತಾರೆ. ನಿಯತಕಾಲಿಕ ಪತ್ರಿಕೆಗಳ ಉತ್ತಮ ಚಿತ್ರಗಳನ್ನು ಯಾ ಪ್ರಾಮುಖ್ಯ ವಿಷಯಗಳ ಹಾಳೆಗಳನ್ನು ಕೂಡ ಹರಿದು ತೆಗೆಯುವುದುಂಟು. ಇದನ್ನು ತಡೆಗಟ್ಟಲು ಗ್ರಂಥಪಾಲಕನು ಆಗಾಗ ಗ್ರಂಥಾಲಯದ ಎಲ್ಲಾ ಕಡೆಗಳಲ್ಲಿ ವಸ್ತುಗಳ ಕಪಾಟುಗಳನ್ನು ನೋಡುವಂತೆ ಅಡ್ಡಾಡುತ್ತಿರಬೇಕು. ವಿದ್ಯಾರ್ಥಿಗಳು ಗ್ರಂಥಾಲಯದೊಳಗೆ ತಮ್ಮ ಹಠ ಪುಸ್ತಕಗಳನ್ನು, ಚೀಲ ಇತ್ಯಾದಿಗಳನ್ನು ಒಳಗೆ ಕೊಂಡು ಹೋಗದಂತೆ ಹೊರಗೆ ಬಂದು ಕಪಾಟನ್ನು ಇಟ್ಟು ಅವರ ರಕ್ಷಣೆಯನ್ನು ನೋಡಬೇಕು. ಪ್ರತಿಯೊಬ್ಬ ವಿದ್ಯಾರ್ಥಿ ಹೊರಗೆ ಹೋಗುವಾಗ ಗಮನಿಸಬೇಕು, ಎರವಲು ಕೊಟ್ಟ ಪುಸ್ತಕ ಹಿಂತಿರುಗಿಸುವಾಗ ಪುಟಗಳನ್ನು ಮಗುಚಿ ನೋಡಬೇಕು. ಹೀಗೆ ಗುಪ್ತಚರನಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವುದರಿಂದ ಪುಸ್ತಕಗಳು ಮಾಯವಾಗುವುದು, ಹಾಳೆಗಳು ಅಳಿದು ಹೋಗುವುದು ಕಡಿಮೆಯಾಗುವುದು.

9. ವಿಜ್ಞಾನಿಯಾಗಿ (Scientist) :—

ಗ್ರಂಥಾಲಯವನ್ನು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ನಿರ್ವಹಿಸಬೇಕಾದರೆ ವಿಜ್ಞಾನಿಯಾಗಿರಬೇಕು. ಈಗ ಗ್ರಂಥಾಲಯದ ಕಾರ್ಯ ನಿರ್ವಹಣೆಯ ಬಗ್ಗೆ ಗ್ರಂಥಾಲಯ ವಿಜ್ಞಾನ (Library Science) ಎಂಬ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಕಾಲೇಜು ಗ್ರಂಥಾಲಯದ ಗ್ರಂಥಪಾಲಕನು ವಿಶ್ವವಿದ್ಯಾನಿಲಯದಲ್ಲಿ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ವಿಜ್ಞಾನದ ಪದವೀಧರನಾಗಿರಬೇಕು. ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಪುಸ್ತಕಗಳನ್ನು ಕಪಾಟುಗಳಲ್ಲಿ ಸುವ್ಯವಸ್ಥಿತ ರೀತಿಯಲ್ಲಿ ಇಟ್ಟು ಯೇರೆ ಯೇರೆ ವಿಷಯಗಳಿಗೆ

ಸಂಬಂಧಿಸಿದಂತೆ ವರ್ಗೀಕರಣ (Classification) ಮಾಡಿ ಜೋಡಿಸಿಡಬೇಕಾಗುತ್ತದೆ. ತಮಗೆ ಬೇಕಾಗುವ ವಿಷಯಗಳ ಪುಸ್ತಕಗಳು ಇವೆಯೋ ಯಾವ ವಿಭಾಗದಲ್ಲಿ ಎಂಬ ವಿಚಾರವನ್ನು ತಿಳಿಯಲು ಗ್ರಂಥಸೂಚಿ (Catalogue) ನ್ನು ತಯಾರಿಸಿಡಬೇಕಾಗುತ್ತದೆ. ಈ ವೈಜ್ಞಾನಿಕ ರೀತಿಯ ವ್ಯವಸ್ಥೆಗಳಿಂದ ಪುಸ್ತಕಗಳನ್ನು ತಕ್ಷಣ ಕಂಡು ಹಿಡಿದು ಓದಬಹುದು. ಪುಸ್ತಕಗಳು ಅಥವಾ ನಿಯತಕಾಲಿಕ ಪತ್ರಿಕೆಗಳು (Periodicals) ಮಾತ್ರವಲ್ಲದೆ ಆಧುನಿಕ ರೀತಿಯ ಮೈಕ್ರೋ ಫಿಲ್ಮ್, ಮೈಕ್ರೋ ಪಿಲೆ ಮೊದಲಾದ ವೈಜ್ಞಾನಿಕ ಪಸ್ತುಗಳನ್ನು ಶೇಖರಿಸಿ ಅವುಗಳನ್ನು Photostate, Xerox ಮುಂತಾದವುಗಳ ಮೂಲಕ ನಕಲು ತಯಾರಿಸಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಒದಗಿಸಿಕೊಡಬೇಕಾಗುತ್ತದೆ. ಈ ರೀತಿಯಲ್ಲಿ ಗ್ರಂಥಪಾಲಕನು ವೈಜ್ಞಾನಿಕ ರೀತಿಯಿಂದಲೂ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಪ್ರಾಮುಖ್ಯ ವಿಷಯಗಳನ್ನು ಒದಗಿಸಿ ಕೊಡುವುದರಿಂದ ತಮ್ಮ ಜ್ಞಾನ ಭಂಡಾರವನ್ನು ಹೆಚ್ಚಿಸಿಕೊಳ್ಳಲು ಸಾಧ್ಯವಾಗುತ್ತದೆ.

10. ಆಡಳಿತಗಾರನಾಗಿ (Administrator) :-

ಗ್ರಂಥಪಾಲಕನು ಗ್ರಂಥಾಲಯದ ಪ್ರಮುಖ ಅಧಿಕಾರಿಯು ಆಗಿರುತ್ತಾನೆ. ಗ್ರಂಥಾಲಯವು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ತನ್ನ ಸೇವೆಯನ್ನು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಒದಗಿಸಿಕೊಟ್ಟು ಅವರ ಜ್ಞಾನ ಭಂಡಾರವನ್ನು ಹೆಚ್ಚಿಸುವಲ್ಲಿ ಯಶಸ್ವಿಯಾಗಬೇಕಾದರೆ ಗ್ರಂಥಪಾಲಕನು ಉತ್ತಮ ಆಡಳಿತಗಾರನಾಗಿರ ಬೇಕಾಗುತ್ತದೆ.

