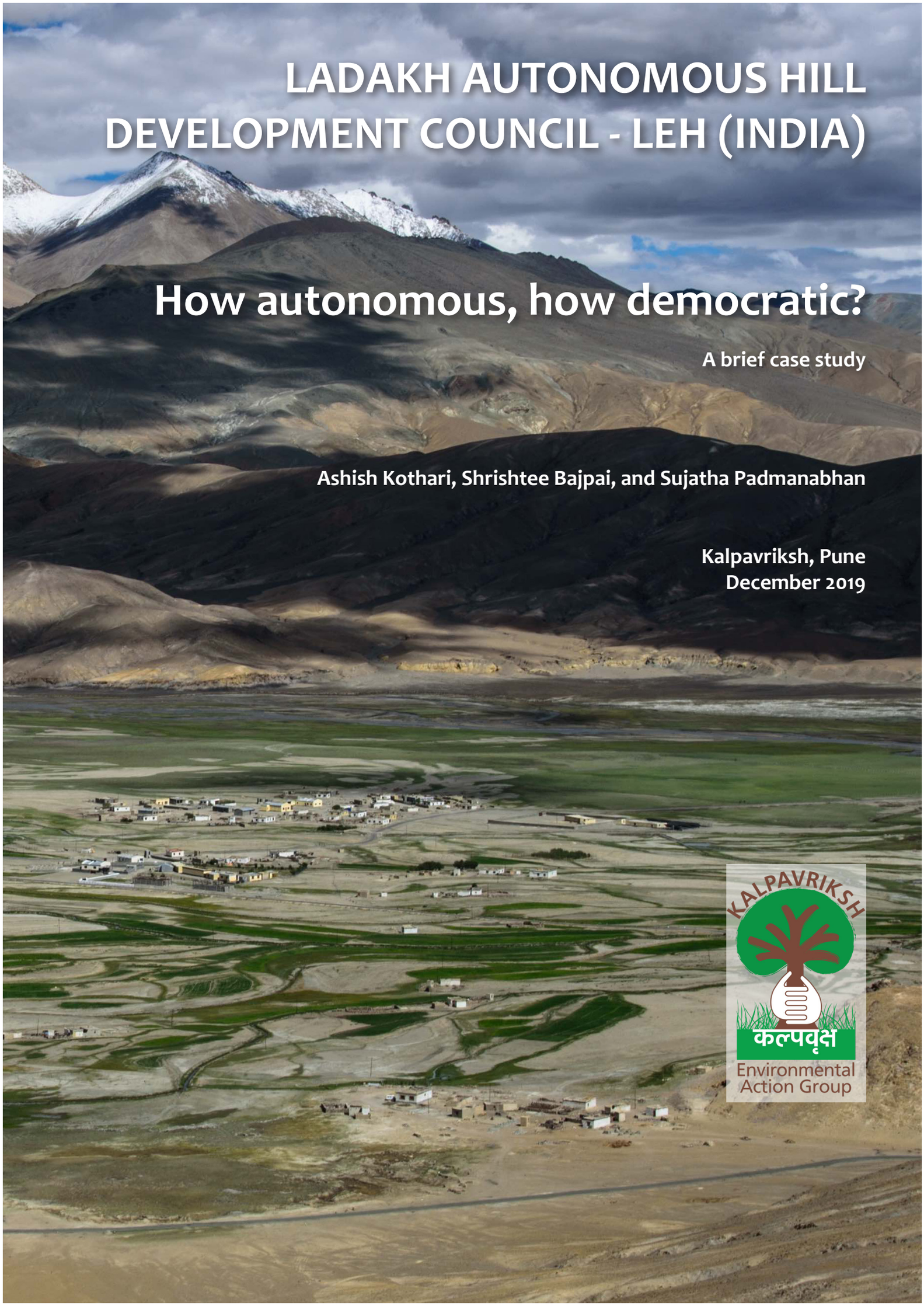

LADAKH AUTONOMOUS HILL DEVELOPMENT COUNCIL - LEH (INDIA)

How autonomous, how democratic?

A brief case study

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Contents

Summary

This case study analyses the extent and nature of democracy seen in the example of the Ladakh Autonomous Hill Development Council (Leh). Born of a demand over several decades, the status of an autonomous region within the state of Jammu and Kashmir was achieved by Ladakh in 1995 through legislative enactment. This status has benefited the region in a number of ways. But it has also been severely constrained because the relevant legislation granted limited administrative, financial and legal powers to the Council, continued domination by the state government, and inadequate use of even the limited powers that the Council had by its own members. Additionally, issues of what kind of development would be appropriate have been weakly focused on, with some notable exceptions.

This view of the external aspects of Ladakh's democratic status (i.e. autonomy in relation to the state and central governments) has been complemented by an examination of the internal aspects, i.e. how democratic is the Council vis-à-vis the region's people. Here too, while there are some positive aspects, the study found fundamental weaknesses and faults.

During the period of the study, the status of Ladakh changed dramatically from being a pair of districts to becoming a Union Territory. Since the new status has come without its own legislative assembly and without any extra powers under the Constitution, there is concern that autonomy will be further eroded, though depending on the disposition of the central government, it could also be strengthened. This report looks only briefly at the implications of the new status, as this happened during the latter part of the study.

Based an analysis of four crucial aspects of a successful democracy – rights, capacity, forums, and maturity – as relevant to Ladakh, the study concludes with some suggestions and indications of steps that could help in strengthening democracy in the region.

Saspotse, view from homestay

1. Background: Alternative Transformations and Democracy

1.1 Alternative transformations

Across the world there are a number of processes by communities, organisations, government bodies, movements, and business that are trying to tackle various dimensions of unsustainability, inequity, and injustice. Many of these processes are challenging structural forces such as capitalism, statism, patriarchy, racism, casteism, and anthropocentrism. In this sense they can be seen as alternatives to the currently dominant system.

Alternatives can be practical activities, policies, processes, technologies, and concepts/frameworks that lead us to equity, justice, sustainability. They can be practiced or proposed/propagated by communities, government, civil society organizations, individuals, and enterprises, amongst others. They can simply be continuations from the past, re-asserted in or modified for current times, or new ones; it is important to note that the term does not imply these are always 'marginal' or new, but that they are in contrast to the mainstream or dominant system.

It is proposed that alternatives are built on the following overlapping spheres, seen as an integrated whole; in this or other forms these have been expressed by many in the past, but are re-emerging in the new contexts of the 21st century: radical and delegated democracy, social well-being and justice, economic democracy, cultural diversity and knowledge democracy, and ecological integrity and resilience.

