



LADAKH AND SIXTH SCHEDULE - GS II MAINS

Q. Why does Ladakh demands sixth schedule status? Enumerate its advantages along with its danger on allocating it to Ladakh. (15 marks, 250 words)

News: Here is why Ladakh needs the Sixth Schedule and statehood

What's in the news?

- Sonam Wangchuk, a celebrated environmentalist and innovator, decided to sit on a 21-day hunger strike to express the anguish of Ladakhis.

Key Demands:

The Ladakhi leaders approached the MHA with four demands:

- Statehood for Ladakh
- Inclusion of Ladakh under the Sixth Schedule of the Indian Constitution
- Setting up of a separate public service commission for Ladakh
- Two parliamentary seats for Ladakh.

Reasons for Demands:

1. Political Representation and Autonomy:

- The Jammu and Kashmir Reorganisation Act 2019, created two separate UTs of J&K (with legislature) and Ladakh (without legislature).
- While there had been four MLAs from the Ladakh region in the erstwhile J&K Assembly, now the administration of Ladakh is completely in the hands of bureaucrats.
- Thus, sixth schedule status is being demanded to ensure political representation and autonomy.

2. Lack of Local Employment Opportunities:

- The administration of UT of Ladakh has failed to create local employment opportunities for youth of Ladakh.
- For Example - Absence of a public service commission and lack of comprehensive job policy even after 4 years of creation of UT of Ladakh.

3. Preservation of Cultural Identity:

- Sixth schedule status is also being demanded to protect Ladakh's unique cultural heritage and traditional customs.
- For example - Tribals like Gujjars, Bakarwals, Bots, Changpas, Baltis and Purigpas have distinct cultures which can better be preserved under sixth schedule of the constitution.

4. Preservation of Ladakh's Fragile Ecosystem:

- Climate activists have raised flagged serious concerns regarding mining and industrialisation in the fragile glacial ecological system of Ladakh.



- Sixth schedule status is being demanded to protect the high-altitude deserts, glaciers and alpine meadows which are a crucial habitat for rare and endangered species.

5. Change in Domicile Policy of Jammu and Kashmir:

- The change of domicile policy in UT of J&K has amplified demands for sixth schedule for Ladakh to ensure domicile for Ladakh population.

6. Strengthening of Democratic Institutions:

- The establishment of autonomous councils under the Sixth Schedule would also strengthen democratic institutions at the grassroots level.
- For example - More powers and autonomy to Ladakh Autonomous Hill Development Councils (LAHDC).

Advantages of Being Included in the 6th Schedule of the Constitution:

1. Democratic Devolution of Powers:

- Sixth Schedule has helped in democratic devolution of powers through the creation of Autonomous District Councils which have some legislative, judicial and administrative autonomy within a state.

2. Preservation of Cultural Practices and Customs:

- The inclusion of a region in the sixth schedule ensures protection of local language, cultural practices and customs.
- For example - Bodo language of Bodoland were protected.

3. Protection of Tribal Land Rights:

- Sixth schedule has also helped in protection of agrarian and land rights by granting the autonomous councils the powers to legislate on matters like land, forests, and fisheries.

4. Grant-in Funds:

- Sixth schedule areas are provided with enhanced quantum of Grant-in Funds for rapid development and transformation.
- For example - Finance commission recommendations for Grant-in aids for sixth scheduled areas

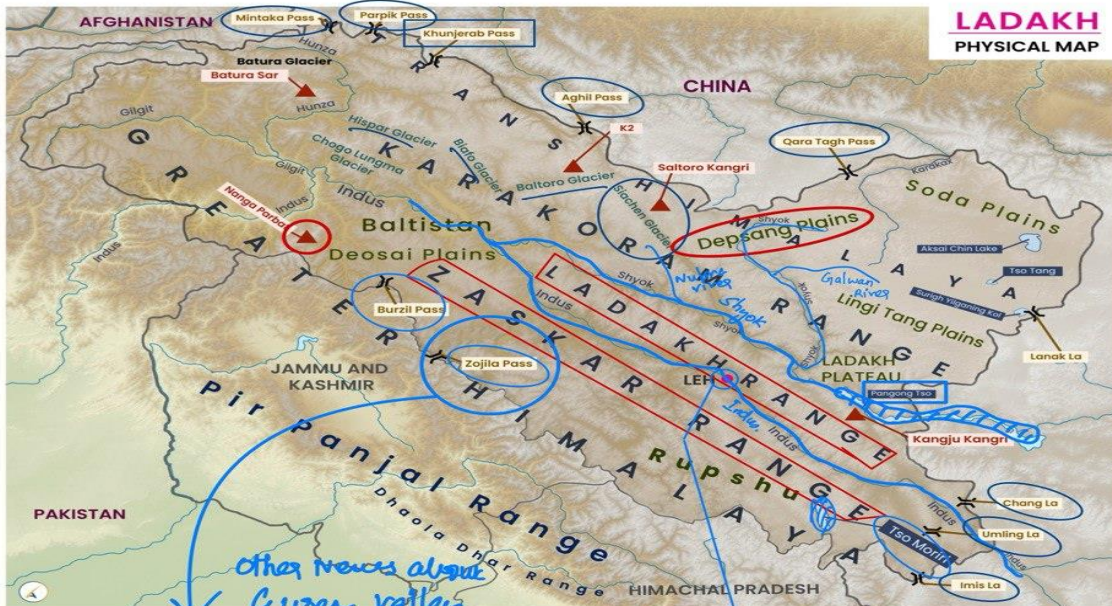
5. Sustainable Socio-Economic Development:

- The inclusion of a region in the sixth schedule ensures socio-economic development of a region in consonance with the cardinal virtue of sustainability.



