



The Politics of Reservation: A Case Study of 'HATTI' Community of Sirmour District in Himachal Pradesh

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Abstract: *It is complex due to the socioeconomic and political nuances of the Hattis' demand for ST status. There are two arguments that are being used by supporters of the ST demand; the first is a requirement proposed by the Lokur Commission for establishing tribal status, which establishes the geographical and cultural proximity of the Jaunsar and Bawar regions of Uttarakhand. In spite of this, the characterization of Hattis as a surplus-producing community with class stratification raises conceptual doubts, as their primitive traits were not communal. Thus, the ST status issue appears to be primarily a political one in that it involves the BJP wanting to reassert its grip in an area that has been largely controlled by the Congress Party. Meanwhile, the current conflict must be viewed in terms of the current power structures in the region and, in particular, the opposition of scheduled castes and other backward castes to this demand. This Research study is being conducted in giripar region of Sirmour district in order to evaluate the contradictory nature of tribal status granted to Hatti community.*

Index Words – reservation, Hatti, schedule tribes, scheduled castes.

INTRODUCTION

India is pigeonholed by more ethnic and religious groups as compared to other countries of the world. Many intellectuals viewed that India is a captivating country where people of many different communities and religions live together in harmony. Indian Population is polygenetic and is an astonishing merger of various races and cultures. Besides, numerous castes, there are eight "major" religions, 15-odd languages spoken in various dialects and a substantial number of tribes and sects. Politics as a notion generally applied to the art or science of running governmental or state affairs, including behavior within civil governments, but also applies to institutions, fields, and special interest groups such as the corporate, academic, and religious segments of society. It consists of "social relations involving authority or power" and to the methods and tactics used to formulate and apply policy. Modern political discourse focuses on democracy and the relationship between people and politics. It is thought of as the way people choose government officials and make decisions about public policy.

There are multiple forms of affirmative action used in India, including reservations that ensure historically disadvantaged groups are included in education, employment, government schemes, health, insurance, banking, foreign higher education, scholarships, and political positions. We live in "Hindustan" "literally means the lands of Hindus. It is a secular Nation since 1950. Officially, there is no place for religious, culture or caste segregation in the society. Having the world's largest democracy, India would have a versatile Constitution in the world. However, the Constitution framer of the Indian Constitution decided to give special benefits to the backward classes and women by forming a policy called reservation included in the Constitution. In the beginning, this system is only applicable for 10 years but due to political compulsion and delusion of authority, it's regulated till

the date. From the beginning, only SCs/STs is included in this policy but after the implementation of the “Mandal Commission” Report in 1980, OBC also became an integral part of this policy.

Reservations are nothing but means to prosper the vote banks of politicians. They are hindering the country’s growth, development and competency in all aspects. On one hand, the preamble of our constitution states that we are a free, democratic and sovereign nation and on the other hand reservation system is chaining all these aspects into its clutches. Reservations are nothing but means to prosper the vote banks of politicians. They are hindering the country’s growth, development and competency in all aspects. On one hand, the preamble of our constitution states that we are a free, democratic and sovereign nation and on the other hand reservation system is chaining all these aspects into its clutches.

Schedule Tribe

The tribal communities of India are deep-rooted with the nature, indigenous livelihood, oral traditions, folk culture and are mostly confined to their own people. The work ‘tribe’ was originally a latin word *tribus*, meaning ‘the poor’, later used to specify the masses. Living in bucolic simplicity, in the colonial ethnography and anthropology, they offer invaluable heritage to our country, along with historical significance through their participation in India’s struggle for freedom. These self-reliant communities enjoyed the autonomy of governance over the territory they inhabited until the colonial rulers started merging them with dominant population.

Tribal with their organic lifestyle and beliefs challenge the modern way of reckless living and development needs. Their sustainable living provides lessons to the world struggling with pressing issues like climate change and environment issues. From time to time the tribal have faced displacement and deprivation to facilitate various development projects such as setting up of industrial operations, constructions of dams, etc., leading to deforestation, and further pushing them towards the periphery of the social construct. The common expectation from them to follow the mainstream culture for their own growth, hinders with their belief and practices, thus erasing their identities under pre-established systems. Therefore, it becomes challenging and at the same time necessary that they are recognized for who they are and attributed a certain unique position in the society. The Article 46 of the Constitution aims that ‘the State shall promote with special care, the educational and economic interest of the weaker section of the people, and in particular, the scheduled castes and scheduled tribes, and shall protect them from social injustice and all of exploitation’.