ಗ್ರಂಥಪಾಲಕನು ವಿದ್ಯಾರ್ಥಿಗಳ ಪಾಠಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಪುಸ್ತಕಗಳನ್ನು ಉಪನ್ಯಾಸಕರ, ವಿದ್ಯಾರ್ಥಿಗಳ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ ತರಿಸಿ ಶೇಖರಿಸಬೇಕಾಗುತ್ತದೆ. ಪುಸ್ತಕಗಳನ್ನು ತರಿಸುವ ವಿಚಾರಗಳಲ್ಲಿ ಆರ್ಥಿಕ ಉಳಿತಾಯವನ್ನು ನೋಡಿಕೊಳ್ಳಬೇಕು. ಉತ್ತಮ ಪುಸ್ತಕಗಳನ್ನು ಪತ್ರಿಕೆಗಳನ್ನು ಕಾಲೇಜಿಗೆ ಕಡಿತ ದರದಲ್ಲಿ ಪ್ರಕಾಶಕರ (Publishers) ರ ಅಥವಾ ಪುಸ್ತಕ ಮಾರಾಟಗಾರರಲ್ಲಿ ವ್ಯವಹರಿಸಿ ತರಿಸಿಕೊಳ್ಳಬೇಕು. ತರಿಸಿಕೊಂಡ ಪುಸ್ತಕಗಳನ್ನು ಪರಾಂಬರಿಸಿ ನೋಡಿ ಗ್ರಂಥಾಲಯ ರಿಜಿಸ್ಟ್ರಿಗೆ ಸೇರಿಸಿ ವರ್ಗೀಕರಣ, ಗ್ರಂಥಸೂಚಿಗಳನ್ನು ತಯಾರಿಸಿ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಕ್ಲಷ್ಟ ಸಮಯದಲ್ಲಿ ಓದಲು ಒದಗಿಸಿಕೊಡಬೇಕು. ಗ್ರಂಥಾಲಯದ ಸಿಬಂಧಿ ವರ್ಗದವರನ್ನು ಕರ್ತವ್ಯ ದಕ್ಷರನ್ನಾಗಿರುವಂತೆ ತರಬೇತಿ ಕೊಟ್ಟು ಗ್ರಂಥ ಪಾಲಕನು ಎಲ್ಲಾ ಪಾತ್ರವರ್ಗಗಳನ್ನು ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ನಿರ್ವಹಿಸುವಂತೆ ಅವರು ಸಹಕರಿಸುವಂತೆ ಮಾಡಬೇಕು. ಇತರ ಗ್ರಂಥಾಲಯಗಳ ಸಹಕಾರ ಸಂಬಂಧಗಳನ್ನಿಟ್ಟುಕೊಂಡಿರಬೇಕು. ಗ್ರಂಥಾಲಯದ ವಾತಾವರಣ ಹಾಗೂ ಶುಚಿತ್ವ ಉತ್ತಮ ರೀತಿಯಲ್ಲಿರುವಂತೆ ನೋಡಿಕೊಂಡಿರಬೇಕು. ಗ್ರಂಥಾಲಯದ ಸಮಯವನ್ನು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕು. ಸಿಬಂಧಿ ವರ್ಗದವರು ತಮ್ಮ ನಿಗದಿತ ಸಮಯಕ್ಕೆ ಸರಿಯಾಗಿ ಕರ್ತವ್ಯಕ್ಕೆ ಹಾಜರಾಗಿ ನಿರ್ವಹಿಸುವಂತೆ ನೋಡಿಕೊಂಡಿರಬೇಕು. ಪುಸ್ತಕಗಳಿಗೆ ಧೂಳು, ಹುಳ, ಕ್ರಿಮಿಗಳು ಕೂತು ವಿರೂಪಗೊಳಿಸದಂತೆ ತಡೆಗಟ್ಟುವ ಕಾರ್ಯ ಕ್ರಮಗಳನ್ನು ಮಾಡಬೇಕು.

ಒಂದು ಕಾಲೇಜಿನಲ್ಲಿ ಉತ್ತಮ ಫಲಿತಾಂಶ ಹಾಗೂ ವಿದ್ಯಾರ್ಥಿಗಳು ಉತ್ತಮ ಜ್ಞಾನಾರ್ಜನೆಯನ್ನು ಪಡೆಯಬೇಕಾದರೆ ಸುವ್ಯವಸ್ಥಿತ ರೀತಿಯಲ್ಲಿರುವ ಗ್ರಂಥಾಲಯವಿರಬೇಕು. ಗ್ರಂಥಾಲಯವು ಸುವ್ಯವಸ್ಥಿತ ರೀತಿಯಲ್ಲಿರಬೇಕಾದರೆ ದಕ್ಷ ಆಡಳಿತಗಾರನಾಗಿ ಪಾತ್ರ ನಿರ್ವಹಿಸುವುದು ಅತಿ ಪ್ರಾಮುಖ್ಯವಾದ ವಿಚಾರ.

ಗ್ರಂಥಪಾಲಕನು ಈ ಮೊದಲು ವಿವರಿಸಿದ ಹತ್ತು ಪಾತ್ರಗಳನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ನಿರ್ವಹಿಸಿದರೆ ಮಾತ್ರ ಉತ್ತಮ ಗ್ರಂಥಾಲಯ ಎನಿಸಿಕೊಳ್ಳಬಹುದು: ಹಾಗೂ ಗ್ರಂಥಾಲಯ ವಿಜ್ಞಾನದ ಪಿತಾಮಹನೆನಿಸಿಕೊಂಡಂತಹ ಡಾ. ರಂಗನಾಥರು ನಿರೂಪಿಸಿದ ಗ್ರಂಥಾಲಯಕ್ಕಾಗಿ ಐದು ಕಾನೂನುಗಳು ಕಾರ್ಯರೂಪಗೊಳ್ಳುವುವು. ಪ್ರಥಮ ಕಾನೂನು — ಪುಸ್ತಕಗಳು ಉಪಯೋಗಕ್ಕಾಗಿ, ದ್ವಿತೀಯ — ಪ್ರತಿಯೊಬ್ಬ ಓದುಗನಿಗೆ ಅವರವರ ಅಭಿರುಚಿಗೆ ತಕ್ಕಂತೆ ಪುಸ್ತಕಗಳು. ತೃತೀಯ — ಪ್ರತಿಯೊಂದು ಪುಸ್ತಕಕ್ಕೊಬ್ಬ ಓದುಗ — ನಾಲ್ಕನೇ ಕಾನೂನು — ಓದುಗನ ಸಮಯವನ್ನು ಉಳಿಸುವುದು — ಐದನೇ ಕಾನೂನು ಗ್ರಂಥಾಲಯವು ಒಂದು ಬೆಳೆಯುವ ಸಂಸ್ಥೆ. ತೃತೀಯ ಕಾನೂನು ಪ್ರಕಾರ ಒಂದು ಮುಖ್ಯ ವಿಚಾರವನ್ನು ಗ್ರಂಥಪಾಲಕರು ಜ್ಞಾನಪನೆಯಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬೇಕಾದ ವಿಷಯವೇನೆಂದರೆ ಗ್ರಂಥಾಲಯದಲ್ಲಿ ಯಾವುದಾದರೂ ಪುಸ್ತಕಗಳಿಗೆ ಓದುಗರನ್ನು ಒದಗಿಸಿಕೊಡದಿದ್ದಲ್ಲಿ ಅವುಗಳು ಒಬ್ಬ ತಂದೆಯು ಮಗಳಿಗೆ ಮದುವೆ ಮಾಡಿ ವರನನ್ನು ಒದಗಿಸಿಕೊಡದಂತೆ ಹಾಗೂ ಆ ಪುಸ್ತಕಗಳು ತನ್ನ ಮಗಳಂದಿಗೆ ಸಮಾನ. ತಾನು ಕರ್ತವ್ಯವನ್ನು ಪರಿಪಾಲಿಸಲಿಲ್ಲ ಎಂದು ಚಿಂತಿಸಬೇಕಾಗುತ್ತದೆ. ಕಾಲೇಜಿನಲ್ಲಿ ಉಪನ್ಯಾಸಕರು ಗ್ರಂಥಪಾಲಕನ ಸಹಕಾರದಿಂದಲೇ ಪಠ್ಯ ಪುಸ್ತಕಗಳ ಪ್ರಯೋಜನಗಳನ್ನು ತಯಾರಿ

