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Topics Covered

- What is the news?
- Why is there a hold?
- What will happen now?
- What did the Court say?
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- What is the background?
- What did the High Court say in its interim order?
- 'Hattee' reservation and opposition:
- •Where in the Constitution are Scheduled Tribe (ST) mentioned?
- Himachal Pradesh's Hattis: A Rich History and Ongoing Struggle:
- QuizTime:
- Are you Ready!
- Read the Below Instructions Carefully:
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- Mains Questions:
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 - Relevance to the Himachal HPAS Prelims and Mains syllabus under the following topics:

What is the news?

■ The Himachal Pradesh High Court has temporarily halted the state government's decision to grant the Hattee clan Scheduled Tribe (ST) status. This temporarily halts their long-standing desire for recognition and benefits.

Why is there a hold?

The court expressed reservations about the announcement granting ST classification, claiming it was unjust and Unconstitutional. Here are some of the main reasons:

- Mixing apples and oranges: It was questioned why upper caste communities, which were traditionally not considered Scheduled Tribes, were included in the Hattee community seeking ST designation. They contended that classifying diverse groups as equals within the same community was potentially unfair.
- Isn't it a touch too convenient? The court found it odd that the state government included Hattees living in a specific location (Transgiri region), despite government reports indicating that they were not historically disadvantaged like most Scheduled Tribes. This gave the impression that the status was not determined by established criteria.
- Fear of a domino effect: The court was concerned

that awarding it to the Hattees without appropriate justification might open the door to unjustified claims from other groups, potentially resulting in complexities and conflicts.

What will happen now?

• The Hattees' ST status has not been permanently denied by the court. They've simply put a temporary halt to it while they hear arguments from both sides and investigate the matter further. The next hearing date is set for March 18th, 2024.

What does this have to do with the Hattees?

This is a setback for their dreams of obtaining ST designation and the perks that come with it, such as educational quotas and reservations in government positions. It is, however, not the end of the road. The court judgment gives them an opportunity to address the concerns expressed and strengthen their case.

In layman's terms, think of the Hattees as a gathering of individuals waiting to board a special bus for people who require extra assistance (Scheduled Tribes). The driver (the court) observed several persons on the bus who should not have been there, as well as others who may not have needed a trip. So the driver applied the brakes (came to a complete stop) to

check everyone's tickets and ensure that the bus was fair for everyone. The Hattees still have a chance to board, but they must first explain their ticket (claim to ST status) more clearly.

What did the Court say?

• The two-judge bench of Chief Justice M.S. Ramchandra Rao and Justice Jyotsna Rewal Dua highlighted in an interim ruling that "prima facie there appears to be manifest arbitrariness and glaring unconstitutionality" in the law approved to award ST status to 'Hattees'.

Who initiated the petition?

• The Gurjar Samaj Kalyan Parishad and Anusuchit Jati Adhikar Sanrakshan Samiti, among others, opposed the law.

What is the background?

■ The Constitution (Scheduled Tribes) Order (Third Amendment) Bill, 2022, which attempted to place 'Hattees' on the state list of STs, was passed by the Lok Sabha in December 2022 and by the Rajya Sabha the following July. The Union Cabinet approved a proposal in this regard in October

2022.

- The Himachal Pradesh government's Tribal Development Department requested clarity from the Ministry of Tribal Affairs in October last year on who the 'Hattees' are and if members of the Scheduled Caste (SC) community fell within this category.
- Following a clarification made by the ministry in November, the state government issued a notification on 1 January 2024, providing ST status to 'Hattees' living in the Trans-Giri area, except those who were already qualified for reservation under the SC quota.

What did the High Court say in its interim order?