The above approach is part of (and detailed further in) an evolving note 'In Search of Radical Alternatives', laying out a framework to imagine pathways and visions that are fundamental alternatives to today's dominant economic and political system, taking us towards equity, justice, and ecological sustainability.[1] This document has emerged from an ongoing process called the Vikalp Sangam[2] that brings together practitioners, thinkers, researchers, and others working on alternatives to currently dominant forms of economic development and political governance. It aims to create a cross-sectoral platform on alternatives (or constructive

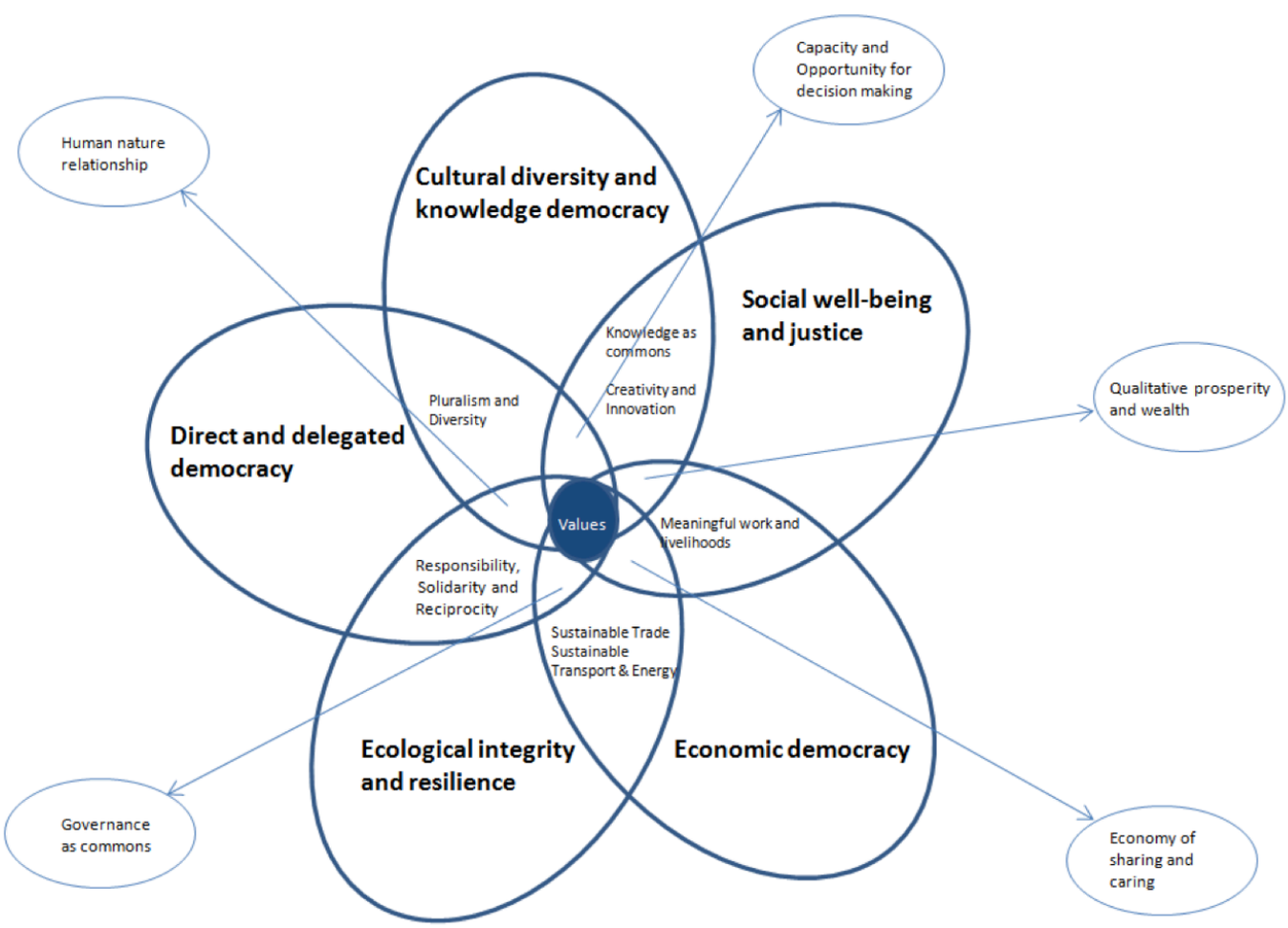

Figure 1: *Spheres of alternatives transformation*
(Note: the topics mentioned in the overlapping areas are only indicative, not exhaustive)

work) to share, learn, build hope, collaborate and to dream and deliberate towards an alternative future.

One of the issues faced by movements working towards radical transformation, is that many actions being claimed as alternatives are actually dealing only with the symptoms (e.g. recycling waste and avoid challenging its generation and the economic forces that create it), rather than bringing in radical or transformative changes. In addition, they might be fundamentally challenging one dimension of transformation but might be negatively impacting other dimensions of transformations. In order to understand these and other complex issues, a tool called the Alternatives Transformation Format (ATF)[3] has been developed as part of, the Academic-Activist Co-generation of Knowledge on Environmental Justice Project (ACKnowl-EJ).[4] This lists multiple elements of alternative transformations in the above mentioned five spheres. As the ATF notes, many alternative initiatives confront the basic structural reasons for the challenges of unsustainability, inequity, and injustice, such as capitalism, patriarchy, state-centrism, or other inequities in power resulting from caste, ethnic, racial, and other social characteristics. These can be termed transformative or radical alternatives. The ATF helps to get an understanding of whether changes are taking place towards alternative transformations, i.e. greater direct or radical democracy (where people on the ground are core part of decision-making), more control over the economy by the public (not the state or corporations) and the revival of relations of caring and sharing, sustaining or reviving cultural and knowledge diversity and the commons, and greater equality and justice on gender, class, caste, ethnic, 'race', and other aspects, all of this on a base of ecological resilience and sustainability and on fundamental ethics of co-existence amongst humans and between humans and nature.

The alternatives framework and the ATF together set the background for analysis of various initiatives at transformation in India, that Kalpavriksh is undertaking case studies on. This is part of an ongoing process in Kalpavriksh to understand myriad attempts at generating and practicing alternatives that not only challenge the dominant 'development' paradigm, but provide viable pathways for human wellbeing that are ecologically sustainable and socio-economically equitable.

Some of these case studies attempt to dig deeper into one of the above-mentioned five spheres of alternatives, i.e. direct and delegated democracy. The attempt is to document processes, initiatives and pathways towards more democratic functioning (which we explain below). In addition, the idea is to analyse how the attempts to establish radical and accountable forms of democracy establish or enhance links to the other spheres of transformation, explained above. We do this briefly or in detail, depending on the specific case.[5]

1.2 Democracy and autonomy

Democracy (*demos*=people + *cracy*=rule) is supposed to mean the rule of, by, and for people. In its original meaning this would imply that all of us, wherever we are, have the power to govern our lives. However, across the world its dominant meaning has been constrained by the form of 'liberal' governance in which representatives elected by people have power at varying degrees of centralisation. It is necessary to understand this crucial difference between direct or radical democracy and representative democracy. In the former, 'ordinary' citizens self-govern for various essential aspects of life, expressing power where they are, recognising that such power is inherent to them rather than 'given' down by the state or someone else. In the latter, power is concentrated in representatives (elected or delegated), and typically the institutions where these representatives exercise their power, forming the state, are far removed from those who have voted or selected them. These two forms of democracy are not necessarily antithetical to each other, and conceivably one can formulate systems of subsidiarity where all decisions that can be taken at the level of local, face-to-face units of direct democracy are taken there, and only those requiring larger-scale coordination are taken by units comprising representatives or delegates. In such a system, or even in those where direct democracy does not exist or is very weak, there can be various processes to ensure that representatives are accountable, transparent, and participatory in their decision-making, and that there are methods such as the right to recall, periodic rotation, and so on, that reduce unaccountable concentration of power.

