

Statement and Appeal on Ladakh's Demands for Constitutional Safeguards

by
Vikalp Sangam General Assembly* and other networks

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We are issuing this statement to support the ongoing movement of the people of Ladakh, demanding Constitutional measures enabling them to protect their land, culture, environment and the economic interests, for current and future generations. These include Sixth Schedule of the Indian Constitution and statehood, which would enable them to determine their present and future without domination of bureaucrats appointed from New Delhi. **We express solidarity with all those fasting in the frigid conditions of Ladakh**, including Sonam Wangchuk and many others; we have expressed our solidarity through actions across India over the last few days.

We express shock about the way in which these demands that people/citizens of Ladakh have been making for many years, is systematically sidelined, with the central government dragging its feet and then finally rejecting them outright. This is despite the party in power having made a promise to grant 6th Schedule status to Ladakh when it was converted into a Union Territory in 2019.

We are also distressed at the attempted silencing of voices or intimidation and repression tactics trying to block students and youth from attending the ongoing mass fast or other peaceful means of protest, and the placing of CCTV surveillance of the fasting site to keep track of people visiting and participating in the fast.

In August 2019, Ladakh received the Union Territory status that the people of Ladakh, especially in the Leh district, had been demanding for over seven decades, because their aspirations were long ignored by the then Jammu and Kashmir state government. This new status had the potential for political and economic emancipation as determined by the people of Ladakh. However, UT status without legislature, or adequate constitutional safeguards to protect the unique cultural identity and fragile ecosystem and culture of Ladakh, has jeopardized this potential. On January 2, 2022, the Ministry of Home Affairs (MHA) constituted a high-powered committee for Ladakh to look over the region's development but didn't mention the demand for the 6th Schedule despite unequivocal local demands. The committee was rejected by the Leh Apex Body and Kargil Democratic Alliance for not specifying the issues they have been demanding. Subsequently another committee was set up to examine the demands, but after several meetings that were patiently attended by the Ladakh leaders, the Govt. of India refused to budge on the two main demands of 6th Schedule and Statehood.

Over 90% of the Trans-Himalayan bio geographical zone within India is located in Ladakh, an area which harbours a high diversity of many endangered animals like the wild yak, snow leopard, and blacknecked crane. These animals provide crucial ecosystem functions, and have been sustaining indigenous communities for centuries. Owing to the scarce resources scattered over large mountainous areas, these animals need to range far and wide for food. Ladakh also has a unique social and cultural mosaic that evolved over centuries. The people in the region with more than 90% indigenous

population have a distinct ethnic identity, language, value systems, traditions, and an extraordinary way of life suffused with profound spiritual and religious principles in tune with the natural surroundings. The region with its vibrant local diversity further adds to India's rich diversity.

There is a genuine fear that UT status without constitutional safeguards in Ladakh's governance, could result in the kind of extractive modern unsustainable development that has impacted the rest of India. Unregulated growth in tourism, influx of businesses and large corporate houses, mining interests, could destroy the fine balance that the people of Ladakh have achieved while pursuing their livelihoods as well as exacerbate the glacial loss that is already a huge concern, threatening to impact livelihoods of not just the people of Ladakh but of millions of Indians who depend on its waters. Corporate giants have already begun exploring the area for business opportunities (including in tourism) and prospecting for minerals and other natural resources. While some roads and other necessary infrastructure are welcome, what is being planned or constructed is on a mega scale that seems to be more for the benefit of businesses from outside rather than the people of Ladakh themselves. This includes an airport with a capacity of 2 million visitors (over 6 times the resident population). A proposed mega-solar project could take up 20,000 acres of the fragile Changthang pastures, crucial for pastoralists and wildlife. If such projects and their proponents/builders are given an open access, Ladakh will be damaged beyond repair. Given the kind of evidence emerging of the impacts of big infrastructure projects in Joshimath and elsewhere in the Himalaya, caution regarding what kind of development should be allowed in Ladakh is especially warranted.

These demands are also justified in order to strengthen local democratic processes and rights. After the creation of the UT, decision-making has shifted even further away from Ladakh, with most crucial decisions on budgets and plans being made in or at the behest of New Delhi. Nearly all consultancies and contracts for planning, such as the making of vision documents, are being given to non-Ladakhis. The proposed Industrial Land Allocation Policy has single-window clearance committees that include no Hill Council members, panchayats, or local civil society groups, all power being in the hands of the UT Administration, contrary to its assurance that land rights will remain vested in the Hill Council.

The ruling party in New Delhi had promised adequate Constitutional safeguards after Ladakh became a Union Territory in 2019. Even the National Commission for Scheduled Tribes recommended the inclusion of Ladakh under the Sixth Schedule for democratic devolution of powers, preserving the natural and cultural heritage of the region, its customary governance system, ensuring agrarian rights of local people, and enhancing transfer of funds for the region's development needs. However, none of the promises made in the ruling party's manifestos (for Lok Sabha and local Council elections) were kept, leading to increasing insecurities in the Ladakhi people over their land, nature, resources and livelihoods leading to massive protests in both Kargil and Leh districts.