As per Census-1931, Schedule tribes are termed as "backward tribes" living in the "Excluded" and "Partially Excluded" areas. The Government of India Act of 1935 called for the first time for representatives of "backward tribes" in provincial assemblies. The Constitution does **not define** the criteria for recognition of Scheduled Tribes and hence the definition contained in 1931 Census was used in initial years after independence.

However, **Article 366 (25)** of the Constitution only provide process to define scheduled tribes: “Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.”

342 (1): The President may with respect to any state or union territory, and where it is a state, after consultation with the Governor, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribe in relation to that state or Union Territory. There are over 700 tribes which have been notified. The largest numbers of tribal communities (62) are found in Odisha, no tribe was identified in Haryana, Punjab, Chandigarh, Delhi and Pondicherry.

The **Lokur Committee (1965)** was set up to look into criteria for defining Schedule Tribes. The Committee recommended 5 criteria for identification, namely, **primitive traits, distinct culture, geographical isolation, shyness of contact with the community at large, and backwardness.** **Bhuria Commission (2002-2004)** focused on a wide range of issues from the **5th Schedule** to tribal land and forests, health and education, the working of Panchayats and the status of tribal women. A High-Level Committee (HLC) in 2013, under chairmanship of Prof. Virginius Xaxa was constituted to study the 5 critical issues related to tribal communities: (1) livelihood and employment, (2) education, (3) health, (4) involuntary displacement and migration, (5) and legal and constitutional matters.

Status of Scheduled Tribes in India

As per Census-1931, Schedule tribes are termed as "backward tribes" living in the "Excluded" and "Partially Excluded" areas. The **Government of India Act of 1935** called for the first time for representatives of "**backward tribes**" in provincial assemblies. The Constitution **does not define the criteria for recognition of Scheduled Tribes** and hence the definition contained in 1931 Census was used in the initial years after independence. However, **Article 366(25) of the Constitution only provides process to define Scheduled Tribes**: "Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution." **342(1): The President may with respect to any State or Union Territory**, and where it is a State, after consultation with the Governor, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribe in relation to that State or Union Territory. There are over **705 tribes which have been notified. The largest number of tribal communities are found in Odisha.** The **Fifth Schedule** of the Constitution lays out provision for Administration and Control of Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram. The **Sixth Schedule** deals with the administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram.

Scheduled Tribes of Himachal Pradesh

District of Kinnaur, Lahaul-Spiti, the two Sub-Division of District Chamba viz. Pangi and Bharmour have been declared as Scheduled Area because majority population comprise of communities declared as Scheduled Tribe under the Fifth Schedule of the Constitution. These tribal areas are very remote and inaccessible having tough mountainous terrain and inhospitable climatic conditions thus involving high cost of infrastructural development and harsh living conditions. Out of total 55673 square kilometer geographical area of H.P. 23655 square kilometer area falls in Scheduled Area which constitutes 42.49% of the total area. Total population living in Scheduled Area is 173661 of which 123585 constitute tribal which are 71.16% of the total and density in these areas is 7 per square Kilometer.

The official list of scheduled tribes in Himachal Pradesh includes a) Gaddis, b) Gujjars, c) Kinnara or Kinnauras, d) Lahaulas and e) Pangwalas apart from some other smaller tribes' groups like Bhot/Bodh, Beda, Jad/Lamba/ Khampa, and Swangla. The Himachal tribes generally have their abode in the upper and middle level of the hills. It is believed that most of the tribal groups of Himachal migrated from plains and adjoining areas from time to time.