Additionally, one could consider four crucial aspects of a successful democracy (whether direct or representative), beyond the form it takes. These are the right to participate, the capacity to participate, forums of meaningful participation, and wisdom

or maturity in decision-making (Kothari in press). These are expanded in Section 8 below, where we analyse these aspects of democracy in Ladakh's case.

It would also be useful to understand the word 'autonomy' here, since it figures explicitly in the Ladakh case. The original meaning of the word, *autonomous*, from its Ancient Greek roots, comes from *auto* (self) and *nomos* (law). Hence when combined it means 'one who gives oneself one's own law'. The standard dictionary definition of autonomy is a self-governing community. Various indigenous and community movements like the Zapatista in Chiapas state of Mexico, or the Kurds in the transboundary region of Syria, Turkey, Iraq and Iran have conceived of autonomy as their right to self-determination, governing themselves according to their own political, socio-cultural, ecological, economic context and their spiritual or ethical value systems. Gandhi's notion of *swaraj*, more comprehensive than autonomy, focuses on self-rule of political as well as individual's spiritual freedom, in responsibility to the freedom and self-rule of others.[6]

2. Introduction to the Case

This case study focuses on the attempt by the people of Ladakh to participate in India's democracy in meaningful ways that provide them some voice. After some decades of struggle and demands, in 1995, Leh district of Ladakh (then a region in the state of Jammu and Kashmir) was granted a degree of decision-making control through an institution called the Ladakh Autonomous Hill Development Council (hereafter called LAHDC-Leh, to distinguish it from its Kargil counterpart). The study focuses on understanding how 'autonomous' LAHDC-Leh really is vis-a-vis the State and Central government; the process of internal democracy, accountability and transparency in how LAHDC-Leh itself works, especially regarding the inclusion of marginalised communities in decision-making. Only briefly and somewhat peripherally, the study also points out (in relation to the ATF mentioned above) how one sphere of transformation (direct and delegated democracy) links to other spheres in complementary or contradictory ways. The case of LAHDC-Leh raises important questions about understanding the transformative process of autonomy on the ground and the need to address the fundamental weaknesses and flaws of statism and representative democracy to truly establish participatory and emancipatory forms of governance, development and social justice.

The existing research and analysis of the LAHDC-Leh (referred to below) gives us an insight into what it is, how it functions, what it has been able to achieve and where it has failed. However, going by what is available on the web and what our contacts in Ladakh were able to make available to us, it seems the analysis is limited in the following ways:

1. It is largely limited to a short period right after LAHDC-Leh's inception, till the early 2000s, and does not bring out what has happened after 15-20 years of its existence.
2. Where there is more recent analysis (e.g. Murtaza 2016), it is restricted to some aspects of democracy (for instance on sharing of powers with state government), and not through the radical democracy perspective as described above.

It is important to note here that even as our case study was going on, and after we had made a visit to Ladakh, its status changed substantially from being a pair of districts within a state to being a Union Territory. A decision on this in principle was taken by the Union Government in early August 2019, and came into effect on October 31st of the same year. The consequences of this change are yet to play out, of course. Hence this report has not built in the new status in any substantive way, but we do comment on the potential implications of this change, in section 9 below. Given the indications that, notwithstanding this change of status, the LAHDC-Leh will continue in some form, we feel that the conclusions of this study are still very relevant.

3. Objectives, Methodology, and Limitations

This study aims to:

- Examine LAHDC-Leh process from the perspective of direct democracy, including its various elements (rights and powers, capacity, forums, and maturity);
- Elucidate the aspects of democracy in both the relationship of the LAHDC-Leh with the state and central governments (henceforth we call this its 'external' dimension) and in the way it functions vis-à-vis the people of Ladakh (we call this its 'internal' dimension);
- Examine how the attempts at establishing democratic autonomy fare if the basic tenets are the same as that of a representative democracy;

- Briefly comment on how one sphere of direct and delegated democracy links to other spheres (social, political, cultural and economic) in complementary or contradictory ways.

Hence, the main research questions were:

1. Has the LAHDC-Leh been truly autonomous in relation to the Jammu and Kashmir state and the Indian state?
2. Has political autonomy, to whatever degree it has been achieved, enabled economic autonomy, and ecological decision making? Has it reduced Ladakh's dependence on State and Central governments?
3. Has the LAHDC-Leh been fully democratic vis-à-vis the people of Ladakh, with the participation of various ethnicities, of both urban and rural populations, and in particular of those sections that are economically or socially marginalised?

This case study builds on easily accessible, existing literature on LAHDC-Leh. The team visited Ladakh in March 2019 and conducted semi-structured interviews with councillors and ex-councillors, bureaucrats, researchers and activists, on understanding the contours of internal and external democracy of LAHDC-Leh (see Annex 1 for a list of people spoken to). It also took part in a village-level discussion at Saspotse organised by Snow Leopard Conservancy – India Trust, that enabled better understanding of some aspects of internal democracy. Informal discussions and participation in relevant workshops during another visit by two members of the team in September 2019, helped further the team's understanding, especially on the implications of the new legal status of Ladakh mentioned above. In a limited way, the Alternatives Transformation Format mentioned above was used as a background reference, though not in a formal, structured way.

Given the brief period of direct contact with people in Ladakh, a limited number of respondents (formally, 7; informally, a few more), and lack of any direct observations on democracy at work, the case study is necessarily brief, and may miss a number of complexities and nuances that a more detailed and longer-term involvement may have brought out.

4. About Ladakh[7]

Ladakh, meaning the "land of high passes" in Ladakhi, is one of the highest plateaus (3000msl and higher) of India, with part of its northern and eastern territory bordering China and Pakistan. It is also a very sparsely populated region. Till late 2019, it was part of Jammu & Kashmir state, constituting 70% of its geographical area (in August the Government of India proposed to change its status to a Union Territory, and this came into effect on 31 October 2019). The total area of Ladakh region is around 59,146 square kilometres.

The population of Ladakh as per 2011 census was 274,289 with Muslims (predominating in Kargil

Blacknecked crane & wild ass group, Hanle, Ladakh

district) constituting 46%, Buddhists (forming the majority in Leh district) 40%, Hindus 12%, and others 2%.[8]

The region of Ladakh includes parts of the Karakoram and Himalayan mountain ranges and the upper Indus River valley formed over a period of 45 million years. Much of it is high altitude desert; in fact Ladakh contains 90% of India's coverage of this ecosystem. The region's unique topography also includes snow-capped and rocky mountains, high-altitude lakes, grasslands, sand dunes, geothermal hot springs and mighty rivers like the Indus and Zanskar, fed mostly by winter snowfall and glacial melt. This diverse landscape is also home to a diversity of mammals, such as the Asiatic ibex, blue sheep, Tibetan gazelle, Tibetan wild ass, Tibetan wolf, red fox, snow leopard, and 318 recorded species of birds including the highly endangered Blacknecked crane (Padmanabhan and Kundaji 2014). The vegetation is sparse, yet around 1250 plant and crop species are reported to be found in Ladakh. Despite low rainfall and long spells of intense winters, the Ladakhis have been able to fulfil their basic subsistence for a long time now. Barley, potato, wheat, beans, buckwheat, and mustard are some of the important crops that Ladakhis grow in usually small patches of land. Apart from these green patches, willow, poplar, fruit and nut trees can be found in the lower altitudes.