UPSC HOTSPOT

News: Ladakh protest for Sixth schedule



- ✓ The high-altitude passes of the **Gurez valley**, in north Kashmir, out of bounds to civilians, was once prone to frequent shelling from Pakistan.
- ✓ Now, it is all set to connect with the **Mushkoh valley**, in Kargil's Drass Sector, Ladakh, the site of the war in 1999. The 130-km road has been opened up for tourists.
- ✓ Kaobal Gali, the highest pass at a height of 4,166.9 metres in Gurez, connects the two valleys.

Leh → On the banks of Indus river
↳ Capital of Ladakh
↳ cold desert

Picture credit: Lotus Arise

Issues with the 6th Schedule of the Constitution:

1. Limited Geographical Coverage:

- The sixth schedule areas are limited in their geographical coverage and exclude numerous tribal communities, leading to unequal treatment and exclusion.
- For example - Only limited to certain tribal pockets of Assam, Meghalaya, Tripura and Mizoram.

2. Lack of Effective Decentralisation:

- The sixth schedule areas often lack effective and real decentralisation of powers and administration.
- For example - Only one District council for entire Bodo Territorial Area districts.

3. Legislative Power of State over Autonomous Councils:

- The laws made by the councils require the assent of governor.
- Also, in case of conflict of interest between the District Councils and the state legislature, the latter would prevail.



4. Financial Dependency:

- Autonomous councils are dependent on their respective state governments for funds in addition to the occasional special package from the Centre.
- For example - Lack of timely constitution of State Finance Commission for recommending devolution of funds to District Councils and Regional Councils.

5. Corruption and Financial Mismanagement:

- The functioning of different councils in the sixth schedule areas has been marred by corruption and financial mismanagement.

6. Lack of Skilled Professionals:

- The autonomous councils lack skilled planning professionals, which results in ill-conceived development projects without proper technical and financial consideration.

7. Lack of Codification of Customary Laws:

- The councils have failed in codifying customary laws of the local tribal population.

Way Forward:

1. Creation of Elected Village Councils:

- Village councils must be created with their accountability to the local Gram Sabhas.

2. Ensuring Regular Elections:

- The state governments must ensure regular, free and fair elections to these autonomous councils. For Ex- Reduce the dominance of Tribal Elites.

3. Representation of Women and Other Ethnic Minorities:

- Women and other ethnic minorities must be provided adequate representation in these autonomous councils.

4. Increase Geographical Coverage:

- Constitutional amendment must be brought to expand coverage of 6th scheduled areas in other tribal dominated regions which need protection.
- For example - Ladakh inclusion in 6th schedule.

5. Transparency:

- Transparency in funds, functionaries and functioning of the autonomous district councils must be enhanced for effective socio-economic development.

Go back to basics:

Gurez Valley:



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- Gurez valley (in north Kashmir) is open for public which is connected with Mushkoh valley, in Ladakh, via Kaobal Gali pass.
- The Gurez Valley is close to the Line of Control (LoC) and is also home to ibex, musk deer and marmots, Himalayan brown bear and snow leopard.
- The Kishanganga River flows through the valley.
- The Buduaab village within Gurez valley is known for its Zumba yak, a smaller breed compared to other yaks.

Sixth Schedule:

Constitutional Provision:

- Article 244 of the constitution provides for the sixth schedule of the constitution.

States Applied to - Assam, Meghalaya, Tripura and Mizoram.

Objective:

- It provides for the formation of autonomous administrative divisions called Autonomous District Councils (ADCs) that have some legislative, judicial and administrative autonomy within a state.

Composition of ADCs:

- ADCs have up to 30 members with a term of five years.
 - Of these, four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise.
- The Bodoland Territorial Council in Assam is an exception, with more than 40 members.
- Each autonomous region also has a separate regional council.

Powers of ADCs:

1. Civil and Judicial Powers:

- They can constitute village courts within their jurisdiction to hear trials of cases involving the tribes.
- Governors specify the jurisdiction of high courts for each of these cases.

2. Legislative Powers:

- The councils are empowered to make legislative laws on matters like land, forests, fisheries, social security, entertainment, public health, etc. with due approval from the governor.

3. Parliament Law:

- The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions, or apply with specified modifications and exceptions.