ಸುವ್ಯವಸ್ಥಾ ನಂತರ ಇತರ ವಿಚಾರಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಜ್ಞಾನವನ್ನು ಪಡೆದು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಉಪನ್ಯಾಸವೀಯುತ್ತಾನೆ. ವಿಜ್ಞಾನಗಳ ವಿಷಯದಲ್ಲಿ ಅಥವಾ ಇತರ ಭೌತಿಕ, ಸಾಮಾಜಿಕ, ಐತಿಹಾಸಿಕ, ರಾಜಕೀಯ ವಿಷಯಗಳಲ್ಲಿ ಸಂಶೋಧನೆ ಮಾಡಿ ಪ್ರಬಂಧ ಬರೆದು ಡಾಕ್ಟರೇಟ್ ಬಿರುದನ್ನು ಪಡೆಯಬೇಕಾದರೆ ಗ್ರಂಥಪಾಲಕನ ಸಹಕಾರ ಅತೀ ಮುಖ್ಯವಾಗಿದೆ. ಆದ ಕಾರಣ ವಿದ್ಯಾರ್ಜನೆಯಲ್ಲಿ ಗ್ರಂಥಪಾಲಕನ ಪಾತ್ರ ವಿದ್ಯಾಲಯದಲ್ಲಿ ಅತೀ ಪ್ರಮುಖವಾದುದು ಎಂದರು ಕೂಡಾ ಅತಿಶಯೋಕ್ತಿಯಾಗಲಾರದು.

ರಾಜ್ಯಪಾಲರು—ಕವಲುದಾರಿಯಲ್ಲಿ

ಪಿ. ಅನಂತಕೃಷ್ಣ ಭಟ್ ಎಂ. ಎ, ಎಲ್. ಎಲ್. ಬಿ.

ಏಕಾಏಕಿ ರಾಜಭವನದಿಂದ ದಾಪುಗಾಲಲ್ಲೇ ಹೊರಾವರಣಕ್ಕೆ ಬಂದು ಅವರಿವರನ್ನು ವಿಚಾರಿಸುತ್ತಾರೆ “ನೀವೇಕೆ ಇಲ್ಲಿ ಸುಳಿದಾಡುತ್ತೀರಿ—ಬೇಹಿನವರೇನು?” ರಕ್ಷಕ ಭಟರಿಗೇ ಆಶ್ಚರ್ಯ, ಎಂದೂ ಇಲ್ಲದ ರೀತಿಯಲ್ಲಿ ರಾಜ್ಯಪಾಲರೇಕೆ ಪ್ರಶ್ನಿಸುತ್ತಿದ್ದಾರೆ?...ಕರ್ನಾಟಕದಲ್ಲಿ ಕುತೂಹಲ...(1984).

“ಪಂಜಾಬಿನ ಹಿತ ದೃಷ್ಟಿಯಿಂದ ಚಂಡೀಗಡ ದೊರಕಲೇಬೇಕು...ಕೇಂದ್ರಸರ್ಕಾರದ ಹಸ್ತಕ್ಷೇಪನಿಲ್ಲಲಿ...” ಸಿದ್ಧ ಪಡಿಸಿದ ಭಾಷಣದ ಗುಡುಗಿನೊಂದಿಗೆ ದನಿಗೂಡಿಸಿದರು ಡಾ. ಡಿ. ಸಿಪಾವಟೆ. (1970).

“ತಮಿಳುನಾಡಿನ ಬಗ್ಗೆ ಆರ್ಥಿಕ ಮಲತಾಯಿ ಧೋರಣೆ ಕೇಂದ್ರದಿಂದ ನಡೆಯುತ್ತಿರುವುದು ಖಂಡನೀಯ” ಹೀಗೆಂದು ಬಹಿರಂಗ ಹೇಳಿಕೆ ರಾಜ್ಯಪಾಲ ಶ್ರೀ ಉಜ್ವಲ್ ಸಿಂಘ್‌ರವರಿಂದ (1970).

“ಆಳುವ ಪಕ್ಷದಿಂದಲೇ ವಿಧಾನ ಸಭೆಯಲ್ಲಿ ಕೋಲಾಹಲ “ನಮ್ಮ ನೂತನ ಮಂತ್ರಿಮಂಡಲದಿಂದ ರೂಪುಗೊಂಡ ಭಾಷಣದಲ್ಲಿ ವ್ಯಕ್ತಪಡಿಸಿದ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಹಸ್ತಕ್ಷೇಪದ ಖಂಡನೆಯ ಅಂಶವನ್ನು ಓದಿಲ್ಲವೇಕೆ?” ಭಾಷಣದ ದಿಟ್ಟ ಮುಕ್ತಾಯದೊಂದಿಗೆ ಚಿಕ್ಕಗಾತ್ರದ ಶ್ರೀ ಧರ್ಮವೀರರು ಪಶ್ಚಿಮ ಬಂಗಾಲದ ವಿಧಾನ ಸಭೆಯಿಂದ ಹೊರನಡೆದುದು ಕಾಣಲೇ (1967)...

ಹೀಗೆ ಕವಲು ದಾರಿಗಳಲ್ಲಿ ರಾಜ್ಯಪಾಲರ ಪಯಣ ಸಾಗುತ್ತಲೇ ಇದೆ. ಸಂಪ್ರದಾಯಗಳ ಸುರುಳಿ ಬಿಚ್ಚುತ್ತಾ ದಶಕಗಳ ಸಾಲಲ್ಲಿ ಹರಿಯುತ್ತಿದೆ.