Along with the unique topography, the region has had a unique cultural history. The history of the inhabitation can be traced back to Neolithic times. The earlier inhabitants of the region were *Dards and Indo-Aryans*. The region finds mention in Indian Puranas, works of Herodotus, and Chinese traveller Xuanzang's texts. Over much of the first millennium the region was under the western Tibetan Zhangzhung kingdom that practiced the Bon religion. It also witnessed continued entry of people from central Asia; many Sufi missionaries propagated Islam in the region during the periods between the 1380s and 1510s, adding to the Tibetan Buddhist culture of the region. Being on long-distance trade routes also subjected it to many cultural and economic influences. The Tibetan influence on the culture, economy and lifestyle of Ladakh (especially its Leh subregion), including cuisine, music, dance, sport, and language, is particularly strong, since its eastern part is on the very edge of the Tibetan plateau. On its Kargil side, Islamic influence has been stronger.

In the 19th century, the region came under the Dogra rule and was integrated into the princely state of Jammu and Kashmir (J&K) under British India in 1846. Post-independence, the region remained part of J&K state to be administered from Srinagar. In 1979, the region of Ladakh was divided into two districts, Leh and Kargil. Due to its location, the region has been of utmost strategic importance for India and its neighbouring countries (China including Tibet, and Pakistan), resulting in it being one of the Indian Army's vital military bases. Recently, in August 2019, the region's long-standing demand for separation from Jammu & Kashmir State and for a union territory status was passed by the Parliament of India (though the manner it got this has caused concern, see Section 9 below), the decision coming into effect on October 31st.

5. Ladakh Autonomous Hill Development Council

5.1 History

Ladakh was for about a millennia an independent kingdom,[9] till 1834, when it was invaded by General Zorawar Singh on behalf of the Dogra king of Jammu (van Beek 2000). In 1846, with the creation of Jammu and Kashmir (J&K), Ladakh was made a part of it. This is said to have initiated a history of subjugation, marginalisation and cultural exclusion, which has continued ever since. This is the backdrop of the demand, from the late 20th century, for being granted a Union Territory status.

In spite of being an 'integral' part of the Union of India, Ladakhis have felt excluded from policy planning especially in terms of disregard for their unique geo-climatic conditions, lack of fair disbursement of economic resources from J&K and India, inadequate Ladakhi representation in state and national institutions, and recognition of their unique cultural identity. With hardly any Ladakhi representatives in the State's bureaucracy, the region felt severely neglected. A number of agitations and demands over several decades expressed the need for separation of Ladakh from Jammu and Kashmir state. The continuous marginalisation resulted in a vociferous demand for effective local institutional arrangements which can help promote people-centred development. A long campaign was led by the Ladakh Buddhist Association (LBA) seeking regional autonomy for Ladakh by demanding Union Territory (UT) status.

Finally, after decades of struggle, in the early 1990s it was recognised that the people of Ladakh should have autonomy in determining its future. According to one researcher, though, the demands were not necessarily all-rounded or holistic (van Beek 1995): "The specific grievances, as expressed in memoranda and other submissions, that gave rise to the demand however are not so much criticisms of the goals or trajectories of existing (Government) development efforts, but 'merely' of its pace (too slow), its distribution (privileging of other parts of the State and/or other religious communities), and its 'size' (more money should be allocated for Ladakh, because the region is so huge and sparsely populated). The criticism, then, does not reflect any critique of 'conventional' development, nor does it put much emphasis on environmental or cultural protection."

In the subsequent negotiations with Central and State government, reference to the Darjeeling Gorkhaland Hill Council model was made to grant the region a significant measure of autonomy through the Ladakh Autonomous Hill Development Council Act of 1995, replaced by an identical law gazetted by the state in 1997 (van Beek 1999, 2000). This was to extend to both Leh and Kargil districts, but the latter refused the proposal. However, after a few years of its implementation in Leh district, Kargil established its own council in 2003.

The first elections to LAHDC-Leh were held on August 28, 1995. The LAHDC-Leh was envisaged as a mechanism to empower the Ladakhi people, for deliberating on local developmental priorities. According to Rigzin Spalbar, who has served four times on the LAHDC-Leh (including twice as Chief Executive Councillor), the early activists involved did not want the word 'development' to be mentioned as their mission was not limited to mere autonomy in development; it was seeking autonomy in law-making, legislation, judiciary, law and order. However, that request was not granted and the implications of it can be seen now (detailed in the sections below).

The 'Reasons of Enactment' accompanying the Act were the following:

1. Ladakh region is geographically isolated with a sparse population, a vast area and inhospitable terrain which remains landlocked for nearly six months in a year. Consequently, the people of the area have had a distinct regional identity and special problems distinct from those of the other areas of the State of Jammu and Kashmir. The people of Ladakh have, for a long time, been demanding effective local institutional arrangements which can help to promote and accelerate the pace of development and equitable all-round growth and development having regard to its peculiar geoclimatic and locational conditions, and stimulate fullest participation of the local community in the decision making process.
2. It is felt that decentralisation of powers by formation of Hill Councils for the Ladakh Region would give a boost to the developmental activities in Ladakh and meet the aspirations of the people of the said Region. The present measure is enacted to achieve the above object."

In spirit and partly in letter, the basic principles of local self-governance, participation in decision making and being able to determine pathways of development, are the foundation of the creation of the LAHDC-Leh. But, as we will see below, 'autonomy' is more on paper than in actuality.

5.2 Structure and functions ('executive powers')

The LAHDC Act came into being in 1995, regazetted in 1997 and amended in 2018 (Act 1995; Act 1997; Act 2018).[10] According to the Act, the total number of seats in the council filled by representatives directly elected from territorial constituencies is twenty-six. Additionally, the government can nominate not more than four persons from amongst the principal religious minorities and women in the districts to be the members of the councils.[11] The executive committee of the council comprises of 5 members including the chief executive councillor (CEC) and four other councillors. The sitting members of the Legislative Assembly of the State of Jammu & Kashmir[12] and the sitting members of the parliament shall be ex-officio members of the council constituted in the district. The CEC is also the chairperson of the Council elected by the members of the council. The 2018 Amendment to the Act incorporated a new position of Deputy Chairman of the Council, who is also elected by the elected members, who would preside over the meetings in the absence of the Chairman but have no specific independent executive powers. The Deputy Commissioner of the district (appointed by the J&K state government) will be the Chief Executive Officer of the Council who has the right to be present in all the Council meetings. The council is constituted for five years unless

Village level meeting with authors, Saspotse, Ladakh

dissolved for any reason. The council is mandated to meet at least once in every 3 months and the quorum necessary to take decisions has to be at least 10 members. Ex-officio members have no right to vote in the meetings of the council.

All the government employees in the district except the judicial and police personnel are transferable employees under the Council with the Chief Executive Officer (Deputy Commissioner) being the reporting authority for all District level officers. The 2018 amendment also provides for panchayats to follow the directions of the Council, and names the Chief Executive Councillor to be the Chairman of all Tourism Development Authorities.