"Hatti" Community

The Hattis is a close-knit community that got their name from their tradition of selling homegrown vegetables, crops, meat, and wool, etc. at small markets called 'haat' in towns. Hatti men traditionally don a distinctive white headgear on ceremonial occasions. The Hatti homeland **straddles the Himachal-Uttarakhand border** in the basin of the **Giri and Tons rivers**, both tributaries of the Yamuna. The Tons marks the border between the two states. The Hattis who lives in the trans-Giri area in Himachal Pradesh and Jaunsar Bawar in Uttarakhand were once part of the royal estate of Sirmaur until Jaunsar Bawar's separation in 1814. Here are **two Hatti clans**, in Trans-Giri and Jaunsar Bawar, have similar traditions, and inter-marriages are common. However, a fairly rigid caste system operates in the community the **Bhat and Khash are upper castes**, and the **Badhois are below them**, and inter-caste marriages have traditionally been discouraged. The Hattis are **governed by a traditional council called 'khumbli'** which, like the 'khaps' of Haryana, decides community matters. The Khumbli's power has remained unchallenged despite the establishment of the Panchayati raj system. They have **sizeable presence in about nine Assembly seats in the Sirmaur and Shimla regions.** According to the 2011 Census of India, the total tribal population of Himachal Pradesh is 3,92,126, which is **5.7% of the total population of the state.**

“Hatti” Community of Sirmour, Himachal Pradesh



Tribal Status

They are **demanding Schedule Tribe status since 1967** when tribal status was accorded to people living in Jaunsar Bawar in Uttarakhand, which shares a border with the Sirmour district. Due to **topographical disadvantages**, the Hattis living in the Kamrau, Sangrah, and Shilliai areas of Himachal Pradesh have lagged behind in both education and employment.

The Hatti community lives between the Giri and Tons rivers, both of which flow in the south-eastern part of Himachal Pradesh and finally into the Yamuna. The Tons forms the border between Himachal and Uttarakhand. The Hattis in the Trans-Giri region share many linguistic and cultural similarities with the people living in the Jaunsar Bawar region across the Tons in Uttarakhand. The Trans-Giri and Jaunsar Bawar regions were once part of the princely state of Sirmour. But in 1814, Jaunsar Bawar was conquered by the British. The modern-day borders of Himachal were drawn only in 1972. The people of Jaunsar Bawar had already been given Scheduled Tribe status 55 years ago. Since then, development indices on both sides of the Tons show a clear divide. The Hatti community consists of 14 clans and is spread across 164 Panchayats in the Trans-Giri region. The 0.35 million-strong community has been demanding tribal status since 1967. That is when the Central Hatti Committee was formed. In 2009, the issue of declaring the Hattis as tribal was included by the Bharatiya Janata Party in its manifesto. In 2014, current Defence Minister Rajnath Singh had announced grant of tribal status to the Hattis during his visit to Sirmour district.

The Union Cabinet, chaired by Prime Minister Narendra Modi, on 15 September, 2022 approved a constitution amendment bill that seeks to grant tribal status to the Hatti community living in the Trans-Giri region of Himachal Pradesh's Sirmour district. Union Tribal Affairs Minister Arjun Munda said the Cabinet has also approved proposals to grant Scheduled Tribes status to the Binjhia community in Chhattisgarh and the Narikoravan and Kurivikkaran communities in Tamil Nadu. After the Constitution (Scheduled Tribes) Order (Third Amendment) Bill 2022 becomes an Act, around 1.6 lakh members of the Hatti community Trans-Giri region will be able to derive benefits meant for STs under the existing Government schemes. They will also be entitled to benefits of reservation in services and admission to educational institutions according to government policy.

Objectives of Study

- To study the relevance of Tribal status of ‘Hatti’ community in Sirmour district of Himachal Pradesh.
- To evaluate contradiction between scheduled castes and Hatti community of Giripar region of Sirmour which are granted ST status.
- To study the anxiety among scheduled castes towards granted ST status of Hatti community of Giripar region of Sirmour district.

Methodology

By taking into consideration the objectives of the study the research design employed for the present research is of descriptive type. The study is descriptive in nature and based on both primary and secondary data. The secondary data for the purpose of present study was collected from various books, journals, articles, newspapers and websites. It is done to have a greater accuracy and in-depth analysis of the research study. The primary data has been collected from the scheduled castes

people of Giripar region of Sirmour district whose rights are being affected after granted of Tribal status to upper castes people of Hatti community. There is total 120 respondents have been interviewed.