- In response to an objection to this exclusion of SCs, the high court stated in its interim order, "We are baffled as to how the Ministry of Tribal Affairs, Union of India, could have given such advice without Parliament making the said exclusion under clause (2) of Article 341 of the Constitution of India in the list of SCs mentioned in the Constitution (Scheduled Castes) Order, 1950."
- "Irreparable injury is likely to be caused if the interim relief is not granted," the Supreme Court said, postponing the "implementation of the Constitution (Scheduled Tribes) Orders (Third Amendment) Act, 2023 as well as the state notification" until the last day of March 2024.

- The high court further noted in its interim judgment that the federal government had rejected bids to grant 'Hattees' ST status in 1995, 2006, and 2017.
- In rejecting the plea in 2017, the government stated that 'Hattee' is a blanket or generic name that applies to all residents of the Trans-Giri area.
- "The term Hattee does not refer to a specific tribe or community. "At the moment, using a blanket term to cover all inhabitants, whether they deserve Scheduled Tribe status or not, is against the principle of notifying or declaring community/communities as Scheduled Caste/Tribes," the national government stated at the time.
- The high court noted in its interim decision, citing this response, that "these were very strong reasons and justification ought to be provided by the Union of India and the State Government for now taking a diametrically opposite view in August 2023 and enacting the impugned law."

'Hattee' reservation and opposition:

Supporting:

• According to Amar Chand, a retired school teacher from the Trans-Giri area, the term 'Hattee' is derived from 'Haat' which meaning market. "This area is quite backward and the Hattee community is still connected to its roots and culture," he went on to say.

- The demand for reservation for 'Hattees' was first made in 1967, following the inclusion of 'Jaunsaris' – residents of neighboring Jaunsar Bawar, presently in Uttarakhand – in the ST list of undivided Uttar Pradesh.
- "We have connections in Jaunsar Bawar." They are ST, and we are not. "Before the reservation, that area was worse off than ours in terms of development, but now it's the opposite," M.L. stated. Sharma is from Shillai in Sirmaur district.
- When asked how the law's implementation affects the percentage of reservation among ST members, local politician Anil Gurjar told ThePrint that almost 4 lakh tribals live in Himachal Pradesh's Kinnaur, Lahaul and Spiti, and Chamba districts.
- "And now, 1.60 lakh Hattees have been added to the kitty of STs which had 7.5 percent reservations in government jobs," he went on to say.

Opposition:

- Gurjar went on to say, "There are several influential people amongst Hattees and giving them reservation will go against the spirit of reservation."
- Anusuchit Jati Adhikar Sanrakshan Samiti stated in its appeal to the high court, "There is no tribal 'Hattee' tribe in the state, and the rights of reservation were granted to Rajput and high-caste

Brahmins in the name of 'Hattee,' which is not found as a homogeneous recorded community."

Where in the Constitution are Scheduled Tribe (ST) mentioned?

Article 341 and 342 of the Constitution:

- Article 341 defines "Scheduled Castes" (SCs) and authorizes the President to designate communities as SCs for constitutional reasons.
- Article 342: Defines "Scheduled Tribes" (STs) and authorizes the President to designate communities as STs for constitutional reasons, again based on specified conditions.

2. Schedules 5th and 6th:

- Fifth Schedule: This schedule governs the administration and control of Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Mizoram, and Tripura.
- Sixth Schedule: Handles the administration and regulation of Scheduled Areas and Scheduled Tribes in the four Northeastern states mentioned above.

3. Related Articles:

• Article 15(4): Gives the State the authority to

establish specific provisions for the improvement of any socially and educationally disadvantaged classes of citizens, including STs.

- Article 16(4): Allows the state to reserve positions for backward classes (including STs) for public sector appointments.
- Article 244 provides for the administration and management of Scheduled Areas and Scheduled Tribes.
- Article 275: Allows the Union to make funds to states to promote the welfare of Scheduled Tribes and the development of Scheduled Areas.
- Article 338: Creates a National Commission for Scheduled Tribes (NCST) to protect STs' rights and interests.
- Article 350: Protects STs' right to preserve their own language, writing, and culture.

What is the method for incorporating Scheduled Tribes?