The items that come under the control and administration of the Council include 28 functions (or 'executive powers') including: allotment, use and occupation of land under the control of the Council, formulation of district development plans in accordance with national and state-sponsored schemes, formulation and finalisation of budgets, laying down guidelines for implementation of schemes, management of demarcated forests, water supplies, water storage/drainage etc, livelihoods generation, education, buildings, small-scale industries/handloom/handcraft, power development, among others. The Council has the power to levy and collect taxes and fees under state rules and credit the same to the consolidated Council Fund except for Goods Services Tax, Stamp Duty, Excise Duty, Passenger Tax and a few others. The Council has a consolidated Council Fund that is operated through government treasuries; as per 2018 Amendment, the Council can get funds directly from centrally sponsored schemes. There is a provision that allows carrying forward the unspent money in the Council Fund to the following year as an additional resource. Besides, all the buildings constructed and properties built from the Council fund shall belong to the Council.

Though the decentralisation process envisaged by LAHDC-Leh suggests a possible shift from the centralised decision-making process, there remain significant issues that have been noted by some scholars. All the plans prepared by the council required the approval of the State government and in any case, are constrained as per the five-year plans of the central government. Hence, the State could reject or suggest reformulations (van Beek 1995; 2000). Importantly, the model of development envisaged by the Council is still very much in the domain of 'conventional development' model. For example, the Act says that the Council has the executive power to implement schemes to ensure "speedy development and economic upliftment of the district", but without clarity on whether it can independently define what 'development' entails, though the words 'having regard to its peculiar geoclimatic and locational conditions" could be interpreted as such. Additionally, there is no indication that traditional forms of governance were considered for recognition or incorporation. At the inception of LAHDC-Leh, the traditional system of

decision making centred around the Goba (we come back to this later) and its principles were completely ignored, which not only delegitimized the local systems but also instantly excluded the communities that followed the traditional local systems. Lastly, while the formal structure of the Council takes into account the representation of religious minorities, its provisions for representation based on occupation, class, age, and gender are either absent or very marginal.

5.3 Benefits of LAHDC-Leh

There is general agreement amongst our respondents (also noted in Murtaza 2016) that compared to the previous situation in which Ladakh was completely subject to decisions emanating from Srinagar and Delhi, the conferment of an autonomous hill council status has had distinct benefits. In its *external relations*, it has provided a greater opportunity (even if severely constrained, as we shall describe below) for Ladakhis to influence state and national decisions relating to the region, at least on paper; an attempt to use this was the making of the Ladakh Vision 2025 document (LAHDC 2005), though eventually this was not followed through. It has enabled a bit more influence (though nowhere near adequate) over the kinds and quality of development works carried out by state departments. Importantly, it has provided much-needed identity to Ladakhis and holds the potential to orient planning that is suited to Ladakh. *Internally* (within Ladakh), it has enabled more equal distribution of resources to all parts of Ladakh, since each area is represented by a Councillor (before the LAHDC-Leh was made, only two MLAs represented the entire population, and Leh and surrounds got predominant attention). It has reportedly led to greater transparency and accountability (and therefore less possibility of pilferage and misuse of funds), as the Ladakhi community is small and there is much less anonymity than in contexts of larger populations. Civil society too is able to seek accountability or be critical of the Council's work, and there is increased participation and voice of marginalised sections like women, religious minorities, and those situated remotely from Leh.

Murtaza (2016) makes an additional point of interest: "Formation of Hill Development Councils in Leh and Kargil districts of Ladakh region changed the whole narrative of local politics and hegemony of traditional elites like lama/kaga/akhoon/sayeed (aristocracy and religious head) in Leh and agha/kacho/munshi (religious heads) in Kargil were ousted."

The recent decision by the central government to transform Ladakh into a Union Territory would have possible implications on LAHDC-Leh's's autonomy and its role; we come back to this (albeit briefly, as this new status has come about during the latter part of our study) in section 9 below.

6. External Democracy

In 1989, the agitation around the demand for a unique status to Ladakh focused on seeking independence from Jammu and Kashmir state through a Union Territory status, but due to several strategic reasons that wasn't granted. Instead the LAHDC Act was passed that recognised the unique identity of Ladakh but failed to recognise autonomy on economic, judiciary, and law and order front. This section explores the degree of autonomy of LAHDC-Leh, in relation to both state and central governments.

6.1 Financial autonomy

One crucial pillar of autonomy for the LAHDC-Leh would be financial. The Act provides for a number of financial functions, including the possibility of raising local revenues and charging taxes, but all functions and the overall budgetary allocations are subject to state or central rules and directions. Effectively, there appears to be no (or very weak) formal financial autonomy.

Jamyang Tsering Namgyal, Chief Executive Councillor from November 2018 to June 2019 (when he resigned from this post, after being elected to the Lok Sabha), in an interview to us in March 2019 mentioned that autonomy can only be achieved if LAHDC-Leh has financial and administrative autonomy. Financial autonomy would mean independence in using state and central funds, and the right to revenue generation and retention. The state of Jammu and Kashmir used to allocate around Rs. 500 crores (5 billion) under the planned budget for Ladakh in the recent period; however, according to the Councillors we spoke to, only about 10% of this is under the LAHDC-Leh's control, the rest determined by departments headquartered in Srinagar. On the contrary, around Rs. 150 crores (1.5 billion) of the tax revenue went to the state government from Ladakh. The lack of financial autonomy leaves very little power in the hands of the council to take any decisions.

These powers seem considerable on paper, but there are a number of structural issues that limit their actualisation or their impact. For example, decisions on important sectors like tourism, infrastructure and centrally sponsored programmes have for most of the time since the LAHDC Act was promulgated, been made without the Council's involvement. Tourism control was devolved to the LAHDC-Leh with the CEC becoming Chair of all Tourism Development Authorities, in the 2018 Amendments, but it has been too short a time to see the practical implications of this, and the CEC himself had been in place for a very short time, hence there was a continued feeling of lack of empowerment. Mostly, there are no guidelines for making state or the central government schemes locally relevant; for example, the Mahatama Gandhi National Rural Employment Guarantee Scheme (MGNREGA) has no Ladakh specific guidelines, especially in terms of the labour rates which are much higher here than other parts of the country.

As per the 2018 amendment, taxes and revenues that had earlier to be credited to the state consolidated fund, can now be kept in the Council Fund.[13] Along with this, leftover funds of one year can be carried over to the following year and do not have to be returned to the state. However, the formulation of rules for the management of the Council Fund remained under the J& K government. Importantly, several major revenue-generating taxes including GST, stamp and excise duties, etc (see footnote for full list), still come under the central and state government, which doesn't offer enough opportunities to the Council in planning and execution of services.[14] As Tsering Angchuk, Councillor from Diskit said, "central funds should come straight to the Council so we have more control over their use."

LAHDC-Leh initiated a process of collecting an 'environment fee' from tourists in 2012, Rs. 200 from domestic and Rs. 300 from foreign tourists, which was increased in 2017 to Rs. 400 rupees for both. This has generated a few crores (tens of millions), some of which has been used. There has however been a lack of clarity on the parameters for using the funds, with a difference of opinion regarding whether the priority should be infrastructure or 'soft' activities such as environmental protection.

