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No. 13/9/71-SCT(I)
Government of India
Ministry of Education and Social Welfare
(Department of Social Welfare)
New Delhi, dated 12th June, 1971.

To
The Chief Secretary to the Govt. of West Bengal,
Calcutta.

Subj: Scheduled/Castes/Tribes- change in status due to migration.

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Sir,

I am directed to say that this Department have been receiving queries from various quarters regarding the change in status of Scheduled Caste persons on migration to places where their communities are not Scheduled. The matter has been examined and the position is indicated below.

2. Article 341(1) of the constitution and the Presidential order issued there-under show that the Castes, races or tribes or parts of, or groups within the Castes, races or tribes which are specified shall for the purposes of the constitution be deemed to be Scheduled Castes in relation to the States or Union Territories or parts thereof in respect of which they are scheduled. The purposes of the constitution referred to, are certain provisions of the constitution viz articles 330 and 332 and the laws made having regard to the provisions of articles 15(4) and 16(4) and article 335. In the case of some of these provisions viz. articles 330 and 332, continued residence of the deemed Scheduled Castes in the areas in respect of which they are scheduled is necessary in order to claim the benefits, in the case of other provisions such continued residence is not a pre-condition. For example under the laws made under article 15(4) or 16(4) and article 335 these members of the deemed scheduled castes in relation to a state or certain thereof can continue to claim the status of deemed scheduled castes even though they are residing in a different state at the date of claiming these benefits. To illustrate the position a person who hails from the Scheduled Caste or Jati in Uttar Pradesh will not lose his Scheduled Caste status if he happens to reside in a State like Maharashtra where the Mofli caste or community of the State of Maharashtra can not claim the status of the Scheduled Caste or Jati of the State of Uttar Pradesh merely because he goes to reside in the State of Uttar Pradesh and resides there for some years.
3. The clarification in respect of the deemed castes given above will apply in the case of the Scheduled Tribes also.
4. It is requested that the matter be brought to the notice of all concerned.

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34/- C. I. Singh
Under Secretary to the Government

Note: A scheduled caste will not lose his S.C. status if he happens