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Government of Karnataka

No. RD 293 LRM 77

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 19th Sept. 1977

CIRCULAR

Sub:- Land Reforms - Enquiry by Tribunals -
Participation of Members - When there is
allegation of bias - Further instructions
issued -

In Government Circular No. RD 384 LRM 76 dated 26-7-1976, instructions were issued that Members of the Tribunal who are personally interested in any proceedings which is before the Tribunal should be asked not to participate in the Tribunal proceedings of such a case. In Government Circular No. RD 425 LRW 76 dated 3-5-1977 the observations of the High Court in A.P.No.5802/75 that principles of natural justice should be followed by Tribunals in proceedings before them by the Chairman not allowing the interested member to participate, were communicated. The High Court of Karnataka in a recent judgement has further held that when specific allegations of bias are made, if the members of the Land Tribunal do not deny the same, it has to be presumed that the allegations are true and Members of the Tribunal who are biased, against any of the party to the proceedings, should not participate in the proceedings, since their participation would vitiate the entire proceedings and render the same void.

2. The action that Tribunal should take when the parties to any proceedings before the Tribunal file petitions making allegations against Tribunal members has been considered by the Government.

3. Whenever any party to the proceedings before the Tribunal files any petition making allegations against any Member of the Tribunal, expressing apprehension of interestedness, bias or partisanship against such member, the reasonableness of such apprehension may be considered by the Chairman of the Tribunal with the assistance of and in consultation with the

other Members of the Tribunal. If, upon such consideration of the allegations based on un rebuttable documentary and oral evidence, and such consultation with the other Members of the Tribunal, the Chairman of the Tribunal is of the opinion that the apprehension expressed by the party is reasonable the Chairman of the Tribunal may request the concerned Member or Members not to participate in the proceedings of that case upon which the said Member or Members shall not participate in the proceedings. If, on the otherhand, the Chairman in consultation with the other Members of the Tribunal is of the opinion that the apprehension expressed by the party is unreasonable, the alleging party may be informed accordingly and the Member against whom the apprehension was expressed may continue to participate in the proceedings.

The members of the tribunal should bear it in mind that they should be impartial, and carry out the principles of natural justice. They should, while participating in the proceedings of the tribunal, not only do justice but also make it appear that justice has been done.

Ague
26/9/73

Handwritten signature and date 2/10/73

(B.M. Nagaraj),
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 the Assistant Commissioners/Spl. Assistant Commissioners/Additional Special Assistant Commissioners.
- The other Chairmen of the Tribunals.
- All the Tahsildars/Spl. Tahsildars/Addl. Spl. Tahsildars.
- Spare.

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