The LAHDC-Leh Act has multiple provisions that require approval of the state government. For example the Council "… shall conduct its business in such manner and in such procedure as may be determined by regulations with the approval of the Government"; the Council can release loans through council fund only after government's approval, and the yearly budget of the Council need to be submitted to the government.[15] Allowances to be made to the members, needs government approval. This created further dependence on the state government and offered limited autonomy in administrative work.

Another instance of lack of financial autonomy was illustrated by Rigzin Spalbar. During one of his tenures, the Council started a de-hairing plant, which increased revenues for the nomadic pastoralists. He also floated the idea of setting up a manufacturing plant in Ladakh for pashmina production (for which land was even identified). This would ensure that the Changthang pastoral community would get a better bargain. For many years, they had been exploited by traders. The traders would buy pashmina for Rs. 1000/kg and sell for Rs.50,000/kg, according to Spalbar. The state government, however, blocked the proposal citing logistical reasons. In another instance, LAHDC-Leh devised a Rs. 25 crore programme to set up a plant that would process locally grown seabuckthorn (*Hippophae rhamnoides*) fruit. The estimated revenues from that plant were Rs. 350 crores (3.5 billion) which would have been enough to sustain Ladakh without state or central government support. But the plan was not approved. Rizgin Spalbar says that "by not giving legislative powers to LAHDC-Leh, the centre wants to maintain a border like situation because if the local economy grows, then Ladakhis won't be dependent on the Government of India".

6.2 Administrative autonomy

The second pillar of LAHDC-Leh's autonomy is administrative or executive. This also is limited due to state and central bureaucratic control. All the employees in the Hill Council have been considered state employees; the 2018 Amendment modified this to the extent that they would all (except judicial and police personnel) be "deemed to be the transferred employees, on such terms and conditions to be notified by the government". This potentially meant that they are deemed to be under the Council; however, since the terms and conditions were still determined by the state, this was limited. The Council also did not have any disciplinary powers, which effectively meant that officials were likely to listen more to orders or signals coming from Srinagar and Delhi than from Leh. The set up worked when officials respect-

ed the Council, but there have reportedly also been instances when the bureaucrats have taken decisions without the Hill Council's consent. The 2018 amendment does enable transfers and the initiation of disciplinary action of officials considered to be Council employees, by the CEC with prior approval of the Executive Council; but the Deputy Commissioner (DC) who is the Chief Executive Officer of the council still doesn't come under its ambit. This means that the Annual Performance Report (APR) is still not with the council, which according to the CEC affects the way planning is coordinated, and the answerability of the DC, especially in situations of conflicting views and opinions. The CEC has the rank of a cabinet minister but not the equivalent power. The view of the bureaucracy, on the other hand, is that such relative independence from political control is required as a check and balance against the misuse of power.

On February 8, 2019, the Governor granted Ladakh a divisional status, thus creating three administrative units of Jammu, Kashmir and Ladakh. Ladakh was earlier part of Kashmir division. Ladakh would then get its own Divisional Commissioner (DivC), as also its own Inspector General of Police, and a full administrative and revenue division. The demand for divisional status was first raised in 2014 by the Congress party, and in 2018-19 the BJP-led LAHDC-Leh reiterated it. The view was that the department offices would be situated within Ladakh itself, and that the move would lead to more autonomy for Ladakh and more independence from Kashmir's control. The creation of some jobs would be an additional advantage for the region. However, with the conversion of Ladakh into Union Territory status, the Divisional status would not remain, reportedly from April 1, 2020. Our respondents' reactions to it are therefore now being put into a footnote for the record.[16]

On LAHDC-Leh's administrative autonomy, a somewhat different view was given by the Deputy Commissioner. She stated that vote bank politics often hampers the functioning of the Council. In spite of state and central control, there are still quite a few projects and processes that come under the Council's power, but these don't get started or are left mid-way because of party conflicts and also poor planning. We will come back to this with an example in section 6.4 below. (Interestingly the former CEC Jamyang Tsering Namgyal said that within the LAHDC-Leh, party divisions do not affect decisions that are related to pro-people initiatives).

Saspotse village homestay, an alternative means of livelihood

6.3 Legal autonomy

A third crucial pillar of autonomy would be regarding policy setting and lawmaking; this does not feature in the LAHDC Act at all. The Council has powers of plan formulation, but no control over the laws and policies that may define the directions and constraints and implementability of plans. In this regard, Jammu & Kashmir or the central governments have not been sensitive to the unique needs of Ladakhi people and environment. Policies and laws are formulated in Srinagar and/or Delhi, without necessarily keeping Ladakhi context and needs in mind. Environment-related policy and law, for instance, has been heavily centred around forest ecosystems, which are not ecologically applicable to Ladakh's cold desert landscapes. Policies regarding 'development' - what kind, where to locate them, etc. – may ignore the region's fragility and special needs (more on this, below). On social sectors too there are constraints. For instance, if the council wants to promote localised education that uses and builds on local languages and cultures, even if the national education policy framework supports localised curriculum, there are constraints in operationalising it. Ladakhi/Bhoti/Bodhi language have very few teachers; there are around 357 government schools in Leh district, but they have only 35 local language teachers, and the Council cannot create such posts as it does not have the power to do so. Even if the candidates are available they cannot be employed.[17]

Ladakhi is also not an official language, so the language used for all official purposes is Hindi. The CEC mentioned that he wanted to appoint a secretary who would type in Bodhi, but there was no provision for the salary for such an appointment. Tsewang Rigzen Khardong, ex-council member, said that a lot of the discussions in the LAHDC-Leh happens in Hindi when the DC is present, a language some councillors are not fluent in.

Usually, the district plans are made by the DC in consultation with the Council, but this takes place in an annual two-day meeting. According to GM Sheikh, a social activist based in Leh, the plan is available to the councillors just before the meeting which gives little or no chance to examine or deliberate on the projects and processes proposed. The Council too is not always pro-active on this; although it has the power to make plans and take them directly to the state government (and if approved, the DC can't alter or change anything), yet, there has been no instance of the Council using this provision.

6.4 Focus on infrastructure development, tourism and army

As mentioned above, the state and central governments have thought of 'development' in Ladakh in the same homogenous, mainstream manner as in the rest of India. But this has also been internalised by many Ladakhis, including members of the LAHDC-Leh. According to GM Sheikh, around 70-80% of district planning is focussed on infrastructure, and very little on reviving local crafts like pashmina, or starting new production facilities based on local resources like seabuckthorn. He adds that "the council's deliberations are so overwhelmed by agencies like PWD that a number of social sectors do not get even discussed." Councillors that have spoken differently, or processes such as the Ladakh Vision 2025 led by a former CEC, have not been given the same weightage as proposals for mainstream 'development'.

Additionally, there are allegations of land mismanagement. The Council has power over all common lands except panchayat lands. Reportedly, in several instances, allotments were indiscriminately made to individuals for hotels and other private interests. Due to lack of clear understanding of or absence of the concept of protecting commons lands, many lands have been taken away from their public purpose. Due to this, even institutions that clearly serve a public goal, e.g. universities, are finding it hard to get land in convenient locations.

