

fl=; kph I | flFkrh &, d fpfdLrd

I nkf' ko ek: rhjko xkoMs
bfrgkl foHkx i e[k e[kst h egkfon; ky;]QyV.k

I kjka k :

; = uk; Lrq i w; UrjjeUrs r= nor:

ftFk ukfjyk i wty tkr frFk nokpk okl vl rksvl s euq eul'erhr Eg.kkys vk; i wZ dkGkr
I ekt ekYÖél Rrkd gkrk-rj vk; ZkG gk fi YÖél Rrkd cuysyk gkrk-gGwgGwfl= cakukr ckdkyh xsyh
rjhgh dkgh fl=; k Kku I aknu d: u foOnku cuY; k e/; ; qhu dky [kM gk ijdh; vkdedkpk
dky [kM vl Y; keGs fl=; kph flFkrh vfr'k; fcdV cuyh i jarw vk/kqud dkGkr fl=; kP; k m/nkjl kBh
iz Ru dj.; kr vkysys fnl w ; s kr-19 0; k 'krdke/; s vud I ekt I qkkj dkuh fl=; kP; k f'k{k.kkl kBh
i qkdkj ?kr-yk-vuknh dkGki kl w pkyysys fl=; kP; k ojhy vl; k; vR; kpkj kP; k i Fkk i ja jk ekM.; kr
vkyY; k fnl w ; s kr-vktP; k dkGkr fl=; kph flFkrh I qkkj.; kl kBh Hkjho dk; i dsys tkr vl Y; kps
fnl w ; s fl=; kP; k I | flFkrhpk vk<kok I nj 'kkkfcudkke/kau ekM.; kpk iz Ru dj.; kr vkysyk vkgs

çLrlok %

fl=; kph xykafxjh&

ikphu dkGkr okM: e; fufeZh >kyh vkf.k ; kp okM: e; kl i q s /keZkkL=kps : i vkyseuq
; KoYD; i jk'kj b-__'khuh /keZkFkkph j puk dsh ; k /keZ xFkke/kau vkpkj]fopkj]fookg U; k; fl=; kP; k
fo'k; h fu; e ekM.; kr vkysvkf.k i ja jus ; kau cGdVh feGr xsyh 1fl=; kP; koj vud cakus yknyh
xsyh ; krap cky fookg]]fo"ke fookg]cgq RuhdRo]L=h nkl Ro]l rhi Fkk]ds koi ujojn f{k.kk i/nr]
tjBdekfj fookg]b-vfu'B i Fkkpk tle >kyk-rj fo/kokP; k vkrRegR; k]jktLFkku e/khy ^ndkfirh* Eg.kts
kydkP; k gR; k dj.kkj izdkj b-l el; k fueZk >kY; k 2 ojhy I oZ cakukru fl=; kau ePr
dj.; kl kBh vud I ekt I qkkj dkuh iz Ru dj.; kl I q okr dsh; ke/; s jktjke ekgu jkw]jegkRek
tkrhck Qy]i kfo=hckbz Qy]i iMrk jekckbz jkuM\$ HkkM/kjdj N=i rh jkt'kZ 'kkgw egk]j]eg'kZ /kkMks
ds ko do]xki kG x.kk vkxjdj]Mkkckcl kgs vkM/dj]bz ojpmz fon; kl xj]U; k-egkno xkfon
jkuM]rkjckbz f'kan]b-l ekt I qkkj d foOnku] rRoors ; kau fl=; kP; k I qkkj.kl kBh i qkdkj ?knap Hkfjo
dk; i dY; kps fnl w ; s