In India, the process of adding a community to the Scheduled Tribes list is a multi-step process involving many government bodies and institutions. The following are the important stages:

1. Recommendation from the State Government:

• The process starts with the State Government in the community's home state. They must present a proposal recommending that the community be included to the Scheduled Tribes list.

- This proposal should include thorough documentation about the community, such as its history, social norms and traditions, language, population size, geographical location, and socioeconomic situations.
- The State Government must also demonstrate that the group meets the conditions for inclusion outlined in the Indian Constitution. These criteria are based on variables such as primitive characteristics, separate culture, geographical isolation, aversion to interacting with the greater community, and economic and educational backwardness.

2. RGI (Registrar General of India) examination:

- The State Government sends the proposal to the Registrar General of India (RGI) once it is complete.
- The RGI is in charge of performing a socioeconomic and ethnographic study of the community in order to verify the information provided by the State Government and determine their eligibility for inclusion based on the established criteria.
- To obtain more information and perspectives, the RGI may consult with anthropologists, sociologists, and other professionals.

3. NCST (National Commission for Scheduled Tribes) review:

- Following the RGI's review, the proposal is sent to the National Commission for Scheduled Tribes (NCST).
- The NCST is a constitutional body in India tasked with protecting the rights and interests of Scheduled Tribes.
- The Commission thoroughly examines the plan and may organize public hearings or meetings with the affected community to obtain their thoughts and concerns.
- Following that, the NCST makes recommendations to the Union Ministry of Tribal Affairs.

4. The Union Government has made the following decision:

- The Union Government, specifically the Ministry of Tribal Affairs, makes the final decision on whether to include a group on the Scheduled Tribes list.
- Before making a final decision, the Ministry examines the suggestions of the RGI, the NCST, and other relevant agencies.
- If the government decides to incorporate the community, a notice is published in the official gazette.

5. Approval by Parliament:

 While notice from the government is sufficient to add a community on the Scheduled Tribes list for a given State or Union Territory, any revisions to the national list require Parliament's assent.

- This implies the government must introduce legislation in Parliament to amend the Constitution and add the community to the national list of Scheduled Tribes.
- •Once the measure is passed by Parliament, the community will be legally recognized as a Scheduled Tribe throughout India.

Timeline:

• The process of adding a community to the Scheduled Tribes list can be complex and time-consuming, taking years or even decades. This is due to the requirement for extensive study, consultations, and clearances at numerous levels.

Criticisms:

• The existing approach for inclusion has been criticized as bureaucratic, difficult, and time-consuming. Critics further claim that the standards for inclusion are out of date and subjective, thereby excluding deserving communities.

New Developments:

 The Indian government has formed a committee to review the current procedure and criteria for inclusion on the Scheduled Tribes list. The group is anticipated to make its recommendations soon, which might result in future adjustments to the procedure.

Himachal Pradesh's Hattis: A Rich History and Ongoing Struggle:

Himachal Pradesh's Hattis are a fascinating community with a rich history and distinct cultural identity. Their name captures the essence of their traditional way of life, originating from the word "haat" — meaning tiny markets where they have bartered and sold their agricultural produce for decades. Let us go into the Hattis' intriguing story:

1. Geographical Origins & Roots:

- The exact origins of the Hattis are buried in mystery. Their historical ties to the ancient Sirmaur princely state, on the other hand, are well established. Their ancestral house lies on the Himachal Pradesh-Uttarakhand border, in the scenic valleys of the Giri and Tons rivers, both tributaries of the mighty Yamuna.
- They are primarily settled in Shillai, Sangrah, and Kamrau (trans-Giri areas) within the Sirmaur district, which borders the Jaunsar-Bawar hilly region of Uttarakhand's Garhwal region.



