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Ladakh Governance Roadmap: Proposed Article 371-Based Self-Governance Framework for the Union Territory

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Recent Developments:

- The **Ministry of Home Affairs (MHA)** has released the official minutes of its consultations with civil society groups from **Ladakh**, proposing a new governance framework for the Union Territory.
- Instead of extending the **Sixth Schedule**, the Centre has proposed a **customised (sui generis) self-governance model** based on the constitutional framework of **Article 371**.
- The proposal seeks to strengthen democratic representation while protecting **tribal identity, land rights, cultural heritage and local employment**.
- The draft framework represents a significant attempt to address long-standing demands relating to governance, constitutional safeguards and political representation in Ladakh.

Proposed Governance Model for Ladakh:

Customised Framework under Article 371:

- The proposed arrangement adopts a **unique (sui generis) constitutional model** by drawing upon different provisions available under **Article 371**.
- The framework aims to provide legal protection for **tribal communities, traditional culture, land ownership and local employment opportunities**.
- The proposed model seeks to achieve these safeguards without extending the **Sixth Schedule** to Ladakh.

Establishment of an Elected Union Territory-Level Institution:

- The proposal envisages the creation of a democratically elected institution at the **Union Territory** level.
- The elected body will provide a formal political platform for local representation in governance.
- The new arrangement will reduce dependence on an exclusively bureaucratic administrative structure.

Executive, Financial and Legislative Powers:

- The proposed elected institution will possess **executive, financial and legislative powers** over specified local subjects.
- The body will function as an active decision-making institution rather than merely an advisory authority.
- Delegation of powers seeks to strengthen decentralised governance within the Union Territory.

Administrative Control over Bureaucracy:

- The elected executive will exercise direct supervision over civil servants responsible for subjects assigned to the elected institution.

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- The framework also proposes authority to review administrative performance, thereby improving bureaucratic accountability.
- The arrangement intends to strengthen coordination between elected representatives and the civil administration.

Integration with Local Self-Government Institutions:

- The proposed governance framework will function in coordination with existing **Panchayati Raj Institutions (PRIs)**.
- Harmonisation between the Union Territory-level institution and grassroots local bodies aims to strengthen decentralised governance.

Statehood as a Long-Term Objective:

- The proposal acknowledges **Statehood** as the long-term aspiration of the people of Ladakh.
- Immediate statehood has not been proposed because of financial and administrative considerations, including expenditure on government administration.

Background of the Demand for Constitutional Safeguards:

Jammand Kashmir Reorganisation (2019):

- The **Jammand Kashmir Reorganisation Act, 2019**, following the changes relating to **Article 370**, reorganised the erstwhile State into two separate Union Territories.
- **Ladakh** became a separate **Union Territory** without a legislative assembly.
- The constitutional reorganisation fundamentally altered the governance structure of the region.

Democratic Representation Concerns:

- Before **2019**, Ladakh was represented by **four Members of the Legislative Assembly (MLAs)** in the erstwhile **Jammand Kashmir Legislative Assembly**.
- After becoming a Union Territory without a legislature, most executive authority shifted to the **Lieutenant Governor** appointed by the Union Government.
- The existing **Ladakh Autonomous Hill Development Councils (LAHDCs)** of **Leh** and **Kargil** continued to function but with limited legislative and executive authority.

Public Mobilisation and Civil Society Movements:

- Between **2021 and 2026**, various civil society organisations organised protests, shutdowns and hunger strikes demanding constitutional safeguards.
- Public concerns centred on protection of demographic composition, land ownership, employment opportunities and tribal identity.
- These movements highlighted growing demands for stronger democratic institutions in the Union Territory.

Major Demands Raised by Ladakh:

Four-Point Charter of Demands:

- Grant of **full Statehood** to Ladakh.
- Inclusion of Ladakh under the **Sixth Schedule** of the Constitution.
- Establishment of a separate **Ladakh Public Service Commission (LPSC)** for local recruitment and reservation.
- Allocation of **two Parliamentary constituencies**, one each for **Leh** and **Kargil**.