Autonomy is also closely related to being a self-sustaining society. However, planning has not prioritised a land based economy that could lead to such sustainability (agriculture, pastoralism, crafts, etc.). Instead, it has created dependence on the Public Distribution System (PDS), on tourism and on the army, which suffer from one or more of the following: unsustainability, fragility, and heavy external dependence. "Ladakhis are being turned into parasites," says Rigzin Spalbar in relation to increased dependence on external markets. Ladakh is also dependent on the army, to some extent, for livelihoods and infrastructure development, and on tourism, which is mainly private. There is no well-planned or long-term vision for development and management of natural resources. Both tourism and the armed forces have widespread impacts and presence in Ladakh. Tourism is a major contributor to Ladakh's cash economy, but with very little regulation of its scale and types

of operation, it is resulting in serious issues like the waste generated, traffic, pollution and overuse of water resources, and unplanned real estate development (many of which also have local sources of pressure). There is no visioning as to what will happen in the future if these sectors continue to grow, or conversely, if they dry up. With regard to the armed forces, Ladakhis have no control at all; according to our respondents, land allocation for them (often on a huge scale) is done without any consultation with the LAHDC (or panchayats).

This is not to say that Ladakhis themselves have not envisioned a sustainable, just future. In fact, one of the most interesting exercises that can be found in any part of the country, is the Ladakh Vision 2025 document that was produced in 2004.[18] This was developed as a road map for sustainable development in Ladakh by LAHDC-Leh, reportedly involving consultations in *mohallas* and *panchayats*, at *taluka* and *district level*, with government and institutional employees, and civil society. After these consultations, the document was sent to the state government and the PMO. The then PM, Manmohan Singh released it in 2005 appreciating it as a district-level vision document and gave Rs. 10 crores (100 million) as seed money, which was invested in the education sector. It was also shared in a gathering of J&K ministers and senior bureaucrats chaired by then Chief Minister Mufti Mohd Sayeed. Unfortunately, implementation went no further. One source said this was because it was initiated when the Council was ruled by the Congress Party, which lost elections in 2005, and the BJP did not take it forward; another source said it was because there were no funds dedicated to it after the initial seed money, by either the state or the centre.

7. Internal Democracy

The vesting of decision making power with the council is necessary, but not sufficient to ensure true autonomy of the council in relation to state and nationals governments. Local people need to be able to participate meaningfully in decision-making in some form of self-governance, and thus feel empowered. Ladakhi villages have traditionally had self-governance through various institutional arrangements, e.g. through the Goba who was the village headman, the Churpon who managed water distribution; through *bes* for inter-family cooperation in agricultural work, *rares* for livestock management, and *phaspun*, helping each other in times of grief or celebration. The Goba system was mentioned by many as being effective, and in several parts of Ladakh still exists in some form as a parallel system to the panchayat; however, it is also worth noting that it was mainly dominated by elder men.

While introducing the panchayat system in Ladakh, it does not appear as if the Goba or other self-governance mechanisms have been taken into account (neglect of traditional local governance institutions is a common phenomenon across India). The government pays (through the Revenue Department) a set of Gobas (one each for a cluster of villages), so they are considered government servants (revenue officials), but with no formal connection to the panchayats. Another problem is that the selection process of the Goba differs from place to place and is not always democratic.

Nor is it clear that panchayats have been adequately empowered. For instance, Councillors when deciding on the use of funds they have for their constituencies, do not necessarily consult all the panchayats in their area. There was until recently no clear direction or guidance on how the panchayat system and the LAHDC-Leh should work together; the 2018 Amendment now requires panchayats to follow the directions of the Council. According to G.M. Sheikh: "even after 30 years of enactment of the J&K Panchayat Raj Act of 1989, the process of devolution (functional assignment to different tiers of local governance) is still incomplete. Moreover, the provision on PRI as institutions of 'perpetual succession' has always been violated. The current round of village Panchayat is only the third in the series, with significant gaps between each round." According to him, many panchayats are working well now, but their coordination with the Council remains weak; this is partly also because of the enormous geographic spread of the panchayats, many of them difficult to access. Some respondents noted, however, that while going to panchayats is not officially mandated, informally many council members do try consulting panchayat elders.

Another aspect of internal democracy is the functioning of the panchayats vis-à-vis the population they represent, and how empowered the gram sabha (the full village assembly) is. The Panchayat Act does provide some flexibility in exercising powers to the panchayat members, and the possibility of empowering gram sabhas. For example, gram sabhas can decide what to do with the MNREGA money and

formulate budgets. However, it is not clear how actively panchayats call upon the gram sabhas in these matters, or even how capacitated villagers are to pro-actively and meaningfully participate if given a chance. At our interaction in Saspotse, many of these aspects were revealed as faultlines, with villagers not necessarily being aware of their powers, of how Councillors took decisions, and so on.

Progress on internal democracy has been halting, but not absent. Mention has been made above of the process of formulating the Ladakh Vision document, that had some level of consultation. Both Councillors and civil society organisations were active in this process. GM Sheikh adds: "An effort on promotion of a people – centred and a bottom up approach to planning was made by LAHDC-Leh with the help of TISS in 2010. The exercise covered 93 village panchayats. The report is still in use but the process was not repeated thereafter."

Another example is the 2018 transfer policy for teachers which was prepared through consultations with the Teachers' Association and decided in the General Council. This was done especially to reduce arbitrariness and nepotism. The policy includes a point marking system which means that a teacher who goes to 'remote' areas gets higher points, and that enables them to come back to closer areas. This way everyone gets a chance to be both close to Leh and further away from it. New teachers then voluntarily ask for far off places first, so they can be closer to Leh or other centres as they grow older. Now reportedly, far-flung schools are running better than those near Leh! The Council also re-opened 7-8 government schools that had shut down. A similar policy was also implemented for medical service personnel which resulted in the better running of clinics. This has been possible because the Council has taken efforts to understand local issues and have tried to introduce some changes.

In another example, there seemed to be a clear intention, not necessarily followed up with action. This was the newly drafted Mission Organic Development Initiative of Ladakh - Policy, Strategy and Action Plan (LAHDC 2019) which was taken through the General Council meeting and in discussions leading up to it. Heads of all departments were consulted; and according to the then CEC Namgyal, "the final document will not be produced until it goes through all the panchayats even if it is a long-term process." This is however unlikely to have taken place, since in June 2019, an MoU was already signed between the Department of Agriculture, LAHDC-Leh and the Sikkim State Organic Certification Agency (SSOCA), Government of Sikkim. According to this MoU Leh district will be fully organic by 2025 through a planned three-phased programme. The total cost of this project is Rs. 45 crores (450 million; Namgail et al 2019).

Another issue is the lack of connection between the Municipal Committee (MC) of Leh (established in

Traditional food women's group (Ledo vill) at Ladakh Vikalp Sangam (2015)

late 2018 under the Municipality Act) and the Council's work. According to Ishey Namgyal, President of the MC, it has the final say in 16 subjects[19] (including raising local taxes), and the Council cannot interfere in these. But where there may be overlap in functions, it is not yet clear how the Municipality's jurisdiction will relate to the Council's powers. On some matters the relationship is clear: if MC needs land for some purpose it has to seek the Council's permission as the land falls under the Council's control; in turn, the Council has to consult the MC when making its district plan. Other than that there is little interaction between the two. This is problematic on two counts, first, that the two governance institutions are working parallel without adequate interaction and second, that in processes like making of Master Plan for Leh the LAHDC-Leh is not included in the planning. This could probably also lead to situations of conflict, or confusion, where there are overlapping functions or powers relating to Leh town.