Politics of Reservation in Himachal Pradesh

With the approaching State legislative elections in Himachal Pradesh, the issue of inclusion of three-lakh-strong “Hatti Community” in the list of Scheduled Tribes in the State has once again become prominent for all political parties. The community having presence in nine seats of two districts of Shimla and Sirmour has threatened to boycott the elections if their long-pending demand is not met. The issue has been hanging fire since 1967 when the Hatti Community residing in the Jaunsar Bawar area of Uttarakhand that share the border with the Sirmour district of Himachal Pradesh were declared tribal but those who remained in Himachal Pradesh were not given the same status and benefits. Consequently, the Jaunsar Bawar area got all the benefit of reservation in jobs and experienced overall development in terms of infrastructure development and education. The region produced a sizeable number of civil servants whereas their counterparts living in the Kamrau, Sangrah and Shillai areas of Himachal Pradesh are still lagging behind in all spheres of life including education and employment. Over the years, the simpleton people of the region have raised the issue time and again and approached all political parties for resolving their genuine demand. Sensing the mood of the people, Chief Minister Jai Ram Thakur met Union Home Minister Amit Shah to discuss this issue and assured the people that the State Government would complete all the required formalities for getting tribal status to the people of the region. Traditionally, the Hatti region had been a congress stronghold. But, of late, the BJP has made inroads by getting support of the Hatti Community in the Parliamentary elections. In 2009, for the first time, BJP promised to give ST status to the Hattis in its election manifesto and have been doing so in their subsequent manifestos as well. This led to their consolidation of votes in the region. In a rally in Nahan, district headquarter of Sirmour, in 2014, now Union Defence Minister and then the National President of BJP had gone to the extent of announcing the grant of Schedule Tribe status to Hattis. Not lagging behind, in 2016, the then Congress Chief Minister Virbhadr Singh pursued the issue with the Centre advocating for tribal status to the Trans-Giri region and Dodra Kwar in Rohru. However, the proposal was turned down on the ground that the Ethnography Report was inadequate and asked for a comprehensive Ethnographic study. Himachal Pradesh University conducted a study and fresh report was submitted in March by the BJP Government.

The Hattis inhabits an area between two rivers called ‘Giri’ and ‘Tons’. Tons divides it from the Jaunsar Bawar area of Uttarakhand. The Hattis who lives in the Trans-Giri area in Himachal Pradesh and Jaunsar Bawar in Uttarakhand were once part of the royal estate of Sirmour until Jaunsar Bawar’s separation in 1815. It is a well-knit community having common culture and way of life. The community derived its name from their tradition of selling homegrown vegetables, crops, meat, wool etc. at small markets called ‘Hatts’ in towns. There is a fairly rigid caste system among the Hattis. The ‘Bhat’ and ‘Khash’ are the upper castes while the ‘Badhois’ are below them. Traditionally, inter-caste marriages are not acceptable. The two clans follow similar culture and traditions and inter-marriages between them are common and acceptable. Generally, during ceremonies, menfolk wear a distinctive headgear. Socially, the Hattis follow a social system of local governance. The community is governed by a traditional council called “Khumbli” which functions like the ‘Khap’ panchayats of Haryana and Western Uttar Pradesh.

Contradiction in Hatti Community’s Demand for Tribal Status

Hattis is divided into fourteen castes. However, a fairly rigid caste system operates in the community, the *Bhat* and *Khash* are considered upper castes, while several castes come under the scheduled castes and other backward classes. Inter-caste marriages within the community are traditionally discouraged. The Hattis is governed by a traditional council called ‘*khumbli*’ which, like the ‘*khaps*’ of Haryana, and Western Uttar Pradesh, decide community matters arbitrarily despite the establishment of the Panchayati raj system.

Traditional Elites and Role of *Khumbli* in Caste Divided Society

In rural Sirmauri society, the traditional elites still have a dominant position in social as well as political spheres. Most of the *Lambardars*, *Zaildars* and *Pujaris* are on the chair of formal establishments and control the informal as well as formal structures simultaneously. The objectivity of these *Khumbli*s is questionable because the decision-making process is controlled by Rajput’s and Brahmin’s due to their ascribed caste supremacy. On the other hand, the Scheduled Castes are denied to play any

role in the *Khumbli*. They are under a state of dominance as their whole socio-economic life is dominated by the village *Devta*. Any violation of rules framed around the *Devta* institution turns up the '*Dev Dosh*' (divine wrath) upon them.