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Article 371: Constitutional Framework

Constitutional Position:

- **Article 371** forms part of **Part XXI** of the Constitution dealing with **Temporary, Transitional and Special Provisions**.
- It provides special constitutional arrangements for selected States based on their unique historical, cultural, regional and administrative requirements.
- While **Article 371** existed from **26 January 1950**, **Articles 371A to 371J** were introduced subsequently through constitutional amendments under **Article 368**.

Salient Features of Article 371:

- The framework enables constitutional protection of **local customs, traditional practices, customary laws and land rights**.
- Certain provisions restrict transfer of land to non-residents for protecting indigenous communities.
- The constitutional mechanism operates through State institutions rather than autonomous councils.
- **Article 371** also provides for separate **Development Boards** in **Maharashtra** and **Gujarat** for balanced regional development.

States Covered under Article 371 Series:

- **Article 371: Maharashtra and Gujarat.**
- **Article 371A: Nagaland.**
- **Article 371B: Assam.**
- **Article 371C: Manipur.**
- **Articles 371D and 371E: Andhra Pradesh and Telangana.**
- **Article 371F: Sikkim.**
- **Article 371G: Mizoram.**
- **Article 371H: Arunachal Pradesh.**
- **Article 371I: Goa.**
- **Article 371J: Kalyana Karnataka Region of Karnataka.**

Why Article 371 Instead of the Sixth Schedule?

Rationale Behind the Proposal:

- The proposed model seeks to provide constitutional protection for **land, culture, tribal identity and employment** while retaining administrative flexibility.
- The Centre considers a customised **Article 371** framework more suitable than extending the **Sixth Schedule** to the Union Territory.
- The approach attempts to balance regional aspirations with administrative efficiency and constitutional governance.

Significance of the Proposed Framework:

Administrative and Political Significance:

- The proposal enhances democratic participation by creating an elected institution with meaningful powers.
- Greater accountability of the civil administration may improve governance outcomes.
- Better coordination between elected institutions and local bodies can strengthen decentralised administration.

Socio-Cultural Significance:

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- Constitutional safeguards can strengthen protection of Ladakh's tribal communities, traditional institutions and cultural heritage.
- Protection of land ownership and employment opportunities may address local concerns regarding demographic and economic changes.
- The framework seeks to promote inclusive development while preserving the region's unique identity.

Challenges Ahead:

Implementation Challenges:

- Defining the exact constitutional and legislative powers of the proposed institution may require detailed legal clarity.
- Effective coordination between the elected institution, **Lieutenant Governor** and Union Government will be essential.
- Financial sustainability of the proposed governance model remains an important consideration.
- Building consensus among different regions and communities within Ladakh will determine long-term success.

Conclusion:

- The proposed **Article 371-based governance framework** represents a significant constitutional innovation aimed at addressing Ladakh's unique political, administrative and cultural aspirations.
- By combining democratic decentralisation with constitutional safeguards for land, culture and employment, the proposal attempts to provide an alternative to the **Sixth Schedule** while preserving administrative flexibility.
- Successful implementation will depend upon constitutional clarity, institutional coordination and continued engagement with local stakeholders.

Value Addition for UPSC:

Important Constitutional Concepts:

- **Sui Generis Model:** A unique constitutional arrangement specifically designed to address the distinctive administrative and socio-cultural requirements of a particular region.
- **Sixth Schedule:** Constitutional framework providing autonomous district and regional councils for specified tribal areas in the North-Eastern States.
- **Union Territory:** Administrative unit governed under the Constitution, where legislative powers vary depending upon constitutional provisions.
- **Decentralised Governance:** Distribution of administrative, financial and legislative authority to elected institutions closer to the people.
- **Special Constitutional Provisions:** Constitutional mechanisms designed to protect the distinctive historical, cultural and socio-economic characteristics of specific regions.

Important Institutions:

- **Ministry of Home Affairs (MHA):** Nodal ministry responsible for Union Territories, internal security and Centre-State relations.
- **Ladakh Autonomous Hill Development Councils (LAHDCs):** Autonomous local governance institutions functioning separately in **Leh** and **Kargil**.
- **Lieutenant Governor:** Constitutional administrator representing the Union Government in a Union Territory.
- **Panchayati Raj Institutions (PRIs):** Constitutionally recognised institutions of rural local self-government established under **Part IX** of the Constitution

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