vktP; k dkGkrhy fl=; kP; k I eL; k

vktP; k dkGkrfg fl=; kP; k vud I eL; k vkgr ; ke/; s gM/kcGh]fo/kok fl=; kps thou
]cyRdkj dks]cd fgd kpkj]vkf.k I okZ egRokpk iz u fl= Hkqk gR; k b-gks dkj.k Hkkjrke/khy tkLrh
tkLr ykd I q; k xkeh.k Hkkxkr vkgsxkeh.k Hkkxkr mRiUukaps I /ku ul Y; keGs tkLrh tkLr ykd kph
vkfFkd i jflFkrh fcdV vl rSR; keGs d]vkr f'k{k.k.kvHkfo vkKku]vkJ/nk xfjch b-mr vkysyk vl rks
; krap ; k i Fkk&ija jkph tki kl uk dsh tkrsvud fl=; k vkJ/nd cGh iMr vl rkr-ek= xkeh.k
Hkkxkrhy fl=; kP; k I eL; k i ek.kr vkt 'kgjh Hkkxkrgh fl=; kP; ke/; s fnl w ; s kr-; keGs fl=; kP; k
rk.kr.kko fueZk k fnl w ; s kr -; keGs fl=; kP; k rk.kr.kko fueZk k gks]d]k]d]chd NG >kY; keGs ?kVLi kV
?k]b-uohu I eL; k fueZk k I eL; k vkt fueZk k gsr vl rkuk fnl w ; s kr-³

jk'Vh; efgyk vk; kskph LFki uk

es 1990 e/; s ykcdl Hks Hkkjrkrhy fL=; kP; k l eL; k l kMfo.; kl kBh , d vk; kx vl kok vl s
fo/ks d ekM.; kr rj tyS 1990 e/; s Hkkjrh; dfinz; ekuo l a k/ku ea-ky; kus ; k fo/ks dkoj fopkj
fofue; dj.; kl kBh jk'Vh; Lrjkojhy ifj "knps vk; kstu dsys ; k ifj "kncjkcj p vucl foOnku R; kp
cjkcj l keftd dk; d dj. kk; k l LFkk , uthvks bR; kfn'kha ppkz d: u vkkkLV 1990 e/khy dfinz;
vf/kfu; e 1990] rj l a; k 20 Hkkjr ljdkj ud kj 31 tkuokjh 1992 ; k fno'kh jk'Vh; efgyk
vk; kskph LFki uk dj.; kr vkyh-vkt toGtoG 20 o'k; k vk; kskus iwz dsysyh vkgr efgyk; k
fodkl kl kBh fuxMhr vl .kk; k l oZ fo'k; kcjkcj p ?kVukRed o dk; ns khj l j {k. kskph Hkfedk ; k
vk; kskP; k ekQr ikj i kMr vl Y; kps fnl w ; s rlp oSkkfud mik; ; kst ukph f'kQkj l
dj. k efgyk; k dY; k. kkl a dkh vl .kk; k /kij .kk; k l mHkkz ljdkjyk l Yyk nsks b-egroi wkz dk; d ; k
vk; kskkQr dsh tkrkr- jk'Vh; efgyk vk; kskph drD; , dwk pkj xVkr foHkxyh vkgr-rh iqhy
iek. ks vk; kskP; k ifgY; k xVkr efgyk fo'k; d rdtkjh vkf. k riki foHkx nd ; k xVkr efgyk fo'k; d
dk; ns rj frl jk foHkx vfuokl h Hkkjrh; foHkx rj p k f k l akksku o vH; kl foHkx b-gks - ojhy pkj
foHkxkekQr vk; kskph dk; d khg pkyysyh fnl w ; s⁴

