

VOICES FROM THE MOUNTAIN REASONS BEHIND PROTESTS IN LADAKH, SONAM WANGCHUK, AND THE 6TH SCHEDULE

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ABSTRACT

The current protests in Ladakh for statehood, Sonam Wangchuk, and the 6th Schedule have garnered widespread attention. The people of Ladakh are seeking recognition of their cultural and environmental identity and greater autonomy. Ladakh, located in the Himalayas, is a region of great ecological significance, and the melting of glaciers in the area poses a severe threat to the environment and people of the region. The demand for statehood and the 6th Schedule is not just a political issue but a matter of survival for the people of Ladakh. The protests in Ladakh underscore the need for a comprehensive approach to address the concerns of the people of the region. The paper highlights the potential impact of granting statehood to Ladakh on India's climate change policy. The demand for the 6th Schedule is a crucial step towards protecting the fragile ecosystem of the region and combating climate change. The government must engage in a constructive dialogue with the people of Ladakh and take concrete steps to address their concerns. The failure to do so could have dire consequences not just for the people of Ladakh but also for India's environmental and economic well-being.

Keywords – Ladakh, Sonam Wangchuk, 6th schedule, Climate Change, Environment.

INTRODUCTION

In Ladakh, there have been widespread demonstrations demanding complete statehood and recognition under the 6th Schedule¹ of the Constitution. These protests are being spearheaded by the Leh Apex Body, which is a coalition of political and social organizations. The protesters, numbering in the hundreds, marched in Leh and chanted slogans demanding constitutional safeguards, separate parliament seats, and their rights. The Kargil Democratic Alliance is also organizing similar protests in the Kargil district, and both the Leh and Kargil Democratic Alliances have formed an alliance to push for Ladakh's statehood. The demonstrators shouted slogans, asserting that they were not pleading but rather demanding their rights. "We are not begging. We seek our rights," proclaimed the protesters.

¹ Constitution of India 1950, 6th Schedule, art244(2) and art275(1)

It is ironic that on August 5, 2019, when Jammu and Kashmir lost their statehood and were divided into two Union Territories, there were jublations in Leh. At the time, the Ladakh Buddhist Association participated in the celebrations, but now, it is part of the political coalition advocating for statehood and constitutional assurances regarding jobs and land rights specifically for the people of Ladakh.

Initially, the BJP division in Ladakh was also part of the coalition, but it later withdrew after facing criticism for its inconsistent stance. This is the first time that Kargil, a Muslim-majority region, and Leh, which is predominantly Buddhist, have united for their political interests.

The central government is facing a significant challenge due to this development, especially since there is a prolonged military standoff along the Line of Actual Control in Ladakh. While the government and BJP have claimed that making Ladakh a separate Union Territory is a groundbreaking move that will lead to the development and put an end to decades of discrimination, the situation remains complex.²

HISTORY

In the past, Leh, located in Ladakh, was referred to by various names. Some called it Maryul or "low land," while others referred to it as Kha-chum. Fa-Hein called it Kia-Chha, and Hiuen Tsang named it Ma-Lo-Pho. According to historical records, the first immigrants to this region were the Brokpas from Dadarstan, who settled in the lower reaches of the Indus Valley, known as Sham. Another group of immigrants, the Mons, of Aryan descent, arrived from Karja (Kulu) and settled in Gya. They later spread to Rong, Shayok, Sakti Tangtse, and Durbuk, covering the area from Martselang to Khaltsi. Gya was the seat of government for the first Mon ruler, who was elected by the entire tribe. His realm included the villages mentioned above, all of which were inhabited by the Mons people. He was known by the title Gyapacho, which signified his status as the master of Gia

During ancient times, the Leh district was part of a larger region called Greater Ladakh, which spanned from Kailash Mansarovar to Swaat (Dardistan). This region was not controlled by Tibet nor was it influenced by it. Unfortunately, there is limited information available about the early history of Ladakh. However, historical records from Arab, Chinese, and Mongolian

² Nazir Masoodi, 'Huge Protests In Ladakh, Demanding Full Statehood' (*NDTV*, 2 November 2022) <<https://www.ndtv.com/india-news/huge-protests-in-ladakh-demanding-full-statehood-and-recognition-under-6th-schedule-of-constitution-3482851>> accessed on 25 February 2023

sources indicate that in the 7th century A.D., Tibet and China engaged in fierce battles in the Baltistan area of Greater Ladakh. These conflicts turned the deserts and barren mountains of Ladakh into battlefields for the warring armies.