The *Devta institution* also decides the relations between different castes and assigns them work with some promises among different castes which is known as '*Akhar Paur*'. The functions of the *Khumbli* are undemocratic and against the egalitarian social order as the Scheduled Castes and women are excluded from the deity institution due to hierarchical social ranking and ritual impurity. Power structure is dominated by upper castes on the basis of three attributes of dominance viz, ritual status, land holdings and numerical strength. They occupy land holdings which are mostly fertile, whereas the depressed castes have very less land and that too is usually unfertile. The traditional village elites the *Lambardaar* and the *Zaildaar* are mostly in possession of the land. Even with the introduction of new democratic institutions, caste panchayats are not losing their significance and caste sentiments continue to be exploited to obtain political power in formal PRI's.

Panic among Scheduled Castes & OBCs People of Giripar region

The region is witnessing growing opposition from the scheduled castes and backward communities to the government's move of granting ST status to the Hatti community. They fear that they would be deprived of their constitutional rights if ST status is given. Bhim army chief Chandrashekhar Azad Ravan, while addressing a rally in Shimla, said that a grant of ST status would give upper castes the license to further exploit the Dalits. Sirmaur has the highest population of SCs in Himachal Pradesh. According to the 2011 census, Sirmaur has a total population of 5, 29, 855, out of which 1, 60,745 or 30.34 percent belong to the SC category. In some blocks of Sirmaur like Rajgarh and Sangrah, the dalit population is as high as 45 percent and 40 percent respectively. Atrocities reported against Dalits are also highest in the Trans-giri region. Besides this they also have the fear that after the declaration of ST status to the Hatti Community they would be losing SC and OBC reservations and they will become an underdog in competition with dominant castes. Dalit activists say that no doubt Sirmaur continues to be one of the poorest and backward areas of Himachal, but what it needs is special financial packages and good developmental plans, not ST status at the cost of SC communities. "To say that only ST status would bring in development here is wrong. So much is already happening in the Trans-giri region in terms of connectivity and facilities including those of health and education. What we require today is a final development push through special packages," said Dalit leader and Giripar Adhikaar Sanrakhan Samiti President, Advocate Anil Kumar Manglate.

Major findings of the Study

In this study people opinion is that local MLAs and MPs have misled the central and state government and the nodal agency in the matter of collecting votes whereas the reality is something else. And also said that this Hatti case does not fulfill even a single parameter of the Lokur Committee. Due to the efforts of the Central Government to include the dominant castes Rajput alias Khash-Kanet (Numberdar, Zaildar, Bade Zamindar) in the Scheduled Tribes of Giripar area of district Sirmaur, an atmosphere of discontent and fear has been created among Dalits and backward SC/OBCs of Giripar.

During the interview, scheduled castes people of giripar region opined some facts about the problems arising for the SC-community through the following evidences given below:

- They said the biggest loss to the scheduled castes and OBCs is the end of political representation in the panchayats, in the assembly, and in the Lok Sabha.
- The Giripar Transgiri region is a SC/OBC dominated region, which is why two assembly seats and one Lok Sabha parliamentary seat (Shimla) are reserved for Scheduled Castes. And in the coming time, the exercise to declare it as a tribal area on the basis of population has started. When this Transgiri region will be declared as ST region, then after implementing the PESA Act along with the Panchayati Raj Representation (PESA-Act), this region will be transferred to ST by excluding SC/OBC. It will happen and Rajput, so-called (Hatti) will get the Panchayat, Vidhansabha, and Lok Sabha seats reserved for themselves on population basis by abolishing the present (reserved) seats of SC/OBC. Even after 75 years of independence, OBC has not been able to become an MLA.

They also stated that the report submitted by the Tribal Development Department Himachal Pradesh to the RGI has been distorted and is far from the facts.