efgyk fo'k; d dk; ns khj rjrmh&

- Hkkjrh; jkT; ?kVue/; s efgyk fo'k; vucl rjrmh dsh; k vkgr R; k iqhy iek. ks
- 1) dk; n; kl ekj l ekurk o dk; n; kps l ekt l j {k. k & dye 14
- 2) l koZt fud fBdk. kh HknHkkofgr (yixd Hknjfg) i osk o foj.; kps Lokra; ;]
; k fBdk. kh fL=; kdfjrk jkT; kOnkjs fo'k; ksk 0; oLFkk dj.; kph rjrmh&dye 15
- 3) l koZt fud {ks=ke/; (ukcdjhckr) l eku l dkhph rjrmh&dye 16
- 4) i R; d fL=&iw 'k ukxfjdkyk miftfodps i j d s l k/ku feG.; kpk l eku vf/kdkj vl kok&dye 39
(.)
- 5) i R; d fL=&iq 'k etjpk vkjkk; o 'k fDr l mi ; q r v'kh dkekojph ifjLFkrh fuekzk dj.; kl kBh
jkT; iz Ru djhy&dye 39(b)(Q)
- 6) dkekojy ifjLFkrh ekuoh; vl kohrl p fL=yk iz frdkyhu l vVh feG.; kckr jkT; dk; nk djy
&dye 42
- 7) jkT; l eku ukxjh dk; nk dj.; kl kBh iz Ru djhy&dye 44
- 8) fL=; k; vU; k; dj. kk; k vkf. k R; kP; k fodkl kl ck/kk vk. k. kk; k l keftd i Fkk l kMw ns ; kps
vkokgu enyHkr drD; kr dj.; kr vkys vkgs &dye&51, (b)
- 9) i pk; rjkt l LFkke/khy , dYÖérh; k k vf/kdkj i ns o l LFkki e q k i ns gh fL=; kdfjrk vkj {k. k B. ; kr
vkyh&dye 243 (4)
- 10) ojhy iek. ks fL=; kdfjrk vkj f {kr i pk; r jkt l LFkkryh vf/kdkj i nke/ku i w gk vucl qpr tkrh o
vucl qpr tekhr; k fL=; k; vkj {k. k k r x z vkj {k. k ns ; kr vkys o gs fQj R; k Lo: i kr vkgs&dye 243
vk'kk fjrh us ojhy iek. ks efgyk kBh rjrmh jkT; ?kVue/; s dj.; kr vky; k vkgr 5
R; kcjkcj p foogkl a/kh efgyk fo'k; d dk; nk 6 l a Rrh fo'k; d dk; nk 7 dkeckchr dk; nk b-dk; ns
d: u efgykps l cyhdj. k dj.; kl kBh Hkjho Lo: i kr vkt dk; d dsys tkr vkgs
, dwkpk vktP; k dkGkr fL=; k; jhy vU; k; vR; kpkjkl vkGk cl .; kl kBh Hkjho Lo: i kps dk; d
dk; n; kOnkjs rl p l kekt h d Lrjkojhy fofok l LFkk dfjr vkgr i j a j s pkyr vky; k i Fkk >wk: u
nsnu fL= l qkkj .kk ?kMow vk. kY; k tkr vkgs fL=; k; k f'k {k. k nsnu R; k; ukcdjh 0; ol k; b- {ks=kk
ekukps LFkku fnY; kps fnl w ; s vktph fL= ifjokj l kkkGw ukcdjh 0; ol k; dfjr vl Y; kps fnl w
; s vkgsrfjgh fL=&Hkqk gr; k l kj [; k l eL; k l ektkr vtupgh fVdwk vkgr- i j r w ; k l eL; ojhy

vucl mik; ; kstuk vk[kY; k tkr vkgr-rl p dk; n; kus; k l eL; oj ekr dj.; kps tkjnkj iz Ru dsys
tkr vkgr-Eg.kup vktph fL= vcyk jkfgyh ul w rh l cyk cufoyh vkgs

I mHxk

- 1)ns'kedk izjk&fl dkq l l drh __Xon o fgnwl l drh i'B da296
- 2)osk fp-x&e/; ; qhu Hkkjr]Hkkx nksj i'B da333
- 3)ykdkT; Jefgrh o tul i dz egkl pkyuky; Jecbz 2010 i'B da26
- 4)fL=; kph l n; fLFkrh vkf.k mik; &y[kd iz kkr l ps pk.kD; eMy i fjokj]l i knd vfouk'k
/kekZ/kdkjh l IVa 2012 i'B da19
- 5)kapur promilla(ed)po.cit p.317,318
- 6)efgyk k Bh mi ; ksh dk; ns &vM-jkfg.kh dMy} pruk i zdk'ku]xks jh]o/kkZ i'B da1
- 7)mijkDr i'B da18
- 8)l edkyhu tkxfrd jktdkj.k &MKW kSy mZ noGk.kdj]fon; k cPl]i fcy'kl] i'B da 354