

श्री श्री अतिरिक्त  
कानून मंत्री  
अतिरिक्त न्यायाधीश  
अतिरिक्त न्यायाधीश



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Office of the Additional Director &  
General Counsel, India  
Ministry of Law & Justice  
Government of India

D.O. No. M/L/2017 - 88 (Financial Section)

February 18, 2017

Dear Sir/Agreevel,

Please refer to your office letter no. 12016/19/2004 (P&R)/C & L/1, dated 26.08.2016 seeking assistance of O&A of IAS Registrar General, India for the proposal of submission of Project Report for creation of 'History' community of entry 'Tribal Cr. area' of Shimoga District and permanent residents of Coar & Coar and Coar and 18750 area of Shimoga and Kulu districts on the line of Andhra Pradesh.

2. The proposal has been examined as per existing criteria and guidelines and it is noted that the information furnished by the State Government and the facts available in the records published ethnographic literature. The O&A does not support the proposal. The details are more herewith as per enclosure.

3. The Ministry of Tribal Affairs is requested to take action as directed above.

With regards

Yours sincerely,  
[Signature]

Shri. Rajendra Agrewal  
Joint Secretary,  
Government of India,  
Ministry of Tribal Affairs,  
Shastri Bhawan,  
New Delhi-110003.

12/1/17  
12/1/17  
12/1/17



2A, Marrow Road, New Delhi-110011. Phone: 011-23112184/23112185/23112186/23112187/23112188/23112189/23112190/23112191/23112192/23112193/23112194/23112195/23112196/23112197/23112198/23112199/23112200/23112201/23112202/23112203/23112204/23112205/23112206/23112207/23112208/23112209/23112210/23112211/23112212/23112213/23112214/23112215/23112216/23112217/23112218/23112219/23112220/23112221/23112222/23112223/23112224/23112225/23112226/23112227/23112228/23112229/23112230/23112231/23112232/23112233/23112234/23112235/23112236/23112237/23112238/23112239/23112240/23112241/23112242/23112243/23112244/23112245/23112246/23112247/23112248/23112249/23112250/23112251/23112252/23112253/23112254/23112255/23112256/23112257/23112258/23112259/23112260/23112261/23112262/23112263/23112264/23112265/23112266/23112267/23112268/23112269/23112270/23112271/23112272/23112273/23112274/23112275/23112276/23112277/23112278/23112279/23112280/23112281/23112282/23112283/23112284/23112285/23112286/23112287/23112288/23112289/23112290/23112291/23112292/23112293/23112294/23112295/23112296/23112297/23112298/23112299/23112300/23112301/23112302/23112303/23112304/23112305/23112306/23112307/23112308/23112309/23112310/23112311/23112312/23112313/23112314/23112315/23112316/23112317/23112318/23112319/23112320/23112321/23112322/23112323/23112324/23112325/23112326/23112327/23112328/23112329/23112330/23112331/23112332/23112333/23112334/23112335/23112336/23112337/23112338/23112339/23112340/23112341/23112342/23112343/23112344/23112345/23112346/23112347/23112348/23112349/23112350/23112351/23112352/23112353/23112354/23112355/23112356/23112357/23112358/23112359/23112360/23112361/23112362/23112363/23112364/23112365/23112366/23112367/23112368/23112369/23112370/23112371/23112372/23112373/23112374/23112375/23112376/23112377/23112378/23112379/23112380/23112381/23112382/23112383/23112384/23112385/23112386/23112387/23112388/23112389/23112390/23112391/23112392/23112393/23112394/23112395/23112396/23112397/23112398/23112399/23112400/23112401/23112402/23112403/23112404/23112405/23112406/23112407/23112408/23112409/23112410/23112411/23112412/23112413/23112414/23112415/23112416/23112417/23112418/23112419/23112420/23112421/23112422/23112423/23112424/23112425/23112426/23112427/23112428/23112429/23112430/23112431/23112432/23112433/23112434/23112435/23112436/23112437/23112438/23112439/23112440/23112441/23112442/23112443/23112444/23112445/23112446/23112447