Around one thousand years ago, prior to Tibet's rule, Ladakh was ruled by King Skitde Nemagon, and it was known as Muryul or Red Country due to the red tinge of the mountains and soil in the region. In the 10th century A.D., Skitday Nemagon and a few hundred men invaded Ladakh, which was fragmented into small principalities that were frequently at war with one another since there was no central authority. Nemagon defeated all of them and established a strong central authority. At the time, the capital of Ladakh was Shey, which became Nariskorsoom, a country comprising three provinces. The present-day Ladakh was divided into two provinces while the third included western Tibet. Although western Tibet broke away from the kingdom, it was later reunited by the famous Ladakhi ruler, Sengge Namgyal, in the 16th century A.D. Since the middle of the 10th century, Ladakh has been an independent country.

After the partition, both Pakistan and China unlawfully took control of 78,114 sq. km and 37,555 sq. km of the state, respectively, while the remaining portion of the state acceded to India. Pakistan also unlawfully gifted 5180 sq. km of this area to China. As a result, Ladakh, which consisted of the present-day Leh and Kargil districts, became one of the seven districts of the state. In 1979, the Ladakh district was divided into two separate districts Leh and Kargil during a reorganization of the districts.³

In conclusion, the history of Ladakh is a rich and complex one, with influences from various regions and cultures throughout time. Understanding the history of Ladakh is crucial to appreciate the importance of the ongoing protests for statehood and the demands for the 6th schedule to address the climate change issue.

DURING INDEPENDENCE

During the time of India's independence and partition from Pakistan, the princely states - regions governed by a local leader in cooperation with the British Raj - underwent a process of integration with either of the two countries. Raja Hari Singh, the then ruler of Jammu and

³ 'History' (*Ladakh Autonomous Hill Development Council, Leh*, 23 February) <<https://leh.nic.in/about-district/history/#:~:text=The%20present%20Ladakh%20was%20divided,the%20middle%20of%2010th%20century>> accessed on 25 February 2023

Kashmir, chose to accede to India by signing the Instrument of Accession agreement. However, unlike most other states, the agreement contained a crucial precondition: the local government of Jammu and Kashmir would have the power to make laws on all matters related to the state, except for foreign relations, defense, and communications. As a result, Article 370 was included in India's Constitution, which later became the basis for several privileges granted to the people of J&K, including restrictions on individuals from outside the state to purchase property or claim employment rights.

THE DIVISION

Until August 5th, 2019, the state of Jammu and Kashmir held a distinctive status within India, possessing its own Constitution and only a few laws that were applicable to other states. This exceptional status was provided by Article 370 of the Constitution, which was effectively abolished by the government by modifying some of its components and nullifying others via an order. Following a period of uncertainty in the state, during which the Amarnath Yatra - a religious pilgrimage that attracts a large number of devotees - was unexpectedly canceled, along with the movement of a significant number of soldiers, the announcement was made. The government had also implemented a security lockdown and disconnected all communication services in the early hours of Monday.⁴

REASONS FOR THE PROTEST

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On the 21st of January 2023, Sonam Wangchuk on his youtube channel announced that he would go on a 5-day hunger strike from 26th January onwards, the reason being that India was ignoring the people of Ladakh. This hunger strike was said to take place in the Khardungla pass which is also known as the world's highest motorable road. The temperature of this place starts from -15 and can go up to -40. Sonam Wangchuk had asked for permission to carry on with the hunger strike from the government which was denied, he was given a reason saying that the temperature would be extremely low and it could be fatal for his health and well-being. He was then eventually denied to step out of his institute.