- They said National Highway No.07 passes through the proposed ST Transgiri area. Here every village is connected by road. Thousands of small and big vehicles run around, 100 buses and every house have two wheelers to expensive vehicles like Fortuner and modern amenities are available. 3100 kms. of roads have been constructed. Electricity has reached almost every village (968) in the district. Drinking water supply facilities have reached every house, every village. As per a report dated 31 March 2020 in Sirmour district where ST Transgiri are the proposed area Literacy rate 78% Number of primary schools 1040, middle school 190, high school 154, senior school 90, colleges 14, industrial training center 11, five civil hospitals, 50 primary health centers, 144 sub health centers, 86 dispensaries, 338 Fair Price Shops, Post Office 313, Bank Branches 163, Police Station 11, Chowki 09, Colleges 14 are nearby. 3100 km of roads and 7 employment offices, 16000 permanent and temporary employees, 121 number of veterinary dispensaries, 33 number of veterinary hospitals and 87 other animal institutes.

Respondents said that RGI has rejected the proposal to declare Giripar as tribal in the years 1995, 2006 and 2017. How can resourceful people of Transgiri Giripar area and developed area get ST status with the above facilities and arrangements. These do not fulfill the 5 criteria suggested by the Lokur Commission which are as follows-

- **Primitive Characteristics:** The Giripar Transgiri region of Sirmour does not fulfill all these criteria. Under primitive characteristics, the report falsely claims and it is not true that the people of Giripar are still living in a primitive culture and polyandry still exists there, their houses are made of wood and they are engaged in agriculture. Primitive techniques are used, while the reality is that electricity has reached almost every village (968) in the district. Drinking water supply facilities have reached every house, every village. National Highway 07, remains that thousands of people in Giripar have got the facility of house construction with state assistance and it is near modernity while the reality is literacy rate 78 percent, Number of primary school 1040, middle school 190, high school 154, senior, Schools 90, Colleges 14, Industrial Training Centers 11, Five Civil Hospitals, 50 Primary Health Centers, 144 Sub Health Centers, 86 Dispensaries, 338 Fair Price Shops, 313 Post Offices, 163 Near Bank Branches, Police Station 11. Because the society here is slowly progressing at a rapid pace with the help of the state in the field of fisheries, poultry farming, small scale industries, mining and horticulture. Due to the commendable efforts of the central and state government, the people here are achieving the best standard of living. Where there has been a decline in the standard of living, it is mostly the villages of the Dalit community that have been kept out of this community, (respondents opined that.)
- **Specific Civilization:** This is also not true. It has been falsely claimed in the report that the people of this region are dependent on agriculture and animal husbandry. In Giripar, the issue of tribe is being raised on the lines of Jaunsar-Babar of Uttarakhand. If we talk about the special culture of Jaunsar-Babur, then the religious system (God system) there is its basis. The entire Jaunsar region considers a deity (Mahasu) as their worship and on the basis of that the social customs are operated here, whereas Giripar does not live up to these criteria. While Mahasu Devta is worshiped in abundance in another Shillai, Shirgul or Than Devta is worshiped in Pachhad, Vijat Maharaj and Shirgul Maharaj are considered the main deities in Sangdah. If we talk about language, then there is no specialty in it. Even the people of Pachhad cannot understand the language of the people of Shillai. There is no equality in songs and music in this area. Along with this, tribe status is being sought on the lines of Jaunsar Bawar, but the reality is that Khash-Kanet does not live in Jaunsar Bawar said respondents.
- **Geographical isolation:** - This is also not true, wrong claim has been made in the report, the matter of geographical isolation also does not seem appropriate in Sirmour's Giripar Transgiri region. National Highway 07 has built up roads 3100 kilometer 50, thousands of small and big vehicles and 7 employment offices, 338 fair price shops, 313 post offices, 163 bank branches, 11 police stations, 09 outposts, 14 colleges. 16000 permanent and temporary employees. The point of geographical isolation also does not seem appropriate, the report has even written that during rainy and winter days this area is cut off from the rest of the world and traffic remains closed here for months. It is further written that there is no electricity and water system in Shillai yet and

posting in Shillai is called black water punishment. On one hand this fact negates government schemes and benefits and on top of that it also confuses. The government claims that Himachal has achieved the target of 100 percent electrification, every household has tap water, 100 percent toilets, every household clean fuel i.e., gas, road transport and mass communication have reached Himachal. And the 17 goals of SDG's will be fulfilled by the Himachal government before the fixed period of 2030, on the other hand this report makes the government a laughing stock.