/23112448/23112449/23112450/23112451/23112452/23112453/23112454/23112455/23112456/23112457/23112458/23112459/23112460/23112461/23112462/23112463/23112464/23112465/23112466/23112467/23112468/23112469/23112470/23112471/23112472/23112473/23112474/23112475/23112476/23112477/23112478/23112479/23112480/23112481/23112482/23112483/23112484/23112485/23112486/23112487/23112488/23112489/23112490/23112491/23112492/23112493/23112494/23112495/23112496/23112497/23112498/23112499/23112500/23112501/23112502/23112503/23112504/23112505/23112506/23112507/23112508/23112509/23112510/23112511/23112512/23112513/23112514/23112515/23112516/23112517/23112518/23112519/23112520/23112521/23112522/23112523/23112524/23112525/23112526/23112527/23112528/23112529/23112530/23112531/23112532/23112533/23112534/23112535/23112536/23112537/23112538/23112539/23112540/23112541/23112542/23112543/23112544/23112545/23112546/23112547/23112548/23112549/23112550/23112551/23112552/23112553/23112554/23112555/23112556/23112557/23112558/23112559/23112560/23112561/23112562/23112563/23112564/23112565/23112566/23112567/23112568/23112569/23112570/23112571/23112572/23112573/23112574/23112575/23112576/23112577/23112578/23112579/23112580/23112581/23112582/23112583/23112584/23112585/23112586/23112587/23112588/23112589/23112590/23112591/23112592/23112593/23112594/23112595/23112596/23112597/23112598/23112599/23112600/23112601/23112602/23112603/23112604/23112605/23112606/23112607/23112608/23112609/23112610/23112611/23112612/23112613/23112614/23112615/23112616/23112617/23112618/23112619/23112620/23112621/23112622/23112623/23112624/23112625/23112626/23112627/23112628/23112629/23112630/23112631/23112632/23112633/23112634/23112635/23112636/23112637/23112638/23112639/23112640/23112641/23112642/23112643/23112644/23112645/23112646/23112647/23112648/23112649/23112650/23112651/23112652/23112653/23112654/23112655/23112656/23112657/23112658/23112659/23112660/23112661/23112662/23112663/23112664/23112665/23112666/23112667/23112668/23112669/23112670/23112671/23112672/23112673/23112674/23112675/23112676/23112677/23112678/23112679/23112680/23112681/23112682/23112683/23112684/23112685/23112686/23112687/23112688/23112689/23112690/23112691/23112692/23112693/23112694/23112695/23112696/23112697/23112698/23112699/23112700/23112701/23112702/23112703/23112704/23112705/23112706/23112707/23112708/23112709/23112710/23112711/23112712/23112713/23112714/23112715/23112716/23112717/23112718/23112719/23112720/23112721/23112722/23112723/23112724/23112725/23112726/23112727/23112728/23112729/23112730/23112731/23112732/23112733/23112734/23112735/23112736/23112737/23112738/2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Endst. No. Kalyan. D. (5)-92, Dated: Shinla-2,

27-11-1996

Copy:-

1. The Director, Social & Woman's Welfare, Kasumpti, Shinla-9,  
in reference to his letter No. 2-1/79-Wal-Plan-XI, Dated  
16 th October, 1996, for information please.

<sup>71-1</sup>  
<sup>27/11</sup>  
Joint Secretary (Welfare),  
o/c. Government of Hinochel Pradesh.

Areas under 5<sup>th</sup> Schedule of the Constitution and the communities residing in these areas as Scheduled Tribes through your institution :-

Name of Area	Community
1. Giripar Area (Trans Giri Region) of Sirmour District	Haati
2. Sub-Division of Dodra-Kwaru of Shimla District	Dodra-Kwaru
3. Chhotta and Bara Bangal of Kangra District	Not mentioned
4. Chohar Valley of Mandi District	-do-
5. Sub-Division Churah of Chamba District	-do-
6. 15/20 Area and Malana Area of Kullu District	-do-
7. 15/20 Pargana of Tehsil Rampur of Shimla District	-do-

The Bhartiya Janta Party's Manifesto of Elections 2007 which has been adopted as policy document of the H.P. Government also states that the above is one of the action points.