- Trans-Giri and Jaunsar Bawar have two Hatti clans with comparable customs, and inter-marriages are prevalent.
- However, there is a rather rigorous caste system in the society, with the Bhat and Khash being higher castes and the Badhois being lower castes, and inter-caste marriages have traditionally been forbidden.
- The Hattis are administered by a traditional council known as a 'khumbli,' which, like Haryana's 'khaps,' resolves on community issues.
- Despite the advent of the Panchayati raj system, the Khumbli's dominance has remained unchecked.

2. The Land Has Shaped My Life:

• The Hattis have always been an agrarian tribe, with their life profoundly connected with the rhythm of the seasons. Growing vegetables, crops, and fruits, as well as raising cattle, were the foundation of their subsistence. This self-sufficiency and connection to the land remain key components of their identity.

3. The Haat - A Commercial and Cultural Hub:

• The "haat" was crucial in shaping Hatti society. These weekly marketplaces were not just venues to sell and buy things, but also active social gathering places. Hattis shared not only product, but also news, stories, and communal relationships.

4. Tapestry of Culture:

• The Hattis have a strong culture that is reflected in their distinct language, folk music, dances, and traditional clothes. During special occasions, men frequently wear a distinctive white headdress known as "thali" to add a sense of elegance to their ensemble.

5. A Common Past, a Divided Present:

• While providing a source of life, the Tons River

also acts as a geographical and political barrier. The Jaunsar Bawar area, now in Uttarakhand, was divided from Sirmaur in 1814. This separation divided populations with common ancestors and cultural habits, such as the Hattis.



6. The Search for Recognition:

• Since 1967, the Hattis of Himachal Pradesh have been requesting Scheduled Tribe (ST) recognition, which their Uttarakhand counterparts already have. This classification would provide them with some social and educational privileges while also acknowledging their distinct cultural identity and historical difficulties.

7. On the horizon, there is hope:

■ The Himachal Pradesh (Reorganisation of Hill Areas) Bill was enacted by the Indian Parliament in December 2023, clearing the way for the Hattis to be granted ST classification. This historic judgment represents the culmination of their long and arduous fight for recognition, and it promises a brighter future for the town.

8. Keeping the Legacy:

- While the future seems bright, the Hattis continue to encounter problems in preserving their distinct traditions and language in a fast changing world. Language preservation programs, cultural activities, and intergenerational information exchange are critical for future generations to preserve their rich history.
- The Hattis' narrative is one of endurance, cultural pride, and a persistent struggle with modernity. As they move on with newfound hope, their unique way of life and communal spirit continue to inspire and enhance Himachal Pradesh's cultural fabric.

(News Source: The Print and Some others)



