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कामेश्वर ओझा  
अपर महारजिस्ट्रार  
KAMESHWAR OJHA  
Additional Registrar General

भारत के महारजिस्ट्रार एवं  
जनगणना आयुक्त का कार्यालय  
गृह मंत्रालय  
भारत सरकार

Office of the Registrar General &  
Census Commissioner, India  
Ministry of Home Affairs  
Government of India

FTS. S/SSS/2017/JS(A)  
17.2.17

D.O. No. 8/1/2017 - SS (Himachal Pradesh)

February 14, 2017

Dear Shri Aggarwal,

Please refer to your office letter no. 12016/19/2001-TA(RL)/C & LM-I, dated 26.08.2016 seeking comments of Office of the Registrar General, India (ORGI) on the proposal of Himachal Pradesh Government for inclusion of "Hattee" community of entire Trans-Giri area of Sirmour district and permanent residents of Dodra-Kwar sub division and 15/20 area of Shimla and Kullu districts in the list of Scheduled Tribes.

2. The proposal has been examined as per existing criteria and modalities taking into account the information furnished by the State Government and the facts available in the standard published ethnographic literature. The ORGI does not support the proposal. The details are sent herewith as per Annexure.

3. The Ministry of Tribal Affairs is requested to take action as deemed appropriate.

With regards,

Yours sincerely,

(Kameshwar Ojha)

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Shri Rajesh Aggarwal  
Joint Secretary,  
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Shastri Bhawan,  
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**Comments of the Office of Registrar General, India on the proposal of Himachal Pradesh Government for inclusion of "Hattee" community of entire Trans-Giri area of Sirmour district and permanent residents of Dodra-Kwar sub division and 15/20 area of Shimla and Kullu districts in the list of Scheduled Tribes**

The above stated proposal of the State Government of Himachal Pradesh is the second reference along with a supporting Report prepared by the Tribal Research Institute of the State. Earlier in 2005, the proposal was for inclusion of "Hatti" (Giripar) and "Dudra-Kwaru" communities in the list of Scheduled Tribes of Himachal Pradesh. The proposal could not be considered favourably by the Office of the Registrar General, India (ORGI) vide d. o. no. 8/1/2005-SS (H.P)Pt. dated 3.10.2006. The proposal has been again examined as per extant criteria and modalities taking into account the information furnished by the State Government. The details are as follows:

**Earlier Reference:**

The proposal was examined twice earlier in the years 1995 and in 2006. Views of this office on the said proposal was that "Hattee" and "Dudra-Kwaru" communities are not homogeneous groups. *Hattee* and *Dudra-Kwaru* are traditional, blanket or generic terms applicable to a number of individual castes; these do not refer to a tribe or tribal community or part of or group within a tribe... Inclusion of territorial names and functional names not specifying any ethnic group is not being considered now for inclusion in the list of SCs/STs until or unless they stand for any specific ethnic group. There is a similarity in the position of "Jaunsari" of Jaunsar Bawar and those of "Giripar" region but declaring a geographical area as a Scheduled Area or the inhabitants of that area as a "Scheduled Tribe, using a blanket term to cover all the inhabitants, whether deserving Scheduled Tribe status or possessing tribal characteristics or not is against the principle of notification or declaring them as ST(s)... Most of the castes reported under the term "Hattee" and "Dudra Kwaru" (namely, Koli, Dhaki, Doom, Chanal, Badhi, Lohar etc.) are enjoying the status of Scheduled Castes in the state at present. It indicates that these castes (not tribes) suffer from socio-economic and educational backwardness arising out of the historical custom of untouchability... this office is not in favour of inclusion of blanket/generic term or territorial name representing more than one caste/tribe in the STs list, as it is against the provision of Article 342(2) of the constitution...

**Justification furnished by the State Government :**

**A. Hattee Community:**

In response to the above comments of ORGI the State Government has furnished a Report in support of the said proposal prepared by the Institute of Tribal Studies, Shimla. The Report recommends that entire "Hattee" community living in entire Trans-Giri area of Sirmour district, Himachal Pradesh may be notified as Scheduled Tribe because the entire "Hattee" community shares the same tribal traits, culture, geographical isolation etc. as noticed among the Scheduled Tribes of the State. In addition to "Hattee" community the permanent residents living in Dodra-Kwar sub division of Shimla district and 15/20 area of Shimla and Kullu districts also have

primitive traits, distinctive culture, geographical isolation and other features of tribal people like those of Trans-Giri area... These areas suffer from economic backwardness and can become a compact tribal unit for the purpose of administration like Trans-Giri area. Hence, the residents living in Dodra Kwar sub division of Shimla district and 15/20 area of Shimla and Kullu districts may also be notified as Scheduled Tribe as suggested in the Report.