The right to protest is our fundamental right but committing suicide is a crime. If the state gets to know that if there is any chance of danger to a citizen's life they can do anything to prevent

⁴ 'Article 370 revoked in J&K: A look back at its history and what now' (*Hindustan Times*, 22 September 2020) <<https://www.hindustantimes.com/india-news/article-370-revoked-in-j-k-a-look-back-at-its-history-and-what-now/story-56pEY6h2tGSgRbPMt05PdJ.html>> accessed on 25 February 2023

it. Wangchuk on the other hand feels that this was done just to cover up the fact that the promises made to the people of Ladakh were still not fulfilled after 4 years.

WHY IS LADAKH UNHAPPY?

The revocation of Article 370 was just one obstacle preventing the people of Ladakh from attaining freedom. Following the revocation, the Jammu & Kashmir Reorganization Act of 2019 was passed, which established Jammu & Kashmir and Ladakh as two separate Union territories.

Union Territories: There are two categories of Union Territories, namely those with a legislature and those without. While Union Territories are administered by the central government, the presence or absence of a legislature distinguishes between the two types. A Union Territory with a legislature, such as Delhi and Puducherry, has its own assembly and elected MLAs but lacks an Upper House or Vidhan Parishad. The Lieutenant Governor, who is appointed by the Centre, has the ultimate decision-making authority. On the other hand, a Union Territory like Chandigarh which lacks a legislature is not represented by elected officials. In summary, Union Territories with legislative assemblies have partial statehood. After the bill became law, Ladakh announced a UT with the legislature and Jammu & Kashmir without legislature.⁵

Current Scenario: Presently, Ladakh has two Hill councils, located in Leh and Kargil. However, these councils have very limited power and can only collect local taxes such as parking fees. The majority of Ladakh's population, approximately 90%, are tribal and are well-informed about their economic and environmental challenges. They are protesting to communicate their demands to the government and are simply seeking the rights that have been withheld from them for many years. The people living in Ladakh are concerned that the removal of article 370 may result in private companies establishing their offices in the area and causing harm to the environment in the guise of development. They believe that they should have a say in the current decision-making process, and being excluded from it feels like a step back to the days when article 370 was in effect. Previously, Ladakh had to seek funding from Kashmir, but now they have to request funds from the central government. According to Sonam

⁵ 'Union territories with and without legislature: How will Ladakh be different from Jammu and Kashmir' (*India Today*, 6 August 2019) <<https://www.indiatoday.in/india/story/union-territories-with-and-without-legislature-how-will-ladakh-be-different-from-jammu-and-kashmir-1577619-2019-08-05>> accessed on 25 February 2023

Wangchuk, more than 6000 crore rupees were designated for Ladakh, but they were not utilized and consequently lapsed.

WHAT LADAKH WANTS?

For 70 years, the people of Ladakh had been demanding the same thing which finally happened in 2019. Prior to the revocation of Article 370⁶, Ladakh was largely ignored in terms of budget, policies, and attention. The revocation of Article 370 brought about great celebrations among the people of Ladakh, who finally felt like their voices were being heard. Previously, when Jammu & Kashmir were one state, the central government's funds were mainly allocated to Kashmir, as the security situation there was deemed more critical. However, this approach was unfair to Ladakh, which has a distinct demography, language, and culture that differed from the rest of the state. As a result, Ladakh was not adequately represented, and the focus remained on Kashmir. Additionally, before the revocation of Article 370, there were numerous restrictions that led to a scarcity of employment opportunities in Ladakh. It's worth noting that Ladakh's land size is much greater than that of Jammu & Kashmir, accounting for around 60%.

For a period of 5 to 6 months each year, this region is completely isolated from the rest of India. Climate change has exacerbated the challenges faced by the local population even further. Consequently, the people of Ladakh were pleased with the revocation of Article 370, as their primary objectives were sustainable development, political representation, and protection from China and the impacts of climate change. Consequent to the aforementioned events, the populace of Ladakh is engaged in protests with the objective of advocating for the implementation of the 6th schedule.

WHAT IS THE 6TH SCHEDULE?