ರಾಜ್ಯಪಾಲರು ಯಾರು? ಹೇಗಿರಬೇಕು? ಹೊರನೋಟಕ್ಕೆ ಇದೊಂದು ಅರ್ಥಶೂನ್ಯ ಪ್ರಶ್ನೆ, ಉತ್ತರ: ರಾಜ್ಯಪಾಲರು ಯಾರೂ ಆಗಬಹುದು; ಹೇಗೂ ಇರಬಹುದು. ಸಂವಿಧಾನವು 155ನೇ ವಿಧಿಯ ಅನ್ವಯ ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ನೇಮಕ ಹೊಂದಿ ನೇರವಾಗಿ ರಾಜಧಾನಿಗೆ ಬುದಿಳಿಯುತ್ತಾರೆ. ಅವರೇ ಅಮೇರಿಕಾ ಸಂಯುಕ್ತ ಸಂಸ್ಥಾನದಂತೆ ಚುನಾವಣೆ ಬಿಸಿ ಇಲ್ಲ; ಖರ್ಚು ಉಳಿತಾಯ. ಬೆಳೆದು ನಿಂತ ಪದ್ಧತಿಯಂತೆ (Convention) ಇವರು ರಾಜ್ಯದ ಹೊರಗಿನವರು. ಈ ಪದ್ಧತಿಗೆ ಸಮರ್ಥನೆ ರಾಜ್ಯದ ಆಂತರಿಕ ಶಕ್ತಿ, ವ್ಯಕ್ತಿ, ಪಕ್ಷಗಳ ಜಗ್ಗುವಿಕೆಯಿಂದ ಮೇಲ್ಮಟ್ಟದಲ್ಲಿ ಇರಬೇಕೆಂದು, ಆದರೆ ಇದು ಕೇವಲ ಸುಪ್ರದಾಯ ವಿನಶಾ ಕಾನೂನು ಅಲ್ಲ. ಏಕೆಂದರೆ ಉದಾಹರಣೆಗೆ ದಿವಂಗತ ಶ್ರೀ ಜಯಚಾಮರಾಜೇಂದ್ರ ಒಡೆಯರ್‌ರವರು ಮೈಸೂರು ರಾಜ್ಯದ ಗವರ್ನರ್ ಆಗಿ ಸ್ಥಾನವನ್ನಲಂಕರಿಸಿದ್ದರು. ಕರಡು ಸಂವಿಧಾನದಲ್ಲಿ ಚುನಾಯಿತ ರಾಜ್ಯಪಾಲರಿಗೆ ಅವಕಾಶವಿತ್ತು, ಆದರೆ ‘ಪಾರ್ಲಿಮೆಂಟರಿ ಪದ್ಧತಿಗೆ ಅನುಗುಣವಾಗಿ ಕನಡಾದ ಮಾದರಿಯಂತೆ, ನೇಮಕಾತಿಗೊಂಡ ರಾಜ್ಯಪಾಲರಿಗಾಗಿ ಪ್ರಬಲ ಸಮರ್ಥನೆ ದೊರೆಯಿತು. ಏಕೆಂದರೆ ರಾಜ್ಯಪಾಲರೂ ಆಯಾಯ ರಾಜ್ಯದಿಂದಲೇ ಚುನಾಯಿತರಾದರೆ ಬಹುಮತದಿಂದ ಗೆದ್ದುಬಂದ ಮುಖ್ಯಮಂತ್ರಿಯವರಲ್ಲಿ ಸಂಘರ್ಷದ ಸಾಧ್ಯತೆ ಒಂದುಕಡೆ; ಅಂತೆಯೇ ಆರಿಸಿ ಬಂದ ಪಕ್ಷದ ಕಡೆಗೇ ವಾಲುವ ಸಾಧ್ಯತೆ ಇನ್ನೊಂದು ಕಡೆ ಇವರಡರ ನಿದಾರಣೆ ಯೊಂದಿಗೆ ಕೇಂದ್ರದ ಪ್ರತಿನಿಧಿಯಾಗಿ ಸಮರ್ಥ ಕಾರ್ಯವೆಸಗಲು ರಾಜ್ಯಪಾಲರು ನೇಮಕಹೊಂದುವ ಅವಶ್ಯಕತೆಯನ್ನು ಮನಗಾಣಲಾಯಿತು.

ರಾಜ್ಯಪಾಲರ ಅವಧಿ 5 ವರ್ಷವಾದರೂ ಸಂವಿಧಾನದ 156 (1) ವಿಧಿಯಂತೆ ರಾಷ್ಟ್ರಪತಿಯವರು ಇಚ್ಛಿಸಿದ ಅವಧಿಯೊಳಗೇ ಅಧಿಕಾರ ಹೊಂದುವ ವಿಚಾರ ಸ್ಪಷ್ಟೀಕರಿಸಲಾಗಿದೆ. ಅರ್ಥಾತ್ ನ್ಯಾಯಾಲಯದ ನ್ಯಾಯಾಧೀಶರು ಸ್ಥಾನದ ಭದ್ರತೆ, ನಿರ್ದಿಷ್ಟತೆ ಎದ್ದುಕಾಣುವುದಿಲ್ಲ. ಒಂದು ರಾಜ್ಯಕ್ಕೆ ಒಂದು ರಾಜ್ಯಪಾಲರು ಎನ್ನುವ ಮೂಲ ಸೂತ್ರ ಸಂವಿಧಾನದ 7ನೇ ತಿದ್ದುಪಡಿ (1956)ಯ ಮೂಲಕ ಬದಲಾಗಿ ಒಬ್ಬರೇ 2 ಯಾ ಹೆಚ್ಚಿನ ರಾಜ್ಯಗಳಿಗೆ ಸೂತ್ರಧಾರರಾಗ ಬಹುದು. ರಾಜ್ಯಮಂತ್ರಿಮಂಡಲ ಬಯಸಿದರೂ, ರಾಜ್ಯಪಾಲರ ಅವಧಿ ಮುಂದುವರಿಯದಿರಬಹುದು; ಅಂತೆಯೇ "ಇವರು ನಮಗೊಂದು ಹೊರೆ" ಎಂದು ರಾಜ್ಯ ಸಚಿವ ಸಂಪುಟ ಬಯಸಿದರೂ ಅವರನ್ನೇ ರಾಜ್ಯಪಾಲರಾಗಿ ಕೇಂದ್ರ ಹೊರಿಸಬಹುದು ಇಲ್ಲೊಂದು ನಿಧಾನಗತಿಯಲ್ಲಿ ಬೆಳೆಯುತ್ತಿರುವ ಪದ್ಧತಿಯನ್ನು ಗುರುತಿಸಬಹುದು. ಆಯಾಯ ರಾಜ್ಯದ ಮುಖ್ಯಮಂತ್ರಿಯರೊಡನೆ ಸಮಾಲೋಚಿಸಿ ರಾಜ್ಯದ ಜನತೆಯ ದೃಷ್ಟಿಯಿಂದ ವಿವಾದಾತೀತ ವ್ಯಕ್ತಿಯನ್ನೇ ನೇಮಿಸುವ ಕೇಂದ್ರದ ಸರ್ವಸಾಮಾನ್ಯ ಧೋರಣೆ ಸ್ವಾಗತಾರ್ಹ. ಇದು ಸಹಕಾರಿ ಪ್ರವೃತ್ತಿಯ ಸಂಯುಕ್ತ ರಾಜ್ಯ ಪದ್ಧತಿಯ (Co-operative Federalism) ಬೆಳಕಿನಲ್ಲಿ ಅತ್ಯಮೂಲ್ಯ.