2. Sole argument put forth in support of the claim of tribal status by the people of Trans-Giri (Giripar) area of district Sirmour is based on their social and cultural likeness to the Jaunsar-Bawar tract of Uttarakhand. Jaunsar-Bawar and Giripar are topographically alike, being separated by the River Tons with Trans-Giri (Giripar) area on the left bank and Jaunsar-Bawar tract on the right bank of this river. Trans-Giri Area of Sirmour district manifests traits similar to the Jaunsar-Bawar area.

3. Regarding inhabitants of Trans-Giri area the Report informs that society of that area is divided into three-subparts viz. Brahmins, Rajputs and Scheduled Castes. The Scheduled Castes are Badhai (carpenter), Dhaki (musician), Lohar (blacksmith), Koli (messenger/unpaid workers), Chanal (menial workers), Dom & Chamar (those working with leather etc.) and Bhangi (sweepers and cleaners). Social cohesiveness is noticed at various socio-religious occasions/events. The society is like a primitive society where interpersonal arrangements do not always involve money.

4. Polyandry is still prevalent, in this type of marriage, brothers are having a common wife. Though it is claimed to be a fading practice, yet there is generally an absence of economic specialization with agriculture and animal husbandry being the mainstay. Rajputs and Brahmins also plough their own lands. All status rests upon the criteria of age, gender, kinship distance and caste. The only achieved status is that of the magical curers i.e., the Shaman who cuts across the caste considerations. To cure an ailment however big or small, the first reference is Shaman (*Jadihara*). In the event of an untimely demise, the Shaman (*Mashenia*) is invoked to call forth the spirit of the departed and cause of death is ascertained. Contact with the local deity is made through the *Mali* (medium/oracle) who is a type of Shaman and who may be contacted at any time. Auspicious/ opportune times to perform functions etc. are ascertained by consulting the Brahmins who possess the "*Jantri*". Black magic is used for both positive and negative results. The main deities of the areas are *Mahasu* and *Sheigul Devta*.

5. Houses are generally two storey structures made largely of wood (*deodar pine*), locally available stone and locally quarried slate (for roofs). Residence is on top floor while the animals are housed in the ground floor (*obra*). Houses have small windows, low doorway so as to permit household members to counter intruders and or wild animals effectively. Houses of SC community are generally modest structures as compared to the two upper castes houses. Temples are single storey structures with gable roofs. Majority of villages have a population consisting of all three social groups viz. Brahmins, Rajputs and Scheduled Castes but there are some villages that are home to only one social group e.g., Kharkan is home to Brahmins only while Dimana is a village of SC communities.

6. Oral tradition dominates with story-telling through songs called *Harul* (songs of bravery) as this culture lacks written records of folk customs and tradition. Musical instruments are basically the drums and trumpets (Ransingha) and musicians are called "Dhanki" who have SC status. They have various types of dances. *Harul* (songs of bravery or *veergatha*) is accompanied with dancing. Temple dancer is called "Natar" who accompanies the *Devta* or deity. Budaha dance is performed by men of SC community.

7. The staple diet consists of "Sattu" made of locally produced maize and barley (coarse grain) stirred in buttermilk. When animal sacrifice was not banned by the Courts, self owned goats are sacrificed on functions /occasions. Traditional method of preparing wine using roots of a plant locally called *chinto* and coarse grains through fermentation is still prevalent. They prepare *Tappar* made out of bark of the Beul (*Grewia optiva*) tree, is a thick mat used to dry food grains and also for seating. They have indigenous knowledge of medicinal plants, fodder, fibres to make ropes and clothes, wood to fabricate small agricultural implements, torchwood and fuel wood etc.. Wedding is a simple ceremony and does not involve traditional Hindu rituals like "Satphare" around the *vedi*. Eloping to get married though unusual does occur among women but penalty is imposed on the male counterpart only. The concept of *Jethang* dictate that the eldest son will get first choice of agricultural land whereas *Kanchang* conveys that the youngest son gets first choice/preference in residence. Girls generally do not inherit property.

8. All types of disputes are resolved through the village assembly called "*Khumbli*". This assembly consists of heads of households of the village and headman (Dhimerdar) of the village who is invariably a Brahman. The "Chontru", a dominant Khas Rajput *Panchayat* operates quite like a *khap Panchayat* functions at village level and the entire village is a *Chontru* with all members having a common ancestry. Intra village disputes are settled through the *Khumbli*. Trade activities are of two types i.e. within the village and with far off places. Surplus is bartered within the village and this did not require money dealings. They used to travel in a group of 100 or more or carried supplies to sustain themselves during the journey. Spices such as ginger powder and chillies etc. were traded for salt and jaggery. Trans-Giri area has poorest connectivity with 70% villages located at a distance of over 10 kms. from the State highway. All weather roads are not available in 71% villages of this region. Gravel Roads are available to 73% of villages and 10% villages have access to a gravel road more than 10km away.