- **Hesitation of relations with outside communities:** Talking about relations with other communities and mainstream, thousands of people of Giripar are not only settled in big cities like Solan, Shimla, Dehradun, Chandigarh but marriage relations have also been established. Apart from this, the youth of this place are also taking education in various institutions of the country and abroad.
- **Backwardness:** - In the 21st century it does not live up to the claim of being tribal because it is far from the reality. National Highway No. 7 passes from this Transgiri region, and every village connected by road. Thousands of small and big vehicles run around 100 buses. From two-wheelers to expensive vehicles like Fortuner and modern amenities are available in every house. And about (3100) kilometers of roads have been constructed. Electricity has reached almost every village (968) in the district. Drinking water supply facilities have reached every house, every village. As per a report dated 31 March 2020 in Sirmour district where ST Transgiri is proposed area Literacy rate is 78 percent. Number of primary schools 1040, middle school 190, high school 154, senior school 90, college college 14, industrial There are 11 training centers, 5 civil hospitals, 50 primary health centers, 144 sub health centers, 86 dispensaries, 338 fair price shops, 313 post offices, 163 nearby bank branches, 11 police stations, 09 outposts, 14 colleges. 3100 km of roads and 7 employment offices, 16000 permanent and temporary employees, 121 number of veterinary dispensaries, 33 number of veterinary hospitals and 87 other animal institutes. In this area, having the above facilities and arrangements, 1 government college is present in Shillai, Haripurdhar, Sangrah, Nauhradhar, Rajgarh, Paontasahib, Dadahu and Kafota. Tehsils, sub-tehsils, SDM offices etc. within the radius of 30 to 40 kilometers. Hundreds of schools, hospitals, community hospitals, community distribution centers and dispensaries are present which belies its claim of being backward.

Looking at the following points, it is not correct to declare Khash-Kainat and Hatti as tribes of this Giripar Transgiri region. Because OBC and SC are backward even today. Actually, Hatti is neither a caste nor a class nor a community in Transgiri region, Hatti is a concocted name invented by some dominant people to grab the benefits of reservation. 15 percent of reservation of SC and 27 percent of reservation of OBC are plotting to put reservation at stake.

- The use of the word Hatti, was purely used to refer to the forced labor practice of going to the Haat i.e., the market to sell your products and buy the necessary goods and carry them on your back. On the basis of historical and current facts, it is self-evident that according to the Hindu scriptures, the work of beggar system, coolie, carrying goods and service was done by the scheduled caste society, not by the Rajputs, but by the OBC society.
- In the project report prepared by the Himachal government to give tribal status to the proposed community, 14 castes were described as part of the Hatti community, but when the Scheduled Caste Society rejected this fake community created to take away the rights of the Scheduled Caste people. When protested, bypassing the project report, keeping 12 castes out of it, only Rajput dominant castes were given tribe status, which is inconsistent with the process of granting tribal status.
- In the project report, tribal status was pleaded on the basis of the works of 13 castes of SC, OBC, their poverty, backwardness and impoverishment, whereas its benefit is being given to only 2 dominant castes, which is clear that it was a conspiracy of capitalists and landowners in which their rights are being snatched by showing the face of Scheduled Castes.
- Taking away the rights of the underprivileged, dalits and tribals of the state and the country by creating a fake tribal community is not only injustice to the tribals but also against the basic spirit of the Constitution.

- The castes proposed in Hati are Khash-Kainat (Rajput) and the dominant castes of the region. Who have most of the fertile land of the area, hundreds of bighas of shamlat and agricultural land. Among these castes (Bhats) who are backward are getting benefits of 27% reservation under OBC and backward people of (Khash-Kanet) castes are also getting BPL benefits and 10% reservation benefits under EWS.
- These castes have been declared dominant according to Himachal Government Revenue Department's letter number R. 86-76/55, dated 4 July 1956, Khash-Kanet has been considered as a category of Rajputs respectively.
- The RGI has rejected the proposal to declare Giripar as tribal in the years 1995, 2006 and 2017 because of caste-based atrocities on scheduled caste people by Rajput alias Khush Kanet, due to which SC community people are facing social and economic problems. The main reason behind this is considered to be the caste-based nature of this society and making the dominant castes (Rajputs) tribal is against the basic spirit of the Constitution.