Article 244 encompasses the Sixth Schedule⁷ which facilitates the creation of self-governing administrative units, known as Autonomous District Councils (ADCs), which possess a degree of legislative, judicial, and administrative independence within a state. The Sixth Schedule also comprises specific regulations for the management of tribal territories in the four northeastern states of Assam, Meghalaya, Tripura, and Mizoram.⁸

⁶ Indian constitution 1950, art 370

⁷ Constitution of India 1950, 6th Schedule, art244(2) and art275(1)

⁸ 'Union territories with and without legislature: How will Ladakh be different from Jammu and Kashmir' (India Today, 6 August 2019) <<https://www.indiatoday.in/india/story/union-territories-with-and-without-legislature-how-will-ladakh-be-different-from-jammu-and-kashmir-1577619-2019-08-05>> accessed on 25 February 2023

According to the provisions of the Sixth Schedule, the district and regional councils in Ladakh, consisting of twenty-six elected members and four members nominated by the governor, are empowered to enact legislation concerning land use, forest management, irrigation, grazing, and shifting cultivation. However, it is noteworthy that such legislative powers do not extend to matters relating to social customs, marriage, and public health. Given that Ladakh has a tribal population of over 97%, it fulfills the criteria for being accorded the status of the Sixth Schedule.

Autonomous Districts: Autonomous districts have been established in the tribal regions of the aforementioned four states. The governor holds the authority to arrange and rearrange these autonomous districts. Acts passed by the Parliament or state legislature may not be applicable to these districts or may apply with designated adjustments and exemptions. The President or Governor holds the power of direction concerning this matter.

District Council: Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the Governor and the remaining 26 are elected on the basis of adult franchise. The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office at the pleasure of the governor. Each autonomous region also has a separate regional council.⁹

CLIMATE PRESERVATION AND COMMUNITY SUPPORT IN LADAKH

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At present, the government is soliciting Sonam Wangchuk to sign an agreement that prohibits him from participating in any protests for a minimum of one month. Failure to comply with this demand would result in a penalty of Rs1 lakh in cash. Wangchuk has always been an advocate for climate preservation and has consistently adopted a solution-oriented approach. He does not intend to go against the government, rather he wishes to collaborate with them to advance India's development. Wangchuk has received numerous accolades for his work in education and climate-related issues and the ongoing initiative has garnered support from all segments of Ladakh's diverse community, including Hindus, Muslims, Christians, and Buddhists. This clearly highlights that the movement is not religiously or politically motivated. Rather, it is an endeavor by the people of Ladakh to protect their own region and homes.

⁹ 'Union territories with and without legislature: How will Ladakh be different from Jammu and Kashmir' (India Today, 6 August 2019) <<https://www.indiatoday.in/india/story/union-territories-with-and-without-legislature-how-will-ladakh-be-different-from-jammu-and-kashmir-1577619-2019-08-05>> accessed on 25 February 2023

In the past, Wangchuk urged us to boycott China, citing the country's exploitation of us for profit while simultaneously investing in the People's Liberation Army, which has been responsible for the deaths of our soldiers. At that time, we heeded his advice and witnessed its positive outcomes during the subsequent Diwali celebration. Given that the voices of the people of Ladakh are currently being ignored, we should lend even greater support to Wangchuk and his cause. It is critical that we rally behind him as the people of Ladakh continue to be deprived of their rights, even after 70 years of seeking independence from Kashmir.

Moreover, it is worth noting that climate change affects us all, regardless of geographic location, socioeconomic status, or political affiliation. The rise in global temperatures, melting glaciers, sea-level rise, extreme weather events, and loss of biodiversity all have significant and far-reaching consequences. These changes impact human health, food security, and access to clean water, as well as economic stability and social welfare. Thus, it is imperative that we all work together to mitigate and adapt to the impacts of climate change through collective action and international cooperation. By recognizing our interconnectivity and shared responsibility, we can make progress toward a more sustainable future for all. It is high time that the government and bureaucracy take action to safeguard our stunning but imperiled melting glaciers.

