

GOVERNMENT OF KARNATAKA

NO.RD 373 LRM 75

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 6th October 1975.

C I R C U L A R

Sub: Land Reforms - enquiry by the Tribunal -
resolving the difference of opinion
between the Chairman and the non-official
member - reg.

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Sections 48 and 48A of the Karnataka
Land Reforms Act, 1961 deal with the constitution
and enquiry by the Tribunal. Section 113(B) defines
the duties of the Tribunal.

A question has been raised what action the
Chairman of a Tribunal should take when he holds a
view different from that of the majority of the
members.

Having regard to the background and legal
and other attainments of the generality of the
Members of the Tribunal, it is the responsibility
of the Chairman to explain the correct position of
the law and also to weigh the evidence. His position
is similar to that of the Judge in a trial by jury.
In order to make it clear that he has discharged
this part of his duty, he should set forth in the
preliminary portion of the decision all the points
which he has placed before the Members. Then he
should record that after considering all aspects,
the majority came to the particular decision. This
would also have the advantage that after recording
the majority decision, the Chairman will not be
called upon to record his dissent specifically as
he would have set forth his views earlier.

N.B. Sakhardande
(N.B. Sakhardande)

Asst. Spl. Officer for L.R. & Ex-officio
Under Secy. to Govt. Rev. Dept.

To: All the Divisional Commissioners.
All the Deputy Commissioners/Spl. Deputy Commissioners.
All Assistant Commissioners/Special Assistant Commi-
ssioners.
All Tahsildars/Special Tahsildars.
Weekly Gazette.

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