Demands of SC people of Giripar region from Central Government

- The ethnographic report made to give tribal status to the Hati community is fake. To know the reality, the society of Giripar should be researched and studied anew. Strict legal action should be taken against the persons responsible for misleading the Himachal and Central Governments and getting them tribal status by fake means.
- Scheduled Castes and Other Backward Classes were created to protect the people of SC-OBC The SC/ST Atrocities Prevention Act should be saved from becoming ineffective.
- The political roster and representation of SC-OBC people should be protected.

Therefore, in the Transgiri Giripar area of Sirmaur, Himachal Pradesh, the resource-rich Rajputs (so-called Hati) aka (Khash-Kanet) caste people who have been made ST (Transgiri Hati Bill) which has been passed by the Lok Sabha by misleading the state and central government and the nodal agency. After introducing the bill number (218/2022) in Rajya Sabha, it is now become an Act. Considering the above facts and not fulfilling the parameters of Lokur Committee and being against Article 342 (2) of Indian Constitution and problems and objections of SC-OBC community and generated for SC and OBC community of Transgiri region Considering the danger posed by this (SC)-OBC' community's request, Scheduled-Tribes-Order, Third, Amendment) Bill No. No.218/2022. The Bill was passed by the Lok Sabha on 16.12.2022 Motions and Bills to be introduced during the Rajya Sabha which was passed by the Rajya Sabha by voice vote and become Scheduled Tribe Act in Himachal Pradesh be canceled because on the Transgiri Hati issue, the Rajputs of Giripar - alias Khush-Kanet (ST) do not fulfill the major criteria of the status.

Conclusion

The demand for ST status for the Hattis has its socio-economic and political nuances making it more complex. Supporters of the demand extend two arguments; one of the Lokur Commission criteria for the establishment of ST status, where they try to establish their geographical and cultural contiguity with the Jaunsar and Bawar region of Uttarakhand which has been given tribal status. But the claim raises conceptual doubts, as the primitive traits among Hattis were not communal as the name of the community itself suggests its character as a surplus-producing community having class stratification. Secondly, their socio-economic backwardness and their belief that giving tribal status may possibly speed up the development process in the region. Again, this argument also seems puny as almost sixty years of changes have transformed these societies from backward tribal societies to more developed societies with more modern markets and social-political structures. The change must be recognized.

Thus, the issue of the ST status seems more of a political issue in terms of the BJP wanting to strengthen its grip in the area which has largely been a congress bastion. On the flip side, the present conflict and more specifically the opposition by the scheduled castes and other backward castes of this demand must be seen in terms of the present power structures in the region. Coming to the bottom line, the solution to the present conflict seems to be based on the idea of an egalitarian and just society which would create a broader unity among the different sections of the Hatti Community. For creating this unity, it is essential to address the issues and the fears of scheduled castes and other backward classes which constitute around 30 to 34 percent of the region's population. Thus, alternative schemes of development must be explored for addressing the problem of backwardness and underdevelopment in the region.

In contemporary India, the tribal communities continue to outshine in various fields such as education, sports, various art forms (dance, music, painting, etc.) and add to the cultural presence of India. Our country is making efforts towards restoring the legacy of the tribal communities, their identity and inheritance, paying homage to them being an indispensable part of our society. It is imperative that the policymakers continue to safeguard the tribal rights so as to ensure inclusive development of the society.

REFERENCES

- [1] *Government of Himachal Pradesh Himachal Pradesh Forests for Prosperity Project (The World Bank assisted) Social Assessment & Management Framework-Tribal Development Framework–Draft Final Report June 2018.*
- [2] <https://www.drishtiias.com>
- [3] *Yojana Magazine, July, 2022*
- [4] [Scheduled Tribe status for hattis of himachal \(dailypioneer.com\)](http://dailypioneer.com)
- [5] [*Paradox in Hatti Community's Demand for Tribal Status Himachal Watcher*](#)/published on 5th September, 2022, by Dr. Devender Sharma, Assistant Professor, Department of Political Science, Government Degree College, Chail-Koti, Shimla District (Himachal Pradesh).
- [6] *Himachal Escape News Weekly, Shimla Vol. 6, Issue-8, September, 2022.*
- [7] Jagmohan Balokhara (2019). *Himachal Pradesh: The Wonder Land*, H.G. Publications, New Delhi.

