



Ladakh Under Sixth Schedule

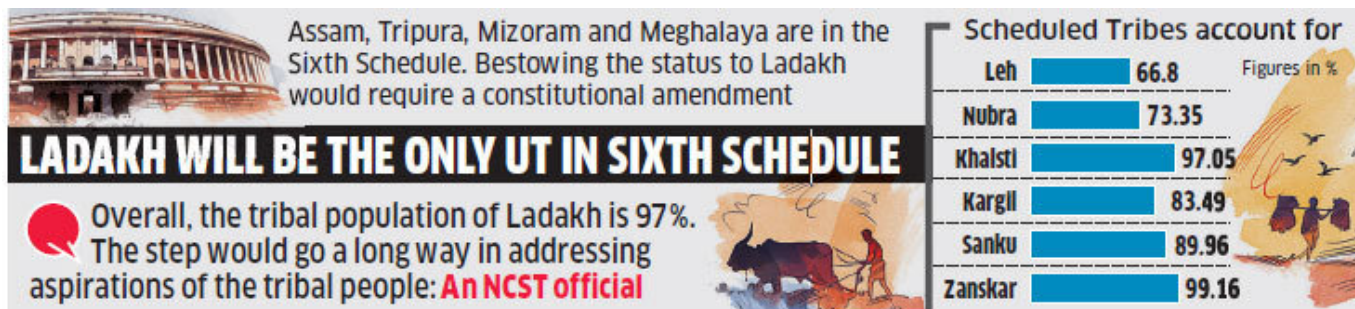
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The **National Commission for Scheduled Tribes (NCST)** has recommended that the **Union Territory (UT) of Ladakh be included in the Sixth Schedule of the Constitution.**

- **NCST, a constitutional body** to safeguard socio-cultural rights of Scheduled Tribes, was entrusted with the responsibility of examining the status of tribals in Ladakh, by the Centre.
- **If included, Ladakh will be the only UT in the Sixth Schedule.** Also, bestowing such a status to Ladakh would **require a constitutional amendment.**

Reasons Behind the Recommendation

- It is estimated that **more than 90% of Ladakh's population is tribal.** The primary **Scheduled Tribes (STs)** in Ladakh are **Balti Beda, Bot (or Boto), Brokpa (or Drokpa, Dard, Shin), Changpa, Garra, Mon and Purigpa.**
Thereby **several distinct cultural heritages** of these communities in Ladakh region needs to be preserved and promoted.
- **Prior to the creation of Union Territory of Ladakh, people in Ladakh region had certain agrarian rights** including right on land which restricted people from other parts of the country to purchase or acquire land in Ladakh.
- Inclusion in the sixth schedule **will help in democratic devolution of powers** in the region and will also enhance the transfer of funds for speedy development of the region.



Sixth Schedule

- The Constitution, under Sixth Schedule, contains **special provisions for the administration of tribal areas** in the **four north-eastern** states of **Assam, Meghalaya, Tripura and Mizoram.**

- **Autonomous Districts:** The tribal areas in these four states have been constituted as autonomous districts. The **governor is empowered to organise and re-organise the autonomous districts.**
 - The acts of Parliament or the state legislature do not apply to autonomous districts or apply with specified modifications and exceptions.
 - The power of direction, in this regard, lies **either with the President or Governor.**
- **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 during the pleasure of the governor.
 - Each autonomous region also has a separate regional council.
- **Powers of the Council:** The district and regional councils administer the areas under their jurisdiction.
 - They can make **laws on certain specified matters like land, forests, canal water, shifting cultivation,** village administration, the inheritance of property, marriage and divorce, social customs and so on. But **all such laws require the assent of the Governor.**
 - They can **constitute** village councils or **courts for trial of suits and cases between the tribes.** They hear appeals from them. The jurisdiction of the high court over these suits and cases is specified by the governor.
 - The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district.
 - They are empowered to **assess and collect land revenue** and to impose certain specified taxes.

National Commission for Scheduled Tribes

- **Formation:** The National Commission for Scheduled Tribes (NCST) was established by **amending Article 338** and inserting a new **Article 338A** in the Constitution through the **Constitution (89th Amendment) Act, 2003.**

By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- the National Commission for Scheduled Castes (NCSC), and the National Commission for Scheduled Tribes (NCST) w.e.f. 19th February 2004.
- **Composition:** The National Commission for Scheduled Tribes has a **Chairperson, a Vice-Chairperson and 3 other Members.** These are appointed by the **President** by warrant under his hand and seal.
 - One of the three other Members has to be a **woman.**
 - The Vice-Chairperson and all other Members, out of whom **at least two** are appointed from amongst persons **belonging to the Scheduled Tribes.**
- **Term of Office:**
 - The term of office of each member of the Commission is **three years** from the date of assumption of charge.
 - The members are **not eligible for appointment** for more **than two terms.**

- **Functions:**
 - To monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law or under any order of the Government
 - To participate and advise on the planning process of socio-economic development of the Scheduled Tribes,
 - To evaluate the progress of their development under the Union and any State,
 - To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.
- **Headquarters:** New Delhi.

Source: PIB