



GOVERNMENT OF KERALA

Abstract

CLASSIFICATION OF COMMUNITIES—CASTE STATUS OF CHILDREN OF PARENTS
CONTRACTED INTER CASTE MARRIAGE—MODIFICATION—
ORDERS ISSUED

SCHEDULED CASTES/SCHEDULED TRIBES DEVELOPMENT (G) DEPARTMENT
G O. (Ms.) No. 109/2008/SCSTDD.

Dated, Thiruvananthapuram, 20th November, 2008.

- Read:—*
1. G O. (Ms.) No. 298/61/RD dated 23-3-1961.
 2. G O. (Ms.) No. 256/75/PD dated 1-11-1975.
 3. G O. (Ms.) No. 11/77/DD dated 25-1-1977.
 4. Government letter No. 3424/E2/84/HWD dated 12-7-1984 issued to the Secretary, Board of Revenue, Thiruvananthapuram.
 5. Judgment dated 19-8-2003 of the Hon'ble Supreme Court in Civil Appeal No. 659 of 2003, (Punit Rai Vs Dinesh Chaudhary).
 6. Judgment dated 28-1-2005 of the Hon'ble Supreme Court of India in Civil Appeals Nos. 4413, 4414 of 2003 (Sobha Hymavathi Devi Vs Setty Gangadhara Swamy and others).
 7. G O. (Ms.) No. 11/2005/SCSTDD dated 22-3-2005.
 8. G O. (Ms.) No. 25/05/SCSTDD dated 20-6-2005.
 9. Judgment dated 10-8-2005 of the Full Bench of the High Court of Kerala in WP (C) Nos. 2483, 7039, 17317 of 2005 and connected cases (Indira Vs State of Kerala).
 10. Judgment dated 7-11-2005 and 3-3-2008 of the Hon'ble Supreme Court of India in SLP (C) No. 21472-73/2005 filed by Dr. Anoop.
 11. Letter No. F/12026/6/06-C&LMI dated 3-10-2008 from Ministry of Tribal Affairs, Government of India.

ORDER

As per G. O. read as 8th paper above, Government have issued Orders stating that the Competent Authorities shall issue Scheduled Caste/Scheduled Tribe Community Certificates to the children born out of inter caste married couple only as per the caste/community of his/her father subject to the conditions of acceptance, customary traits and tenets, stipulated in the Judgments of Supreme Court of India read as 5 and 6 above.

As per Judgment read as 9 above, the Full Bench of the Hon'ble High Court of Kerala in *Indira Vs State of Kerala*, the children born out of inter caste married couple of which one of the parents is Scheduled Caste/Scheduled Tribe can claim the status of the Scheduled Caste/Scheduled Tribe on proof of the conditions of the acceptance, customary traits and tenets under which such children are brought up.

In view of the above observations of the High Court of Kerala Government have examined the matter in detail and are pleased to order that the Competent Authority who has to issue Scheduled Caste/Scheduled Tribe Community Certificate to the children born out of inter caste married couple of which one of the parents is Scheduled Caste/Scheduled Tribe should ensure that the claimant is subjected to same social disabilities and also following the same customs and traditions and community has accepted that person to its fold as such. The Authority to issue the Caste Certificate should also ensure that:

- (i) each case shall be examined individually in the light of the existing facts and circumstances;
- (ii) the claimant has suffered disabilities—socially, economically and educationally;
- (iii) the society has accepted the claimant to their original fold as one among them and is living in the same social tenet.

The G. O. read as 8th paper above stands modified to this extent.

By order of the Governor,

J. SUDHAKARAN,
Principal Secretary to Government.

To

All Heads of Departments.
All District Collectors.
All Sub Collectors/Revenue Divisional Officers/Deputy Collectors (through District Collectors).
All Tahasildars (through District Collectors)
All District Scheduled Caste Development Officers.
All Tribal Extension Officers.
The Secretary, Kerala Public Service Commission (with C. L.).
The Registrar, High Court of Kerala, Ernakulam (with C. L.).
The Advocate General, Ernakulam (with C. L.).
The Registrar of all Universities in Kerala (with C. L.).
The Commissioner for Entrance Examinations, Thiruvananthapuram.
All Departments (All Sections) of the Secretariat.
The Law Department.
The Finance Department
Director, Information and Public Relations Department (for press release).
Stock file/Office Copy.

Copy to:

Private Secretary to the Chief Minister.
Private Secretary to the Minister for the Welfare of Scheduled and Backward Communities and Electricity.