ರಾಜ್ಯಪಾಲರ ಅಧಿಕಾರದ ಕಕ್ಷೆ ಎಷ್ಟು? ಸಂವಿಧಾನದ ವಿಧಿಗಳಲ್ಲಿ ಮೂಡಿ ಬಂದ ರಾಜ್ಯಪಾಲರ ಅಧಿಕಾರದ ಕಕ್ಷೆ. 1935ನೇ ಭಾರತ ಸರ್ಕಾರ ಕಾಯಿದೆ (1935 Govt. of India Act)ಯ ನೀಲಿನಕ್ಷೆಯ ಆಧಾರಿತ ವೆಂದು ಶಬ್ದಾರ್ಥಗಳಲ್ಲಿ ಕಂಡು ಬಂದರೂ ರಾಜಕೀಯ ವಾಸ್ತವಿಕತೆಯ ಒರೆಗಲ್ಲಿನಲ್ಲಿ ತಿಕ್ಕಿದಾಗ ನೂರಾರು ಬಣಗಳು ಬಿಚ್ಚಿಕೊಳ್ಳುತ್ತವೆ. ಮಾತ್ರವಲ್ಲ ಸಾಂವಿಧಾನಿಕ ಸಿದ್ಧಾಂತಕ್ಕೆ ನೈಜತೆಗೂ ಮಧ್ಯೆ ಕಂದಕ ರಾಜಭವನದ ಪರಿಸರವ ಕಂಡು ಬರುತ್ತದೆ. ಅದೇ ರೀತಿ, ಕೇಂದ್ರದಲ್ಲಿನ ರಾಷ್ಟ್ರಪತಿಯವರಂತೆ, ರಾಜ್ಯದ ರಾಜ್ಯಪಾಲರೂ 'ರಬ್ಬರ್ ಮೊಹರು' ಎನ್ನುವ ಅವಸರದ ತೀರ್ಮಾನವೂ ಇಲ್ಲಿ ಸಲ್ಲದು.

ಪ್ರಥಮ ವಿಚಾರ: ಕೇಂದ್ರದಲ್ಲಿ ರಾಷ್ಟ್ರಪತಿಯವರು ಪ್ರಧಾನಿ, ಸಚಿವ ಸಂಪುಟವಿರಹಿತವಾಗಿ ಒಂದು ಕ್ಷಣವೂ ಸರ್ಕಾರದ ಯಂತ್ರ ಚಾಲನೆ ಮಾಡುವಂತಿಲ್ಲ; ಆದರೆ ರಾಜ್ಯದಲ್ಲಿ ಹಾಗಿಲ್ಲ. ಅದರರ್ಥ ಮಂತ್ರಿಮಂಡಲ ತನ್ನ ಸ್ವಇಚ್ಛೆಯ ಪರಿಧಿಯಲ್ಲಿನ ಆತಂಕ ಎಂದು ಕಿತ್ತೊಗೆಯಬಹುದು ಎಂದು ಅರ್ಥವಲ್ಲ.

ಶಾಸಕಾಂಗದಲ್ಲಿ ರಾಜ್ಯಪಾಲರಿಗೆ ರಾಜ್ಯಾಂಗ ಘಟನೆಯ 174, 175, 176, 202-ಹೀಗೆ ಹಲವು ವಿಧಿಗಳು ಅಧಿಕಾರವನ್ನು ನೀಡುತ್ತದೆ. ಶಾಸನ ಸಭಾಧಿವೇಶಗಳನ್ನು ಕರೆಯುವ, ಉದ್ದೇಶಿಸಿ ಭಾಷಣ ಮಾಡುವ, ಸಂದೇಶಗಳನ್ನು ಕಳುಹಿಸುವ, ಅಧಿವೇಶನವನ್ನು ಮುಂದಕ್ಕೆ ಹಾಕುವ ಇಂತಹ ಹಲವು ರೀತಿಯ ಅಧಿಕಾರಗಳು ನಮೂದಿತವಾಗಿವೆ. ಆದರೆ ವಾಸ್ತವಿಕವಾಗಿ ಈ ಎಲ್ಲಾ ಶಾಸಕಾಂಗಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಅಧಿಕಾರಗಳು ಪಾರ್ಲಿಮೆಂಟರಿ ಪದ್ಧತಿಯ ಚೌಕಟ್ಟಿನಲ್ಲಿಯೇ ಚಲಾಯಿಸಬೇಕಾಗಿದೆ. ಸುನಿಲ್ ಕುಮಾರ್ ಭೋಸ್-ವಿರುದ್ಧ-ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಪಶ್ಚಿಮ ಬಂಗಾಲ (1950) ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಕಲ್ಕತ್ತಾ ಹೈಕೋರ್ಟು ನೀಡಿದ ತನ್ನ ತೀರ್ಪಿನಲ್ಲಿ ಈ ರೀತಿ ಸಾರಿದೆ" ಪ್ರಚಲಿತ ಸಂವಿಧಾನದಲ್ಲಿ ರಾಜ್ಯ ಪಾಲರು ಮಂತ್ರಿ ಮಂಡಲದ ಆದೇಶದಂತೆಯೇ ಕಾರ್ಯವೆಸಗಬೇಕಾಗಿದೆ."

166 (1)ನೇ ವಿಧಿಯಂತೆ ರಾಜ್ಯದ ಎಲ್ಲಾ ಕಾರ್ಯಾಂಗದ ಕಾರ್ಯಾಚರಣೆ, ಶಾಸನಗಳ ಜಾರಿಗೆ ರಾಜ್ಯ ಪಾಲರ ಹೆಸರಲ್ಲೇ ಜರಗುತ್ತದೆ. ಆದರೆ "ಹೆಸರಿನಲ್ಲೇ ಜರಗುತ್ತದೆ" ಎನ್ನುವ ಶಬ್ದಗಳನ್ನು ವಿಶ್ಲೇಷ ಹೊರಟಾಗ "Mis Majesty's Governments" ಎನ್ನುವ ಬ್ರಿಟನ್‌ನ ಪದ್ಧತಿಯ ನೆನಪಾಗಬಹುದು.

ಹಣಕಾಸಿನ ದೃಷ್ಟಿಯಿಂದ ಬಜೆಟ್ ಮಂಜೂರಾತಿ. ಆರ್ಥಿಕ ಮಸೂದೆಗೆ ಸಹಿ. ಹಣಕಾಸಿನ ವ್ಯವಹಾರದ ಮೇಲ್ವ ನಿಯ ಇವೆಲ್ಲಾ ರಾಜ್ಯಪಾಲರಿಗೆ ಸೇರಿದ ಅಂಶಗಳು ಶಾಸನಗಳ ಯಾ ಮಸೂದೆಗಳ ವಿಷಯದಲ್ಲಿ ಸಮ್ಮತಿನೀಡುವ ಯಾ ರಾಷ್ಟ್ರಪತಿಯವರ ಅಂಕಿತಕ್ಕೆ ರವಾನಿಸುವಲ್ಲಿ ರಾಜ್ಯಪಾಲರು ತಮ್ಮ ಕೈ ಚಳಕವನ್ನು ಸಾಕಷ್ಟು ತೋರಿಸಲು ಸಂವಿಧಾನ ಅನುಮಾಡಿಕೊಟ್ಟಿದೆ ಎನ್ನುವುದು ಇಲ್ಲಿ ಉಲ್ಲೇಖನೀಯ.