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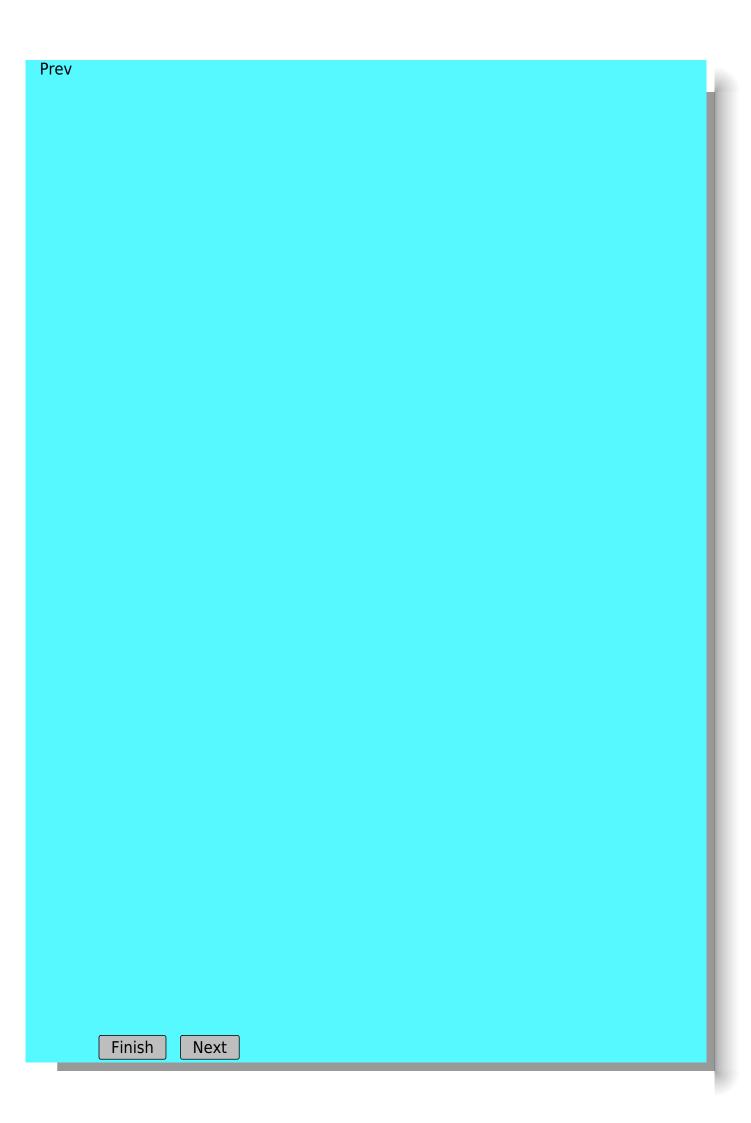
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- After Attempting Last Question.
- Enter Name & Email
- Click on Check Result
- Scroll down Check out Solutions too.Thank you.

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Category: Himachal General Knowledge
Where is the Hatti community primarily located?
○ The coastal regions of Kerala
○ The Himalayan valleys of Himachal Pradesh
○ The Thar Desert of Rajasthan
The Gangetic plains of Uttar PradeshPrev Finish Next
2 / 10
Category: Himachal General Knowledge
The Trans Giri region is located in which district of Himachal Pradesh?
○ Kangra
○ Shimla
○ Kullu
○ Sirmaur
Prev Finish Next
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Category: Himachal General Knowledge
What is the current challenge faced by the Hatti community?
 Displacement due to natural disasters
 Loss of traditional language and cultural practices
 Struggle for recognition as a Scheduled Tribe
 Conflict with neighboring communities over land resources



Category: Himachal General Knowledge

What is the significance of "haats" for the Hatti community?

- O Religious pilgrimage sites
- Traditional markets for trade and exchange
- Hunting grounds and communal gathering places
- Ancient burial grounds and sacred forests

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Category: Himachal General Knowledge

The Himachal Pradesh government recently issued a notification granting ST status to the Hattis. However, in December 2023, the High Court of Himachal Pradesh put a stay on this decision. What is the primary reason cited by the High Court for this stay?

- Lack of adequate documentation regarding Hatti ancestry
- Political pressure from opposing groups
- Concerns about potential misuse of ST benefits
- "Glaring unconstitutionality" in the government's criteria for determining Scheduled Tribes

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Category: Himachal General Knowledge

What geographical feature significantly defines

the Trans Giri region?
○ Mountain ranges
○ Giri River valley
○ Lush green plains
○ Arid desert landscape
Prev Finish Next
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Category: Himachal General Knowledge
Which tribal community predominantly resides in the Trans Giri region?
O Gaddi
O Gorkhas
○ Hattis
○ Kinnauris
Prev Finish Next
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Category: Himachal General Knowledge
What is "Khumbli" in Hatti Community?
○ Marketplaces
○ Traditional council
○ Farming Land
○ Dance
Prev Finish Next
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Category: Himachal General Knowledge

What was the traditional occupation of the Hattis?
○ Fishing and boatbuilding
○ Herding and pastoralism
○ Agriculture and farming
○ Handicrafts and weaving
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Category: Himachal General Knowledge
The Hattis of the Trans Giri region have demanded Scheduled Tribe (ST) status for several years. What is the primary rationale behind their demand?
○ Access to better educational opportunities
○ Increased political representation
 Similarities in culture and traditions with another ST community
○ Economic benefits through preferential treatment
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Mains Questions:



Question 1:

The Himachal Pradesh High Court's stay on the Hattee community's ST status has reignited the debate on affirmative action and tribal identity. Critically analyze the potential pitfalls and benefits of including diverse groups within a single tribal community for ST status. In light of this specific case, suggest how to balance the genuine claims of marginalized groups with the need for ensuring a fair and effective affirmative action policy.

