



Ladakh's Demand of Sixth Schedule

For Prelims: Parliament, Union Territory (UT) of Ladakh, Sixth Schedule of the Constitution, Autonomous District Councils (ADCs)

For Mains: Demand for the inclusion of Union Territory (UT) of Ladakh in the Sixth Schedule

Why in News?

Recently, the Ministry of Home Affairs (MHA) constituted a high-powered committee for the Union Territory of Ladakh to “ensure protection of land and employment” for the people of Ladakh.

- According to a few members of the committee, the MHA's order is vague and does not address their demand for inclusion in the [Sixth Schedule](#).
- In September 2019, the [National Commission for Scheduled Tribes](#) recommended the inclusion of Ladakh under the Sixth Schedule, noting that the new UT was predominantly tribal (more than 97%) and its distinct cultural heritage needed preservation.

Why was the Committee Formed?

- **Background:**
 - Civil society groups in Ladakh have been **demanding protection of land, resources and employment for the past three years** after the special status of the erstwhile State of Jammu and Kashmir under [Article 370](#) of the Constitution was revoked by [Parliament](#) in 2019.
 - The **fear of big businesses and conglomerates taking away land and jobs** from the local people have contributed to this demand.
- **Purpose:**
 - To **discuss measures to protect the region's unique culture and language** taking into consideration its **geographical location and strategic importance**.
 - To strategize inclusive development and discuss issues related to the empowerment of the Ladakh Autonomous Hill District Councils of Leh and Kargil.

What is the Government's Stand?

- As far as special status for Ladakh is concerned, the government is **not very eager to give it**.
 - The MHA informed a parliamentary standing committee recently that the **objective for inclusion of tribal population under the sixth schedule is to ensure their overall socio-economic development**, which the UT administration has already been taking care of and that sufficient funds are being provided to Ladakh to meet its overall developmental requirements.
- According to the Ministry of Home Affairs, **Ladakh's inclusion in the Sixth Schedule would be difficult**.
 - The Constitution is very clear, **Sixth Schedule is for the Northeast**. For tribal areas in the rest of the country, there is the Fifth Schedule.

- According to a recent report tabled in Rajya Sabha, **Ladakh administration recently increased the reservation for the Scheduled Tribes in direct recruitment from 10% to 45%** which will significantly help the tribal population in their development.
- However, it remains the **prerogative of the government** — it can, if it so decides, bring a Bill to amend the Constitution for this purpose.

What is the Sixth Schedule?

- Article 244: The Sixth Schedule under **Article 244 provides for the formation of autonomous administrative divisions — Autonomous District Councils (ADCs)** — that have some legislative, judicial, and administrative autonomy within a state.
 - The 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.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q1. Which of the following provisions of the Constitution of India have a bearing on Education? (2012)

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below:

- (a) 1 and 2 only
 (b) 3, 4 and 5 only
 (c) 1, 2 and 5 only
 (d) 1, 2, 3, 4 and 5

Ans: (d)

Exp:

- Article 45 of the Directive Principle of State Policy provides for early childhood care and compulsory and free education for all children until they complete the age of 6 years. **Hence, 1 is correct.**
- The Eleventh Schedule includes 29 functions assigned to the Panchayat. Entry 17 of the list is related to education, including primary and secondary schools. Twelfth Schedule includes 18 functions assigned to municipal bodies. Entry 13 has provision for promotion of cultural, educational and aesthetic aspects. **Hence, 2 is correct.**
- The Fifth Schedule deals with administration of tribal areas under States other than Assam, Meghalaya, Tripura, Mizoram. Governor may, by public notification, direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification. **Hence, 3 is correct.**
- The Sixth Schedule deals with administration of tribal areas in Assam, Meghalaya, Tripura, Mizoram. It provides for District councils, which can establish, construct or manage primary schools. **Hence, 4 is correct.**
- The Seventh Schedule consists of Union, State and Concurrent List. It has provisions related to "education". **Hence, 5 is correct. Therefore, option (d) is the correct answer.**

Q2. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

Ans: (b)

Exp:

- Grant of mineral concessions in Scheduled Areas is guided by the provisions contained in Article 244 along with Fifth and Sixth Schedules to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or any other relevant statutory acts protecting the interests of tribals.
- Under the Fifth Schedule, the Governor may by public notification, direct that any particular Act of Parliament or of the Legislature of the State shall or shall not apply to a Scheduled Area or any part thereof in the State.
- Thus, under the Fifth Schedule, transfer of tribal land to private parties for mining can be declared null and void. **Therefore, option (b) is the correct answer.**

Q3. The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to (2015)

- (a) protect the interests of Scheduled Tribes
- (b) determine the boundaries between States
- (c) determine the powers, authority and responsibilities of Panchayats
- (d) protect the interests of all the border States

Ans: (a)

- The Fifth Schedule lays out provision for Administration and Control of Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram.
- The Sixth Schedule deals with the administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram. Therefore, option (a) is the correct answer.

Source: IE

PDF Refernece URL: <https://www.drishtias.com/printpdf/ladakh-s-demand-of-sixth-schedule>