



DAILY EDITORIAL ANALYSIS

TOPIC

**LADAKH AND THE SIXTH SCHEDULE:
A NEW GOVERNANCE MODEL**

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Ladakh and the Sixth Schedule: A New Governance Model

Context

- **Ladakh's continuing demand for Sixth Schedule protection**, alongside discussions on a directly elected legislative authority, has revived debate over tribal autonomy, federalism, representation and constitutional flexibility.

About Ladakh's Demand for Inclusion under the Sixth Schedule

- Ladakh became a **Union Territory without a legislature** under the Jammu and Kashmir Reorganisation Act, 2019.
- Since then, civil society groups and political organisations have demanded stronger constitutional safeguards for **land, culture, employment, ecology and political representation**.
- The demand has gained significance because Ladakh is a geographically remote and strategically sensitive region bordering **China and Pakistan**.
- Its distinctive **Buddhist, Muslim and tribal communities** have sought greater participation in decisions affecting their traditional institutions and resources.
- The existing **Ladakh Autonomous Hill Development Councils (LAHDCs) in Leh and Kargil** provide local self-government, but their powers remain substantially dependent on the UT administration and applicable legislation.

Sixth Schedule of the Constitution

- The **Sixth Schedule**, read with **Articles 244(2) and 275(1)**, provides a framework of autonomous governance for specified tribal areas in **Assam, Meghalaya, Tripura and Mizoram**.
- It establishes **Autonomous District Councils (ADCs)**, which can exercise legislative, judicial, administrative and financial functions over specified subjects such as land, forests, customary practices and local administration.
- A **District Council** ordinarily consists of **not more than 30 members**, with most members elected.
- The underlying constitutional philosophy is **asymmetric federalism** i.e. different regions may receive different institutional arrangements according to their social, cultural and geographical circumstances.

Why Does Ladakh Seek Sixth Schedule Protection?

- **Protection of Resources:** Sixth Schedule safeguards against uncontrolled acquisition and changes in traditional land-use patterns.
- **Cultural Preservation:** Protection of Ladakhi languages, customary practices, traditions and community institutions.
- **Political Representation:** Greater participation in decisions concerning local development and administration.
- **Ecological Protection:** Ladakh's fragile high-altitude ecosystem faces pressures from tourism, infrastructure and climate change.
- **Tribal Identity:** Constitutional recognition of local communities as beneficiaries of special protective arrangements.
 - ♦ The demand therefore extends beyond administrative autonomy; it represents a broader aspiration for **participatory and culturally sensitive governance**.

Constitutional Paradox: State vs Union Territory

- Indian federalism is constitutionally distinctive. In *State of Rajasthan v. Union of India (1977)*, the Supreme Court discussed the unusual character of Indian federalism and the substantial powers retained by the Union.
 - ♦ The Constitution of India permits significant asymmetry between different territorial units unlike classical federations.
- A UT is constitutionally different from a State because Parliament retains greater control over its governance.
 - ♦ However, it does not mean that every UT must have an identical governance structure.

- The Constitution itself demonstrates such flexibility. **Article 239AA** provides a special **constitutional arrangement for the National Capital Territory of Delhi**, including an elected Legislative Assembly and Council of Ministers.
 - ♦ Thus, differentiated governance for a UT is not inherently unconstitutional.

What Are the Concerns and Challenges?

- **Security Considerations:** Ladakh's international borders make defence and strategic infrastructure a Union priority.
- **Institutional Overlap:** A new legislative authority could create uncertainty regarding the powers of the **Lieutenant Governor, LAHDCs and Panchayati Raj institutions**.
- **Financial Autonomy:** Effective self-government requires clarity regarding taxation, grants, expenditure and control over local resources.
- **Regional Diversity:** Leh and Kargil have distinct demographic, religious and political interests. Any arrangement must ensure balanced representation.
- **Sixth Schedule Precedent:** Extending the Schedule beyond its present north-eastern application could raise demands from other regions for comparable constitutional protection.

Is Such a Model Constitutionally Valid?

- A **sui generis constitutional arrangement for Ladakh can be constitutionally designed**, provided Parliament acts within its constituent and legislative powers and clearly defines the distribution of authority.
- A proposed **Article 371-K-type framework**, as discussed in the **context of Ladakh**, could provide customised safeguards without mechanically applying the Sixth Schedule.
- Such an arrangement may combine elected representation with protection for land, culture, local employment and traditional institutions.
- The constitutional principle involved is therefore not simply 'State versus UT', but **how much differentiated autonomy is appropriate for a particular territorial, social and strategic context**.

Way Forward: Sustainable Solution for Ladakh

- A durable settlement should combine:
 - ♦ **Directly elected representative institutions** with clearly defined legislative and financial powers;
 - ♦ statutory and constitutional safeguards for **land, culture and employment**;
 - ♦ effective coordination among the **Lieutenant Governor, LAHDCs and local bodies**;
 - ♦ protection of **ecological carrying capacity**;
 - ♦ equitable representation of **Leh and Kargil**; and
 - ♦ continued Union oversight over **defence and strategic matters**.

Conclusion

- Ladakh illustrates the flexibility of Indian federalism i.e. **unity need not require uniformity**.
- The constitutional objective should be to reconcile national security and territorial integrity with democratic representation, tribal-cultural protection and sustainable local development.
- A carefully designed asymmetric governance model could provide this balance without necessarily equating a Union Territory with a State.

Daily Mains Practice Question

[Q] Ladakh's demand for Sixth Schedule protection highlights the need to balance local autonomy with national security and territorial integrity. In this context, examine the constitutional validity and feasibility of a new governance model for Ladakh.

Source: TH