ನ್ಯಾಯಾಂಗದಲ್ಲಿನ 161 ವಿಧಿಯನ್ವಯದ ಕ್ಷಮಾದಾನ ನೀಡುವ ಗವರ್ನರ ಅಧಿಕಾರ ವಿವಾದಕ್ಕಿಳಿದ ರಂಗ 1960ರ ಕುತೂಹಲಕಾರಿ 'ನಾನಾವತಿ ಪ್ರಕರಣ'ದಲ್ಲಿ ಮುಂಬೈ ಹೈಕೋರ್ಟಿನ ಶಿಕ್ಷೆಯ ತೀರ್ಪಿನ ಬೆನ್ನಲ್ಲೇ ರಾಜ್ಯಪಾಲರಾದ ಶ್ರೀ ಪ್ರಕಾಶರು ನೀಡಿದ ಕ್ಷಮಾದಾನ ವಿಸ್ಮಯಕಾರಿ ಆಗಿತ್ತು. ಈ ಕ್ಷಮಾದಾನದ ಅಧಿಕಾರವನ್ನು, ರಾಜ್ಯಪಾಲರು ಆಡಳಿತ ಪಕ್ಷದ ಕೈಗೊಂಬೆಯಾಗಿ ದುರುಪಯೋಗ ಪಡಿಸುವ ಸಾಧ್ಯತೆಯ ಬಗ್ಗೆ ಎಚ್ಚರ ಆಗತ್ಯ ಈ ನಿಟ್ಟಿನಲ್ಲೂ ಉತ್ತಮ ಪದ್ಧತಿ ಗಳು (Conventions) ಬೆಳೆದು ನಿಲ್ಲಬೇಕು. ಇಲ್ಲವಾದರೆ ಕೇರಳ ಹೈ ಕೋರ್ಟಿನ ನ್ಯಾ. ಶಂಕರ್‌ರವರು ವ್ಯಕ್ತಪಡಿಸಿದಂತೆ

“ಕಾನೂನು ಬದ್ಧ ತಾರತಮ್ಯ (Legalised Discrimination)” ಕಂಡು ಬರುವ ಸಾಧ್ಯತೆ ಇದೆ.

ರಾಜ್ಯಪಾಲರ ವಿಶೇಷ ಅಧಿಕಾರ:- (Discretionary Powers): ತನ್ನ ಸ್ವಂತಿಕೆಯ ಪರಿಧಿಯಲ್ಲೇ ನಿರ್ಧಾರ ಹೊಂದುವ ವಿಶಿಷ್ಟ ಕ್ಷೇತ್ರಗಳನ್ನು ರಾಜ್ಯಪಾಲರ ಬಗ್ಗೆ ಗುರುತಿಸಬಹುದು. ಪ್ರಥಮ ಪ್ರಶ್ನೆ: ವಿಧಾನ ಸಭಾ ಚುನಾವಣಾ ಫಲಿತಾಂಶದ ಬಳಿಕ ಯಾವುದೇ ಪಕ್ಷ ಸ್ಪಷ್ಟಬಹುಮತ ಪಡೆಯದಿದ್ದಾಗ... ಈ ಕವಲೋಡೆದ ದಾರಿಯಲ್ಲಿ ರಾಜ್ಯಪಾಲರು ತಮ್ಮದೇ ನಿರ್ಧಾರ ಹೊಂದುವಲ್ಲಿ ಎಷ್ಟು ಸ್ವತಂತ್ರರು? ಉಪಪ್ರಶ್ನೆ: ಆ ಸಂದರ್ಭದಲ್ಲಿ ರಾಜ್ಯಪಾಲರು ಅತೀ ಹೆಚ್ಚಿನ ಸಂಖ್ಯಾಬಲವುಳ್ಳ ಪಕ್ಷದ ನಾಯಕನನ್ನೇ ಸರ್ಕಾರ ರಚನೆಗೆ ಆಹ್ವಾನಿಸಬೇಕಾದ ಸಾಂವಿಧಾನಿಕ ಕರ್ತವ್ಯ ಇದೆಯೇ? ಅಗತ್ಯವಿಲ್ಲ ಎನ್ನುವ ಅಭಿಪ್ರಾಯ ಸುಪ್ರೀಂ ಕೋರ್ಟಿನ ಮಾಜಿ ಮುಖ್ಯ ನ್ಯಾಯಾಧೀಶರುಗಳಾದ ಮೆಹರ್ ಚಂದ್ ಮಹಾಜನ್, ಗಜೇಂದ್ರ ಗಡ್ಕರ್, ಹಾಗೂ ಎ. ಕೆ. ಸರ್ಕಾರ್‌ರವರು. ಮಂ. ನ್ಯಾ. ಗಜೇಂದ್ರ ಗಡ್ಕರ್‌ರವರು ಸ್ಪಷ್ಟೀಕರಿಸಿದ ಇನ್ನೊಂದು ಅಭಿಪ್ರಾಯ—ಪಕ್ಷದ ಆಧಾರಿತ ಸಂಖ್ಯೆಯನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳುವುದರಲ್ಲೇ ತಲ್ಲೀನರಾಗಿ ಪಕ್ಷೇತರರ ಇರವನ್ನೇ ಮರೆಯುವ ಹವ್ಯಾಸ ತಪ್ಪು. ಇಲ್ಲಿ ರಾಜ್ಯಪಾಲರ ಸ್ವಂತ ನಿರ್ಧಾರದ ಪರಿಧಿ ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ವಿಸ್ತಾರವೆನಿಸಿದರೂ, ಯಾವನೇ ನಾಯಕನನ್ನು ಮುಖ್ಯಮಂತ್ರಿಯನ್ನಾಗಿಸಿದ ಬಳಿಕ ಆದಷ್ಟು ಶಿಫ್ಟ್‌ನಲ್ಲಿ ಶಾಸನ ಸಭೆಯನ್ನು ಕರೆದು ಆತನ ಬಲಪರೀಕ್ಷೆಗೆ ಅವಕಾಶ ನೀಡಬೇಕಾಗಿದೆ. ಇಲ್ಲಿ ಒಂದು ಸಂಶಯ ಎದುರಾಗುತ್ತದೆ. ಏನೆಂದರೆ ಒಬ್ಬ ವ್ಯಕ್ತಿ ಮುಖ್ಯಮಂತ್ರಿ ಪದವೇರಿದ ತಕ್ಷಣದಿಂದಲೇ ತನ್ನ ಪ್ರಭಾವಲಯವನ್ನೇ ವಿಸ್ತರಿಸಿ ಪಕ್ಷೇತರರನ್ನು ತನ್ನೆಡೆಗೆ ಸೆಳೆದು ಸ್ಥಾನ ಭದ್ರತೆ ಮಾಡಲು ಅನುವು ಮಾಡಿದಂತೆ ಆಗುವುದಿಲ್ಲವೇ? ಕೇಂದ್ರ ಸರ್ಕಾರದ ಮಹಾ ನ್ಯಾಯವಾದಿಯಾಗಿದ್ದ ಶ್ರೀ ಎಂ. ಸಿ. ಸೆಟಲ್‌ವಾಡ್‌ರವರ ಅಭಿಪ್ರಾಯವೆಂದರೆ “ಯಾವುದೇ ಪಕ್ಷಕ್ಕೆ ಸ್ಪಷ್ಟ ಬಹುಮತವಿಲ್ಲದಿರುವಾಗ, ರಾಜ್ಯಪಾಲರು ಅಧಿಕಾರ ಕಳೆದುಕೊಂಡ ಮೊದಲಿನ ಆಡಳಿತ ಪಕ್ಷದ ಬದಲು, ಮೊದಲಿನ ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕನನ್ನು ಅಥವಾ ವಿರೋಧ ಪಕ್ಷಗಳ ಒಕ್ಕೂಟದ ನಾಯಕನನ್ನು ನೂತನ ಸಚಿವ ಸಂಪುಟ ರಚನೆಗೆ ಆಹ್ವಾನಿಸಬೇಕು. ಏಕೆಂದರೆ ಈ ಕ್ರಮ ಮತದಾರರ ಸಾರ್ವಭೌಮತೆಯ ದ್ಯೋತಕ...” ಈ ಎಲ್ಲದರ ಬಗ್ಗೆ ಸಂವಿಧಾನದಲ್ಲಿ ಉತ್ತರವಿಲ್ಲ. ಏಕೆಂದರೆ ಪಕ್ಷಪದ್ಧತಿಯ ಬಗ್ಗೆ ರಾಜ್ಯಾಂಗ ಘಟನೆ ಮೌನ ತಳೆದಿದೆ. ಮಹಾರಾಷ್ಟ್ರ ರಾಜ್ಯದ ಮಹಾ ನ್ಯಾಯವಾದಿ (Advocate General) ಗಳಾದ ಶ್ರೀ ಸೀರ್‌ವಾಯಿಯವರು ಸೂಚಿಸುವಂತೆ ರಾಜ್ಯಪಾಲರು ಯಾವುದೇ ನಾಯಕನನ್ನು ಆಹ್ವಾನಿಸುವ ಮೊದಲು ಪ್ರತಿ ಓರ್ವ ಪಕ್ಷೇತರರನ್ನು ಭೇಟಿ ಆಗುವುದು ಉತ್ತಮ ಸಂಪ್ರದಾಯ.