9. The Reports describes "*Hattee*" community as persons who belong to the areas from where business trips were traditionally made to Jaunsar- Bawar area and presently maintain cultural and interpersonal relation with Jaunsar-Bawar area. "Hattee" is a generic term applying to all social groups/castes who are the original inhabitants of the said area/region. People of Trans-Giri en masse are not reported as Hattee community in any record, past or present. Hattee were so called as they undertook journeys to the market "Haat" at Vikas Nagar once a year in a groups of 100-150 persons for purpose of selling their surplus produce and procuring items of domestic use. They have cultural affinity with Jaunsar- Bawar and this likeness connects people from both areas. While the business trips may have yielded the name "*Hattee*". Hill communities across the Himalayas have in the past undertaken similar

business trips. For example such trips were also undertaken by inhabitants of Jaunsar-Bawar and they were called Dhakar.

**B. Inhabitants of Dodra-Kwar Sub Division and 15/20 area of Shimla and Kullu District:**

The Report states that the people inhabiting in the Dodra-Kwar sub-division are commonly known as Dodra-Kwaru. The subdivision is one of the remotest and far flung area of Shimla district. The main communities residing in this area are Khashiya or Rajput, Koli, Chamar, Lohar and Badhi (SCs). The whole area of sub-division Dodra Kwar is still not connected by jeep able road. The nearest road connecting this area to outer world is Naitwar in Utrakhand i.e., 40 kms. on foot in its east and from Himachal Pradesh side. Main occupation of the people of this area is agriculture and sheep farming. The shepherds of this area take the sheep and goats for grazing to Utrakhand in winter and to the valley of Manjiban during summer. Further, the implements used in agriculture are of primitive type. Major part of land is uncultivable due to steep, barren slopes and rocky portion etc..

2. The polyandry system is prevalent as a form of marriage. This kind of marriage system is perhaps adopted to maintain unity in the family and to check further division of land. The people of this area follow the popular and old system of marriage known as "Dharha" which is known as "Devil marriage" in Hindu *Shashtras*. In this type of marriage, the people belonging to bridegroom's party forcefully elope the bride from her house. Usually the members of the bride party after selecting his life partner take the marriage proposal to bride's house. If the parents of bridegroom agree to the proposal then engagement is finalized and they select a special day for conduct of "Dharha". On that day parents of the bride send their daughter intentionally out to work and the other party members (bridegroom) easily elope her to their house.

3. Agriculture is the mainstay of people of this area. About 90% people are engaged in cultivation of wheat, *Chaulai*(lettuce), *Bathu*(lettuce), millets like *Ragi*, *Cheena*, *Ogla*. These minor cereals are of poor nutritive value. The main pulse grown in this area is "Rajmah" (local beans) and main vegetable is potato. Most of people of Dodra Kwar are non-vegetarian. Women mostly suffer from anaemia and other disorders due to malnutrition. Minor crops and millets are used in preparation of local wine. Sheep and goat farming is common practice followed by the people of this area. Wool is easily available. Woollen clothes (hand-woven) protect the people from severe cold during winter season. The males/females of this area wear a special dress "Jhurkhi" or *Chhaicha*" a dress made of pure wool. The people usually keep a rope made from goat hair tied around their waste. This rope at times helps them to carry fuel wood, grass, leaves for fodder etc.

4. Dodra-Kwar is one of the remotest and far flung areas of Shimla district. It remains disconnected from outside due to its isolated geographical location. Most of the villages of this sub--division are situated at a height ranging from 5,000 feet to 9,500 feet above the sea level. There are five *Panchayats* in this sub-division which remain snow bound during winter season. The whole area remains cut off from rest of the world during winter. The nearest road connecting this area to outer world is up to Naitwad in Utrakhand which is 40 Kms far. If one wishes to reach this area through

Himachal Pradesh then the nearest road is up to Tikkari of Tahsil Chirgaon of Shimla district. While approaching this area through Tikkri one has to walk 62 Kms. on foot and cross 13,000 feet high "Chanshel Pass". During winter season it is very difficult to cross this pass, as it remains covered with snow. People of this area hardly visit outside. Only in case of emergency, they go to Rohru or maximum up to Shimla. Marriages are also performed within this locality as the exposure of people of this area is too little. The area is totally backward due to lack of transport means, telecommunication etc. Primitive form of agriculture is practised with old traditional agricultural implements. Area is backward due to confined culture and lack of interaction with the outer world.

5. The people of 15/20 Area of Shimla and Kullu district have living style, occupation, customs, etc. are similar to the Scheduled Tribes of the district. People live in joint families. Their main occupation is agriculture and they are partly engaged on wages. Literacy percentage is very low and area is very backward. Polandry still prevails in this area and marriages are solemnised as per old Hindu customs. The area is hilly and yet to be connected by road. The people of this area do not feel shy to meet the non-tribal people.