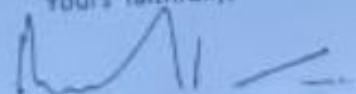
It is, therefore, requested to kindly prepare a detailed proposal in support of the declaration of above areas of the State as Scheduled Areas and communities residing in these areas as Scheduled Tribes by conducting special survey/ study through your experts and specialists in the light of following five criteria prescribed by B.N Lokur Committee for Identification of Scheduled Tribes:-

1. Indications of primitive traits,
2. Distinct Culture,
3. Geographical Isolation,
4. Shyness of contact with other community at large, and
5. Backwardness-social and economic.

The Government of India is not in favour of inclusion of blanket/generic term or territorial name representing more than one Castes/Tribes in the State's STs list as it is against the proviso of Article 342(2) of the Constitution. In this regard, therefore, first and foremost step should be to go through the comments given by the Registrar General of India on this subject very meticulously and carefully. The Registrar General of India has categorically observed that the ethnographic information given by the State Government in support of each proposed community to declare ST is very sketchy. In addition, it has also been observed that the proposal submitted by the State Govt. in respect of communities to be declared as ST are indicated by their territorial names/functional name associated with that particular region or geographical area, rather than specifying ethnic groups and other distinct characteristics, indicating those five parameters stipulated by the Lokur Committee mentioned as above. While doing so sociological and anthropological studies, research and survey done by your Institute should be taken in account to support the proposal. Apart from that myth, legend and folklores prevalent in the region associated with mythology, epics and other scriptures can be incorporated to corroborate the proposal of the State. The proposal should be in detail for each of the tribe/community rather than merely indicating the geographical names. It is made clear by the Registrar General of India that no case would be considered if it is on area basis. Therefore, each case has to be on specific community/tribe basis with full justification indicating their ethnographic evidence regarding their homogenous caste group and social isolation etc.

An early action in the matter is solicited.

Yours faithfully,



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Endst. No. Kalyan. D. (5)-92, Dated: Shimla-2, 27-11-1996.

Copy:-

13/101

1. The Director, Social & Women's Welfare, Kasumpti, Shimla-9, in reference to his letter No. 2-1/79-Wal-Plan-XI, Dated 16 th October, 1996, for information please.

73/27/11

Joint Secretary (Welfare),  
o/c. Government of Himachal Pradesh.

(SECRET)

File No. TBD(F)4-2/2015

Copy No. ✓

**MEMORANDUM FOR CONSIDERATION OF COUNCIL  
OF MINISTERS**

Minister-in-charge : Hon'ble Chief Minister

Secretary-in-charge : Chief Secretary (T.D.)

Subject: Proposal for notifying "Hattee" community of the entire Trans-Giri area of Sirmour District and permanent residents of Dodra Kwar Sub Division of Shimla District and 15/20 area of Shimla and Kullu Districts as Scheduled Tribes and for notifying entire Trans-Giri area of Sirmour District, Dodra Kwar Sub Division of Shimla District, 15/20 areas of Shimla and Kullu Districts as Scheduled Areas.

*Attested  
shmy  
27/11/16*

The Tribal Development Department submits the proposal for forwarding the same to the Ministry of Tribal Affairs, Govt for notifying "Hattee" community of the entire Trans-Giri area of Sirmour District and permanent residents of Dodra Kwar Sub Division, 15/20 area of Shimla and Kullu Districts as Scheduled Tribes and for notifying entire Trans-Giri area of Sirmour District, Dodra Kwar Sub Division of Shimla District, 15/20 areas of Shimla

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been excluded from the list of those communities. The Joint Committee of Parliament had recommended substitution of territorial term "Jaunsari" 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.

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No. Kalyan, D.(5) 92  
Government of Himachal Pradesh  
Social & Woman's Welfare Department

From

The Commissioner-cum-Secretary (Welfare),  
Government of Himachal Pradesh,

To

Dr. R.K. Shrivastava,  
Director,  
Government of India,  
Ministry of Welfare,  
New Delhi-110001.

