

No. 27/3/NCST/2008-Admn.
Govt. of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Loknayak Bhawan,
Khan Market,
New Delhi-110003

Dated: 26-03-2009

CIRCULAR

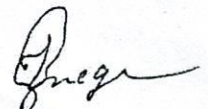
THE PROCEDURE TO BE FOLLOWED IN DEALING WITH COURT CASES IN NCST.

The following steps should be taken by the concerned Unit/Section as soon a notice is received from the Court/CAT:-

1. It is to be decided in consultation with the Secretary whether the Commission is required to file its response in the court and the Officer who will file affidavit on behalf of the Commission.. The type of cases mentioned below will require the filing of a response by the Commission:-
 - (i) When the petitioner/applicant has prayed for any relief from the Commission.
 - (ii) When some adverse averments have been made in the petition against the Commission.
 - (iii) When some policy matter has been raised by the petitioner/applicant.
 2. In the cases not falling in the category of cases as at (i) to (iii) above, a communication may be sent to the concerned Ministry/Deptt./State Govt. to watch the interests of the Commission also. The concerned Section of the Commission should remain in touch with the Ministry/Deptt./State Govt. till the case is disposed of by the court. The office file may be closed only after consideration of the judgement of the court.
 3. In the case in which the Commission has to file the response, the concerned Section of the Department of Legal Affairs should be approached immediately for nomination of a Govt. Counsel for handling the case on behalf of the Commission.
 4. Parawise comments on the petition should also be prepared on priority basis (without waiting for the nomination of Govt. Counsel) and communicated to the Govt. Counsel (on nomination) for preparing the draft reply on behalf of the Commission.
 5. The draft reply prepared by the Govt. Counsel and approved by the competent authority in the Commission should be referred to the Department of Legal Affairs for vetting wherever necessary.
 6. The final reply duly signed by the competent authority should be delivered to the Govt. Counsel for filing the same in the Court/CAT.
 7. Constant contact should be maintained with the Govt. Counsel till the case is finally disposed of by the Court/CAT. The office file may be closed only after consideration of the judgement of the court.
2. The above procedure may be followed scrupulously while dealing with Court cases in future.



राकेश कुमार दुबे / RAKESH KUMAR DUBEY
सहायक निदेशक/Asstt. Director
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


(T.S. Negi)
US (Admn.)