

# Ladakh under 6th schedule

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**Why is it in the news?**

- The 119th meeting of the National Commission for Scheduled Tribes was held in 2019 to deliberate the issue of inclusion of UT of Ladakh under Fifth/Sixth Schedule of the Constitution of India. The Commission after careful consideration recommends that the Union Territory of Ladakh be brought under the Sixth Schedule of the Constitution. [Leh and Kargil are the 2 districts in Ladakh]. **The Commission feels that this will help in:**
  - Democratic devolution of powers;
  - Preserve and promote the distinct culture of the region.
  - Protect agrarian rights including rights on land
  - Enhance transfer of funds for speedy development of Ladakh region.

## **The current administration of Leh and Kargil**

- The Ladakh Autonomous Hill Development Council, Leh was created under the **Ladakh Autonomous Hill Development Council Act 1995**, following demands of Ladakhi people to make Leh District a new Indian Union Territory because of its religious and cultural differences with the rest of Jammu and Kashmir. The council came into being with the holding of elections on 28 August 1995.
- An Autonomous Hill Council has also been established in neighbouring Kargil District. The Hill Council in Kargil came into existence in July 2003.
- The autonomous hill councils **work with village panchayats** to take decisions on **economic development, healthcare, education, land use, taxation, and local governance** which are further reviewed at the block headquarters in the presence of the chief executive

councillor and executive councillors. The government of Jammu and Kashmir continues to look after law and order, the judicial system, communications and higher education in the districts.

- The council is composed of **30 Councillors of which 26 are directly elected and 4 are nominated members**. The executive arm of the council consists of an executive committee composed of a Chief Executive Councillor and four other executive councillors.

### **What is the 6th schedule?**

- The Sixth Schedule consists of provisions for the administration of tribal areas in **Assam, Meghalaya, Tripura and Mizoram**, according to article 244 of the Indian Constitution.
- It seeks to safeguard the rights of the tribal population through the formation of Autonomous District Councils (ADC). ADCs are bodies representing a district to which the Constitution has given varying degrees of autonomy within the state legislature. The governors of these states are empowered to **reorganise boundaries** of the tribal areas.
- Along with ADCs, the Sixth Schedule also provides for separate **Regional Councils** for each area constituted as an autonomous region. In all, there are 10 areas in the Northeast that are registered as autonomous districts – three in Assam, Meghalaya and Mizoram and one in Tripura.
- Each autonomous district and regional council consists of **not more than 30 members, of which four are nominated by the governor and the rest via elections**. All of them remain in power for a term of five years. The Bodoland Territorial Council, however, is an exception as it can constitute up to 46 members out of which 40 are elected.
- The ADCs are **empowered with civil and judicial powers**, and can constitute village courts within their

jurisdiction to hear trials of cases involving the tribes. Governors of states that fall under the Sixth Schedule specify the jurisdiction of high courts for each of these cases.

- The councils are also **empowered to make legislative laws** on matters like land, forests, fisheries, social security, entertainment, public health, etc. with due approval from the governor. The roles of the central and state governments are restricted from the territorial jurisdiction of these autonomous regions. Also, Acts passed by Parliament and state legislatures may or may not be levied in these regions unless the President and the governor gives her or his approval, with or without modifications in the laws for the autonomous regions.