

**GOVERNMENT OF INDIA  
SOCIAL JUSTICE AND EMPOWERMENT  
LOK SABHA**

UNSTARRED QUESTION NO:5995  
ANSWERED ON:03.05.2010  
STATUS OF WOMEN  
Kanubhai Patel Jayshreeben

**Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:**

(a) whether the Mumbai High Court has issued a directive that a woman born in the family of a Scheduled Caste/Scheduled Tribe category shall retain her caste even after marriage;and

(b) if so, the details thereof and reaction of the Government thereto?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT (SHRI D. NAPOLEON)

(a) & (b): Bombay High Court in a Criminal Application No. 2347 of 2009, has held in its judgment dated 22.01.2010, that a woman who is born into a Scheduled Caste or a Scheduled Tribe, on marriage with a person belonging to a forward caste, is not automatically transplanted into the caste of the husband by virtue of her marriage and, therefore, she cannot be said to belong to her husband's caste.

Ministry of Home Affairs in its letter dated 02.05.1975, addressed to Chief Secretaries of all State Governments and Union Territory Administrations, had referred to their circular letter of April, 1975, wherein it was inter-alia, mentioned that a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe.

The aforesaid judgment is in conformity with the clarification given by the Ministry of Home Affairs in the aforesaid letter.