Model Answer:

Introduction: Briefly introduce the case of the Hattees and the complexities surrounding their diverse composition. Highlight the potential benefits and drawbacks of including diverse groups within a single community for ST status.

Pitfalls of including diverse groups:

- Inequitable distribution of benefits: Groups within the community with greater historical disadvantages might be overshadowed by more dominant groups, leading to uneven distribution of affirmative action benefits.
- Loss of unique identity: Smaller, more vulnerable groups within the community may lose their distinct cultural identity and face erasure within the larger entity.
- Social tensions and conflicts: Friction may arise between groups with varying degrees of disadvantage or differing cultural practices, leading to social disharmony.

Benefits of inclusion:

- Greater collective bargaining power: A unified community can advocate more effectively for their rights and secure wider social recognition.
- Improved access to resources: Combined efforts can facilitate better access to education, healthcare,

- and other government benefits for all groups within the community.
- Preservation of shared history and cultural heritage: Inclusion can promote the value of their shared history and traditions, fostering unity and cultural continuity.

Balancing competing interests:

- Rigorous and transparent identification process: Implement a robust and transparent system for verifying tribal identity based on historical evidence, socio-economic indicators, and cultural practices.
- Internal mechanisms for equitable distribution: Establish internal mechanisms within the community to ensure benefits reach all subgroups proportionately based on their specific needs and disadvantages.
- Continuous review and refinement: Regularly review and update affirmative action policies to address evolving circumstances and ensure fairness and effectiveness.

Conclusion: Emphasize the need for a nuanced approach that recognizes both the benefits and risks of including diverse groups under a single ST status. Advocate for rigorous identification processes, internal mechanisms for equitable distribution, and continuous policy refinement to ensure a fair and effective affirmative action system that truly empowers marginalized communities.

Question 2:

The Himachal Pradesh High Court's decision has raised concerns about the potential misuse of Scheduled Tribe status. Discuss the challenges in verifying tribal identity and preventing fraudulent claims. In the context of the Hattee community, suggest recommendations for ensuring genuine tribal identity and preventing misuse of ST benefits.

Model Answer:

Introduction: Briefly introduce the issue of potential misuse of ST status and the concerns raised by the High Court in the Hattee community case.

Challenges in verifying tribal identity:

- Lack of clear, objective criteria: Defining tribal identity solely based on self-declaration or ancestry can be prone to manipulation and misrepresentation.
- Inadequate historical records: Incomplete or fragmented historical documentation makes it difficult to verify claims based on ancestral lineage.
- Socio-economic mobility: Changing living conditions and social integration can blur traditional markers of tribal identity, creating

ambiguity.

Preventing misuse of ST benefits:

- Multi-layered verification process: Combine selfdeclaration with independent verification through historical records, cultural practices, and socioeconomic indicators.
- DNA testing as a supplementary tool: Utilize DNA testing in specific cases where other evidence is ambiguous, but with safeguards against discrimination and ethical considerations.
- Community-based monitoring mechanisms: Encourage community involvement in identifying legitimate members and reporting potential misuse of benefits.

Recommendations for the Hattee community:

- Conduct a comprehensive socio-economic and cultural study: Gain a deeper understanding of the diverse groups within the Hattee community to establish clear criteria for identifying genuine tribal identity.
- Develop a transparent verification process: Involve the community in designing and implementing a fair and transparent system for verifying claims and granting ST status.
- Raise awareness among community members: Educate the community about the importance of responsible utilization of ST benefits and the consequences of

misuse.