Dated: Shimla-2,

24-11-1996.

Subject:-

Inclusion of Giripar/Hati as a Scheduled Tribes in  
the list of S.T. in Himachal Pradesh.

Sir,

Kindly refer to your letter No. 12016/17/81-BCD/R/  
Call; Dated: 12.2.96, on the subject cited above and to say that the  
point wise information, asked by you, is as under:

1. Whether the residents of Giripar are called as  
'Hati'.

The original inhabitants of the  
'Giripar' area (Transgiri Tract) of District Sirmour  
(Himachal Pradesh) residing there from generation to  
generation, are known as 'Hates'. The Hates is an  
term covering all the caste/ethnic groups of the  
area. They are called Hates by the outsiders mainly  
because their major interaction with the outside  
world was basically as performer of 'Hatt'. The  
inhabitants of the area used to move in large groups  
carrying the bags of goat and sheep-hide on their  
backs, their local produce along with meagre food  
provisions for several days passing through difficult  
terrain. The main products used to be dry ginger, pepp  
pepper, opium, kailon oil, butter oil etc. These product  
were carried to the respective Hatt (i.e. Market-  
places) and exchange for the essential items required  
by them, like Salt, Kerosene, Cloth etc. Since then main  
contact with these places was as barterer or

डी.आर. सिंगर

Personal Attention  
Time Bound

No.T&D.AITDM/4-B/2008  
Tribal Development Department  
Himachal Pradesh, Shimla-171002.

From

Commissioner-cum-Pr. Secretary(TD)to  
the Government of H.P. Shimla-171002.

To

The Director,  
Tribal Research Studies Institute, H.P University,  
Shimla-171005.

Dated Shimla-171-2, the 27<sup>th</sup> August, 2011.

Subject:- Inclusion of various communities in the list of scheduled tribes in the State of H.P.

Sir,

The State Government had submitted a proposal (copy enclosed for ready reference) to the Ministry of Tribal Affairs, Govt. of India for inclusion of the following communities as Scheduled Tribes under Article 342 of the Constitution and the areas of the State as Scheduled Areas under 5<sup>th</sup> Schedule of the Constitution and the communities residing in these areas as Scheduled Tribes:-

I. **Proposal for Declaring Certain Communities as Scheduled Tribes-**

1. Barad Community
2. Bangala(Bangali) Community
3. Labana Community
4. Dodra-Kwaru Community

II. **Proposal for Declaring Scheduled Areas and community residing in these areas as Scheduled Tribes.-**

Name of Area	Community
1. Giripar Area(Trans Giri Region)of Sirmour District	Haati
2. Sub-Division of Dodra-Kwaru of Shimla District	Dodra-Kwaru
3. Chhotta and Bara Bangal of Kangra District	Not mentioned
4. Chohar Valley of Mandi District	-do-
5. Sub-Division Churah of Chamba District	-do-
6. 15/20 Area and Malana Area of Kullu District	-do-
7. 15/20 Pargana of Tehsil Rampur of Shimla District	-do-

But the Ministry of Tribal Affairs vide their letter No.12016/11/2001-TA(RL)/C&LM-I dated 15<sup>th</sup> June, 2006 has intimated that the proposal of State Government was submitted to the Registrar General of India for their comments/view and the Registrar General of India has raised certain observations on the report. A copy of the comments raised by the Registrar General of India on the report is enclosed. Now the Ministry of Tribal Affairs Govt. of India has requested the State Govt. to furnish the comments/views of the State Government on the observations of the Registrar General of India for taking further necessary action in the matter. In this regard the information received from the concerned Deputy commissioners are very sketchy and without supporting of ethnographic evidences regarding their homogenous caste groups, sociological and anthropological studies, research and studies done by the eminent scholars. Besides this the name of communities residing in the areas to be included in the list of Scheduled Tribes was not given.

In order to obtain more credible, authentic and detailed information in the matter, the State Government has decided to entrust the work to prepare the detailed proposal for inclusion of the following Backward/Remote areas of the State as Scheduled