**Comments of ORGI:**

The said proposal of the State Govt. of Himachal Pradesh pertains to notifying entire Trans-Giri area of Sirmour district, Dodra Kwar sub division of Shimla district and 15/20 areas of Shimla and Kullu districts as Scheduled Areas and the communities living there in as Scheduled Tribes. It is essential to state here that indentifying and declaring of certain areas as Scheduled Areas is the sole concern of the Ministry of Tribal Affairs. The ORGI has no comment to offer regarding the issue of declaring/notifying above stated areas of Himachal Pradesh as Scheduled Area.

2. So far as scheduling of "Hattee" community as Scheduled Tribe is concerned, it is pertinent to point out here that "Hattee" is a blanket term or generic term applied for all inhabitants of Trans-Giri or "Giripar" region of Sirmour district. The term *Hattee* includes several heterogeneous communities namely, Rajputs, Brahmans and Scheduled Castes e.g., *Badhai* (carpenter), *Dhaki*, *Lohar*, *Koli*, *Chanal*, *Dom*, *Chamar* and *Bhangi* etc. The term *Hattee* does not refer to a distinct tribe or a single community. There is a similarity in the position of "Jaunsari" of Jaunsar-Bawar area and those of "Giripar" region, but using a blanket term to cover all inhabitants, whether they deserve Scheduled Tribes status or not, is at present against the principle of notification or declaring community/communities as Scheduled Tribe/Tribes. Inclusion of territorial names and functional names not specifying any ethnic groups are not being considered now for inclusion in the list of Scheduled Castes/Tribes until and unless they stand for any specific ethnic group.

3. There are a few such communities in the list of SCs and STs and these have been under review constantly by the expert committees whether to be retained or removed from such lists. For this reason only the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes Bill, 1967 had recommended the removal of the territorial name "Jaunsari" and proposed the names of a few ethnic group deserved to be retained as Scheduled Tribes in that area. Therefore, the Brahman, Rajputs had

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been excluded from the list of those communities. The Joint Committee of Parliament had recommended substitution of territorial term "Jaunsri" by the names of specific 32 distinct ethnic groups. It is highly essential that specific ethnic groups are identified and notified specifically. Since all these issues could not be taken up before the enactment of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, "Jaunsari" still finds place in the list of Scheduled Tribes of Uttar Pradesh.

4. A similar issue had come up for consideration earlier when the entire Ladakh region (Leh and Kargil districts) was proposed to be declared as a Scheduled Tribe by the then Chief Minister, Jammu & Kashmir. The ORGI vide letter no. 8/1/83-SS(J&K) had suggested the then Ministry of Home Affairs that the "proposal should be the inclusion of specific ethnic groups rather than geographical areas or territorial names in the list so as to prevent ineligible communities from claiming the status of Scheduled Castes/Tribes...the deserving communities living in such area may be considered on merit if they are possessing tribal characteristics".

5. The ORGI does not have any published ethnographic information on "Hattee" community. As stated in the Report "Hattee" term is used for three social groups viz., Rajput, Brahman and Scheduled Castes. It does not refer to single homogenous ethnic group/community. Rajput and Brahman cannot be treated as Scheduled Tribe. Remaining castes have already been notified as Scheduled Castes in the entire State of Himachal Pradesh. Therefore, they cannot have tribal traits like primitiveness, distinct culture etc. Of course, they are living in tough geographical terrain having the snowbound areas but it cannot be sole criterion for treating a community as Scheduled Tribe. Moreover, the Scheduled Castes under the nomenclature of *Hattee* have been the victims of social disabilities and backwardness arising out of the historical custom of untouchability.

6. Similarly, residents of Dodra-Kawar sub-division of Shimla district and 15/20 area of Shimla and Kullu districts comprise of a number of ethnic groups/communities such as Khasiya or Rajput, Koli, Chamar, Badhi, Lohar. Of these Chamar, Lohar, Badhi, Dhaki, Doom are listed as Scheduled Castes in the State. The residents/inhabitants of Dodra-Kawar and 15/20 area of Shimla district do not form a homogenous ethnic group. Treating the inhabitants of said area as Scheduled Tribe will be against the provision of Article 342(2) of the constitution, according to which a tribe or tribal community or part or group within any tribe or tribal community is eligible for notification in the State STs list.

7. Keeping in view the facts stated above, the Office of RGI is not in favour of inclusion of "Hattee" community of entire Trans-Giri area of Sirmour district, permanent residents of Dodra-Kawar sub-division and 15/20 area of Shimla and Kullu Districts in the lists of Scheduled Tribes of Himachal Pradesh.