ದ್ವಿತೀಯ ಪ್ರಶ್ನೆ: ಮುಖ್ಯಮಂತ್ರಿಯು ಸಲಹೆ ನೀಡಿದ ತಕ್ಷಣ ರಾಜ್ಯಪಾಲರು ವಿಧಾನ ಸಭೆಯನ್ನು ವಿಸರ್ಜಿಸಬೇಕೆ? ಎಂದು. 1970ರಲ್ಲಿ ಕೇರಳ ರಾಜ್ಯಪಾಲರು ಆಗಿನ ಮುಖ್ಯಮಂತ್ರಿ ಮೆನನ್ ಸಲಹೆಯಂತೆ ವಿಧಾನ ಸಭೆ ವಿಸರ್ಜಿಸಿದರೆ, 1969ರಲ್ಲಿ ಮಧ್ಯಪ್ರದೇಶದ ರಾಜ್ಯಪಾಲರಾದ ಶ್ರೀ ಕೆ. ಸಿ. ರೆಡ್ಡಿ ಯವರು ರಾಜಾ ನರೇಶ ಸಿಂಘರವರ ಮುಖ್ಯಮಂತ್ರಿ ಸ್ಥಾನದ ಸಲಹೆ ತಿರಸ್ಕರಿಸಿದರು. ಇಲ್ಲಿ 163 (1) ವಿಧಿಯನ್ವಯ ರಾಜ್ಯಪಾಲರು ಮುಖ್ಯಮಂತ್ರಿಗಳ ಸಲಹೆಗೆ ಕಟ್ಟುಬೀಳಬೇಕೇ ‘ಯಾ’ 174 (1) ರಂತೆ ವಿಸರ್ಜನಾಧಿಕಾರವನ್ನು ‘ಖಾಲಿ ಚೆಕ್’ (Blank Cheque) ನಂತೆ ಪೂರ್ಣವಾಗಿ ಉಪಯೋಗಿಸ ಬಹುದೇ ಎನ್ನುವುದಾಗಿದೆ. 1971ರಲ್ಲಿ ತಮಿಳುನಾಡಿನ ರಾಜ್ಯಪಾಲರಾದ ಸರ್ವಾನ್ ಉಜ್ಜಲ್ ಸಿಂಘ್‌ರವರು ತಿರು. ಕರುಣಾನಿಧಿಯವರ ಸಲಹೆಯ ಮೇರೆಗೆ ಅಲ್ಲಿನ ವಿಧಾನ ಸಭೆ ವಿಸರ್ಜಿಸಿದರೆ, ಅದೇ ವರ್ಷ, ಒರಿಸ್ಸಾದ ರಾಜ್ಯಪಾಲ ಡಾ. ಯಸ್. ಯಸ್. ಅನ್ನಾರಿಯವರು ಅಧಿಕಾರ ತ್ಯಜಿಸುತ್ತಿದ್ದ ಸಿಂಗ್‌ದೇವೋರವರ ಸಲಹೆಯನ್ನು ತಿರಸ್ಕರಿಸಿದರು. ಅನೇಕ ವೇಳೆ ತೆರೆಮರೆಯಲ್ಲಿನ ಕೇಂದ್ರ ರಾಜಕೀಯದ ಕಬಂಧ ಹಸ್ತ ಕಂಡು ಬಂದುದೂ ಇದೆ.

ಇದೇ ಪ್ರಶ್ನೆಯ ಇನ್ನೊಂದು ಮುಖ: ಪಕ್ಷಕ್ಕೆ ಬಹುಮತವಿದ್ದಾಗ್ಯೂ ಆಂಧ್ರದ ಸಂಪುಟ ಪತನಕ್ಕೆ ಕೇಂದ್ರದೊಡನೆ ಕೈಜೋಡಿಸುವ ವಿಚಾರ ಸಾಂವಿಧಾನಿಕವಾಗಿ ಸಾಧುವಾದುದೇ? 1959ರ ಕೇರಳದ ಕಮ್ಯುನಿಸ್ಟ್ ಸರ್ಕಾರದ ಪತನ. 1976ರಲ್ಲಿ ತಮಿಳುನಾಡಿನ ಮೂರನೇ ಎರಡಕ್ಕಿಂತಲೂ ಅಧಿಕ ಬಹುಮತವಿದ್ದ ಕರುಣಾನಿಧಿ ಸರ್ಕಾರದ ಉಜ್ಜಾಟನೆ. 1977ರಲ್ಲಿ ಕರ್ನಾಟಕದ ದೇವರಾಜ ಅರಸರ ಸರ್ಕಾರದ ವಚಾ— ಇವೆಲ್ಲಾ 356ನೇ ವಿಧಿಯನ್ವಯದ ರಾಜ್ಯಪಾಲರ ವರದಿ ಯಾವಾಗ. ಏಕೆ ಮತ್ತು ಹೇಗಿರಬೇಕು ಎನ್ನುವ ಭವಿಷ್ಯದ ಪ್ರಶ್ನೆಗಳಿಗೆ ಮಾದರಿ ಉತ್ತರ ಪತ್ರವಂತಿವೆ ಎನ್ನುವಂತಿಲ್ಲ.