Conclusion: Emphasize the need for a multi-pronged approach to prevent misuse of ST status while ensuring access to legitimate beneficiaries. Advocate for robust verification processes, community involvement, and education to achieve a fair and effective system that upholds the true spirit of affirmative action.

Remember, these are just two examples of Himachal HPAS Mains questions inspired by the current news regarding the Hattees. Feel free to modify and adapt them further to fit your specific needs and writing style. Good luck with your preparation!



Relevance to the Himachal HPAS Prelims and Mains syllabus under the following topics:



Himachal HPAS Prelims:

- Constitutional Provisions: Questions on fundamental rights, protective measures, and reservation policies for STs as enshrined in the Indian Constitution, particularly Articles 15, 16, 243, and 342, are frequently asked.
- Fifth and Sixth Schedules: Understanding the provisions of the Fifth and Sixth Schedules dealing with the administration and control of Scheduled Areas and Scheduled Tribes is crucial.
- Current Affairs: Prelims often test your knowledge of recent government policies, initiatives, and challenges faced by various ST communities across India.
- Geography: Knowing the geographical distribution of major ST populations and their specific tribal identities can give you an edge.

Himachal HPAS Mains:

- General Essay Paper: Essay prompts might encourage candidates to analyze issues like tribal development, cultural preservation, land rights, displacement, and the impact of government policies on ST communities.
- Anthropology Paper (Optional): This paper delves deeper into the social structure, customs, rituals, and challenges faced by various ST groups, requiring a more nuanced understanding.
- Other Optional Papers: Depending on your chosen

- optional paper, ST-related issues might surface in areas like Public Administration, Sociology, History, or Geography.
- Case Studies: Mains often presents case studies on development projects, environmental concerns, or social issues impacting ST communities, requiring candidates to propose solutions and assess their potential impact.



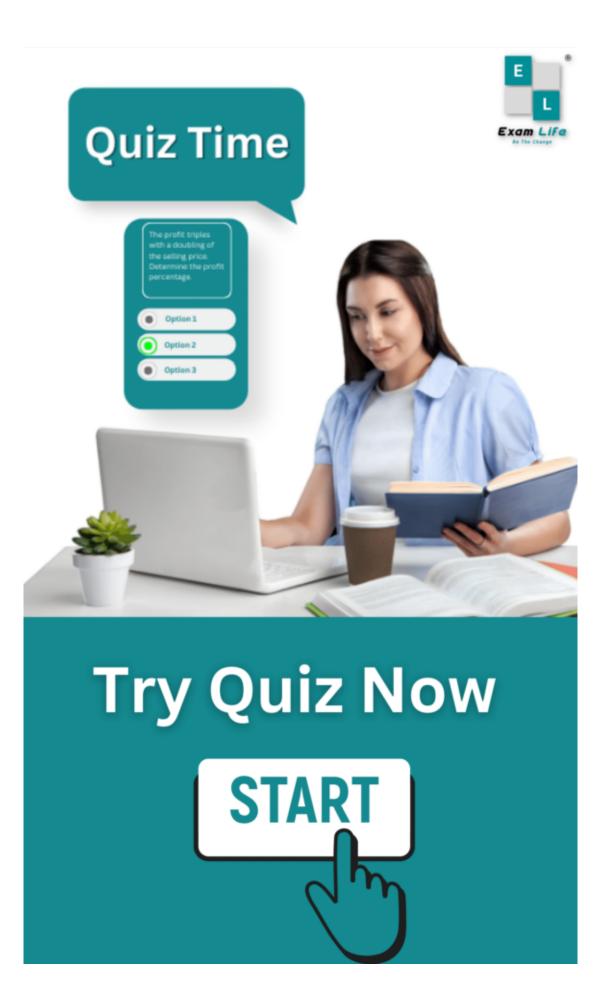
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