A special Constitutional status to Ladakh should include adequate powers with the Kargil and Ladakh Autonomous Hill Development Councils to exercise control over land, natural resources including minerals, tourism, and development policy. Additionally, we strongly recommend that the villages of Ladakh be empowered under the Fifth Schedule of the Constitution, if it is possible to include an area under both Schedules. This would include the application of the Panchayat (Extension to Scheduled Areas) Act (PESA) to empower gram sabhas and not only panchayats. This is essential for local self-governance, and for the people of Ladakh to be involved on a direct and day-to-day basis in determining their present and future. Both the 5th and 6th Schedules are in principle applicable to

Ladakh given that more than 90 percent of the population are of Scheduled Tribe status. Additionally, the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act 2006 should be expediently applied with the full empowerment of local communities, especially to enable pastoral and other ecosystem-dependent communities to secure their collective rights over landscapes essential for their livelihoods.

Furthermore, without such safeguards and a clear mandate for the people of Ladakh to determine their own future, the government would disrespect the decades-old trust of the local people in the Union of India, and their contribution to maintaining security in our border areas. The people of Ladakh have put their lives in danger during all the wars in the region and stood like a bulwark against unfriendly neighbours. Thus, the interests and aspirations of the people of the region, and the environment they depend on, need to be honoured and fulfilled.

We urge the Government of India to agree to the demands of Ladakhi people and help protect this unique ecological and cultural landscape. We also urge the people of Ladakh to continue strengthening their own internal democratic processes, so that communities and institutions like the Hill Council are able to resist decisions that adversely impact them and their environment, as also construct viable alternatives for meeting basic needs, aspirations, and the goals of well-being.

* The Vikalp Sangam General Assembly (VSGA) is the coordinating mechanism for the Vikalp Sangam process (www.vikalpsangam.org), which aims to network movements, organisations and individuals working on alternatives to unsustainable, iniquitous development. It contains about 85 organisations and networks across India, listed below.

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Action for Community Organisation Rehabilitation and Development (ACCORD)	Movement For Advancing Understanding of Sustainability And Mutuality (MAUSAM)
AGRAGAMEE	Jagori Rural Charitable Trust
Alliance for Sustainable and Holistic Agriculture (ASHA)	Kagad Kach Patra Kashtakari Panchayat (KKPKP)
Alternative Law Forum	Kalpavriksh
Bhoomi College	Kriti Team
Blue Ribbon Movement (BRM)	Ladakh Arts and Media Organisation (LAMO)
Canopy Collective	Let India Breathe (LIB)
Centre for Education and Documentation (CED)	Local Futures Ladakh
Centre for Environment Education (CEE)	Maadhyam
Centre for Financial Accountability (CFA)	Maati
Centre for Pastoralism (CFP)	Mahila Kisan Adhikar Manch (MAKAAM)
CGNetSwara	Mahalir Association for Literacy Awareness and Rights (MALAR)
Chalakudypuzha Samrakshana Samithi / River Research Centre	Mazdoor Kisan Shakti Sangathan (MKSS)
Chetna	National Alliance of Peoples' Movements (NAPM)
Dakshin Foundation	National Campaign for Dalit Human Rights (NCDHR)
Deccan Development Society (DDS)	National Coalition for Natural Farming (NCNL)
Deer Park	National Federation of Dalit Women
Desert Resource Centre	Nirangal Charitable Trust
Development Alternatives	Non-timber Forest Produce - Exchange Programme (NTFP-EP)
Dhaatri Trust	Organic Farmers Market (OFM)
Dharamitra	People's Resource Centre (PRC)
Ektha	Peoples' Science Institute (PSI)
Equitable Tourism Options (EQUATIONS)	reStore
Forest Rights Coalition – JK	Revitalising Rainfed Agriculture Network (RRA)
Foundation for Economic and Ecological Development (FEED)	Rythu Swarajya Vedika
Fridays for Future India	Sahjeevan
Gene Campaign	Sahodaya Trust
Goonj	Sambhaavnaa
Greenpeace India	Sangat
Ideosync Media Combine	
Inner Climate Academy (ICA)	
Margshala Foundation	

School for Democracy (SFD)
School for Rural Development and
Environment (SRDE)
Shikshantar
Snow Leopard Conservancy - India Trust
(SLC-IT)
Sikkim Indigenous Lepcha Women's
Association
Social Entrepreneurship Association (SEA)
Society for Participatory Ecosystem
Management (SOPPECOM)
South Asian Dialogue on Ecological
Democracy/Harit Swaraj Samvaad
The Himalaya Collective

Timbaktu Collective
Titli Trust
Travellers' University
Tribal Health Initiative (THI)
Tula Organic Clothing
URMUL Seemant Samiti
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