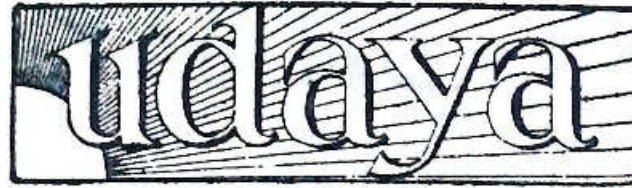
“ರಾಜ್ಯಪಾಲರ ವ್ಯಕ್ತಿತ್ವ ಘನವಾಗಿರಲಿ” ಎನ್ನುವ ಸದಾಶಯ ಸಂವಿಧಾನದ ರಚನಾ ಸಭೆಯಲ್ಲಿ ಸ್ಪಷ್ಟ ಮೂಡಿ ಬಂದಿದೆ. ಚುನಾವಣಾ ಕಣದಿಂದ ಹಿಮ್ಮೆಟ್ಟಿದ ಹಿರಿಯ ರಾಜಕಾರಣಿಗಳು ರಾಜ್ಯಪಾಲರಾದ ಬಳಿಕವೂ, ತನ್ನ ಹಳೆಯ ಚಾಡಿನಲ್ಲಿ, ಚಾಪಲ್ಯದಿಂದ ನುಸುಳಿದಾಗ ಪತ್ರಿಕೆಯವರ ಗೃಧ್ರದೃಷ್ಟಿಗೆ ಸಿಲುಕಿಕೊಂಡ ಉದಾಹರಣೆಗಳು ಬಹಳ. ತಮಿಳು

ನಾಡಿನ ಗವರ್ನರ್ ಆಗಿದ್ದುಕೊಂಡೇ ಗುಜರಾತ್ ಕಾಂಗ್ರೆಸಿನ ಒಡಕು ನಿವಾರಿಸಲು ದೆಹಲಿ ಯಾತ್ರೆ ಕೈಕೊಂಡಿದ್ದರು 1973ರಲ್ಲಿ ಶ್ರೀ ಕೆ. ಕೆ. ಶಹಾರವರು. ಮುರಾರ್ಜಿ ದೇಸ್ಯಾ ವಿರುದ್ಧ ಪ್ರಧಾನಿ ಪಟ್ಟಕ್ಕಾಗಿ ಶ್ರೀಮತಿ ಇಂದಿರಾ ಗಾಂಧಿ ಯವರಿಗಾಗಿ ಪ್ರಚಾರ ನಡೆಸಿದವರು ಕೇರಳದ ರಾಜ್ಯಪಾಲರಾಗಿದ್ದ ಶ್ರೀ ಅಜಿತ್ ಪ್ರಸಾದ ಜೈನ್‌ರವರು. “ಬಹಿರಂಗ ಸಭೆ ಸಮಾರಂಭಗಳ ಭಾಗವಹಿಸುವ ಎಲ್ಲಾ ಹಕ್ಕು ಭಾಧ್ಯತೆ ತನಗಿದೆ” ಎಂದು ಮಧ್ಯಪ್ರದೇಶದ ರಾಜ್ಯಪಾಲರಾಗಿದ್ದ ಶ್ರೀ ಪಾಟಿಷ್ಕರ್‌ರವರು ಘೋಷಿಸಿದರೆ, ಉತ್ತರ ಪ್ರದೇಶದ ರಾಜ್ಯಪಾಲರಾಗಿದ್ದ ಶ್ರೀ ವಿ. ವಿ. ಗಿರಿಯವರು “ರಾಜ್ಯಪಾಲರು ನಿರ್ದಿಸುವ ಆರ್ಥಾತ್ ಕ್ರಿಯಾಶೂನ್ಯ ಸಂಗಾತಿ (Sleeping Partner) ಆಲ್ಲ” ಎಂದು ಘೋಷಿಸಿದ್ದಾರೆ.

ಸ್ವಾನುಭವ ಕಥನದಲ್ಲಿನ ಶ್ರೀ ಭೀಮಸೇನ ಸಾಚಾರರ ಮಾತು ಇಲ್ಲಿ ಉಲ್ಲೇಖನೀಯ “ಓರ್ವ ಯೋಗ್ಯ ರಾಜ್ಯಪಾಲರು ತಾವಿರುವ ರಾಜ್ಯದ ಮುಖ್ಯಮಂತ್ರಿಗಳ, ಸಚಿವರ ಗೌರವಕ್ಕೆ ಪಾತ್ರನಾಗಿರಬೇಕು ಮಾತ್ರವಲ್ಲ ಆ ರಾಜ್ಯದ ಜನತೆಯ ಹೃದಯವನ್ನೂ ತನ್ನ ನಿಷ್ಪಕ್ಷಪಾತ ದೃಷ್ಟಿಯಿಂದ, ಔದಾರ್ಯ, ದಕ್ಷತೆಯಿಂದ ಗೆದ್ದುಕೊಳ್ಳಬೇಕು; ಕೇಂದ್ರದ ಪ್ರತಿನಿಧಿಯಾಗಿ, ರಾಜ್ಯದ ನಾವಾಂಕಿತ ವಿಶೇಷ ಅಧಿಕಾರಿಯಾಗಿ ನಡೆಸುವ ದ್ವಿಪಾತ್ರ ನಿಜಕ್ಕೂ ಕ್ಲಿಷ್ಟಕರ. ಆದಗ್ಯೂ, ಸಂವಿಧಾನ ಬದ್ಧತೆಯಿಂದ, ಪರಿಸ್ಥಿತಿಯ ಚಿಂತನ ಮಂಥನದಿಂದ, ನಿರಂಕುಶತೆಗೆ ಮನಮಾಡದ, ಅರಾಜಕತೆಗೆ ಎಡೆಮಾಡದೆ ರಾಜ್ಯಸರ್ಕಾರದ ಯಂತ್ರಚಾಲನೆಗೆ ತನ್ನ ಕಾರ್ಯಕ್ಷಮತೆಯನ್ನು ಧಾರೆ ಎರೆದು, ಭವ್ಯ ಸಂಪ್ರದಾಯಗಳ ರಾಜಪಥವನ್ನು ರಾಜಭವನದಿಂದ ನಿರ್ಮಿಸುವ ರಾಜ್ಯಪಾಲರು ನಮ್ಮ 22 ರಾಜ್ಯಗಳಿಗೂ ಸದಾ ಒದಗುವಂತಾದರೆ ಪ್ರಜಾಪ್ರಭುತ್ವ ಚಕ್ರದ ಪರಿಭ್ರಮಣೆ ಸುಲಭ ಸಾಧ್ಯ.



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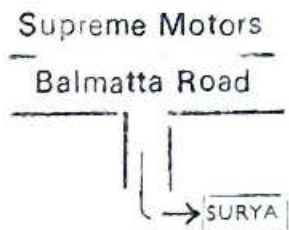
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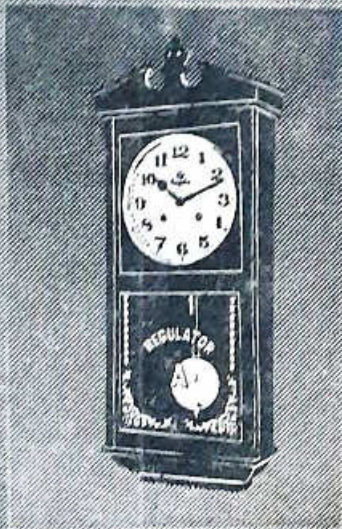

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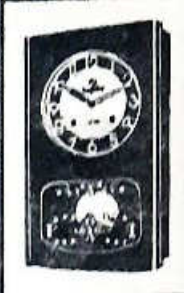
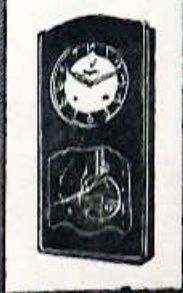
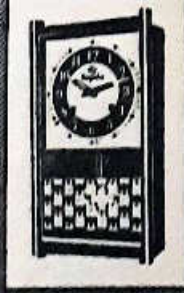
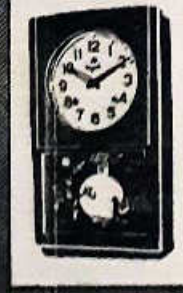



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