Finally, one also needs to note the role of civil society and religious institutions. Civil society organisations have been quite active on specific issues of social and ecological concern (e.g. plastic waste), with varying degrees of effectiveness and public reach. The Women's Alliance of Ladakh protested against the use of plastic carry bags leading to an official ban in 1998, and it has been monitoring its effective implementation. Another example would be Operation New Hope, where in collaboration with the learning centre SECMOL (http://secmol.org) localised textbooks were produced for primary school children in Leh district. The Himalayan Institute of Alternative Learning (HIAL, https://hial.edu.in) took the initiative to send teams (which included Councillors from Kargil and Leh, Panchayat Coordination Committee Sarpanch, and the President of the Municipal Committee) to various union territories and Schedule 6 areas, after the Government of India announced its decision to give Ladakh UT status (HIAL 2019). Religious institutions, especially monasteries in Leh district, have also been active, but much less so, which is unfortunate given their considerably greater power and public reach. Some have started taking up ecological issues like plastic and waste (Morup 2016).

8. Elements of Successful Democracy

For democracy in its full sense of the term to work well, both in its external and internal dimensions as laid out above, there are at least four crucial features (Kothari, in press):

- Participants in it have the *right to participate* in decision-making in all matters that affect their lives. These are reflected in appropriate powers recognized formally through statutory law and

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policy, and/or informally through customary law and practices.

- Participants have the *capacity to participate* meaningfully. This includes access to relevant information and knowledge, and the skills needed to be effective in making one's voice heard, use one's powers effectively and responsibly, make others in power accountable, be able to make full use of collective processes, and so on.
- There are *accessible forums* of decision-making. At local levels, these could be gram sabhas and panchayats, urban wards and neighbourhood assemblies, committees and other bodies set up for various functions (such as water, energy, health committees), and at wider levels, district panchayats and committees, state assemblies and relevant bodies at that level, and national institutions including the parliament. At all these institutions, there could be formal and informal means by which participants are able to equally access decision-making processes. Outside of the formal decision-making structures, there could be non-party processes that influence formal decisions or participate in them, including civil society organisations, mass movements, etc.
- There is *maturity, or wisdom* in the decision-making, that grounds it in crucial issues of justice, fairness and equity. For instance the prioritization of meaningful consensus-based processes, or a sense of responsibility amongst the majority towards the minority so that decisions do not get reduced to the politics of majoritarianism, or the ability to rise above party or other narrow considerations to think of the collective good, or the inculcation of an ecological ethic that influences decisions to be environmentally responsible.

The above can exist in various combinations and permutations in any given situation of democracy. They are also evolving processes, taking time especially in conditions where historical factors have weakened capacities, damaged confidence levels, undermined institutional structures that had democratic potential, created conflicts within participants and between humans and the rest of nature, and engendered other such hurdles. In particular the fourth feature, of maturity or wisdom, could take a long time, even generations, if the participants have either not had it prominently in their traditional structures, or enmities within the collective are a hurdle. It is with these nuances in mind that we look at the LAHDC-Leh experience.

Right to participate: The LAHDC-Leh's existence has been undoubtedly positive for Ladakhi voices to be heard. But its powers vis-à-vis the state and central governments (the external dimension) have been limited, as has been its recognition of such powers for the people of Ladakh in relation to its own functioning (the internal dimension). Neither of these is surprising, for a fundamental right to participate does not exist anywhere in India, nor is explicitly provided for in the Constitution of India or by any national law, though it could be read into other fundamental rights if expansively interpreted. On the other hand, a limited version of such rights do exist in certain circumstances, e.g. in the special constitutional status of Nagaland vis-à-vis the central government (external dimension), or in the powers that village councils in Nagaland have over decision-making relating to health, education, and some other sectors under its law on communalization (Pathak 2014). Something similar could be read into Kerala's attempt to empower villages for planning (GoK 2009). This means that Ladakh too could have been accorded such powers for its external and internal democratic processes, especially important given its cultural and ecological uniqueness, but it was not.

One characteristic of Ladakhi society that may provide a bit of a saving grace, is that familiarity with each other does enable voices reaching the corridors of power, and those in power (Councillors, Sarpanches) may be more sensitive to such voices. But this is not guaranteed in any way, and is a fragile way for people to have a voice in decision-making; it could also work conversely, as many are loath to report and take up grievances against people who are in one way or the other related to them!

Capacity to participate: The right to participate would be of little consequence if people did not have the capacity to participate meaningfully. The study found that even the limited autonomy or powers of decision-making that the LAHDC-Leh had (in its external dimension), were not adequately or consistently used. At times the Council or specific members of it have asserted the special status of Ladakh, and attempted some level of independent or Ladakh-specific decision-making, such as in the making of the Ladakh Vision 2025 document. Many Council members (former or current) were cognizant of what they could do. But even in such instances, the Council has not gone the full distance, or felt constrained to do

so. This also partly relates to the issue of *maturity*, which we come to below.

A similar weakness of capacity is seen in the internal dimension of democracy in Ladakh. As mentioned above, there has recently been a process to try to capacitate panchayats to carry out their functions, and provide inputs to the LAHDC-Leh, but this has not necessarily been extended to gram sabhas (village assemblies) where the public at large can participate. Our meeting with residents of Saspotse suggested inadequate information and knowledge regarding the powers they had, or could claim, vis-a-vis the functioning of the administration, their rights with regard to the Councillor representing them, and so on. They wanted to know how much funds the MLAs and MPs get for development, and why they have no share or no way to influence their use. While we are not aware if the situation in Saspotse is generalizable to people across Ladakh, remarks by civil society members indicated that this may be prevalent in much of the region. And if this is generally the case, it may be even more so for marginalized sections of Ladakhi society. This would not be particularly surprising, because across most of India, with some exceptions, people have lost their capacity (or it has never been inculcated) to assert their power in decision-making, or to even think of democracy as an arena in which such power can be asserted. The narrative of representative, liberal democracy in which citizens' powers are often restricted to voting and the occasional participation in representative institutions like panchayats, has been overpowering (for a more general discussion on this, pl. see Kothari and Das 2015, and Das 2017). For residents of far-flung places in a region like Ladakh, accustomed for centuries to their own ways of taking decisions (such as through the Goba system) and living their lives, an understanding of the deeper connotations and possibilities of formal democracy is still very hazy. There seems to be inadequate, pro-active empowerment of and by people to actively utilise the gram sabha space. Right from the stage of youthful learning in families and communities and in formal institutions like schools, to their behaviour as adults, the importance and possibilities of participation in decision-making needs to be inculcated. It is not clear if this has been part of daily life in Ladakh. But there is now considerable civil society activism and discussion in Ladakh (at least in/around Leh), including around the new UT status, which shows a readiness to build capacity when the opportunities exist.

Forums of participation: The structure of representative democracy relevant to Ladakh places the LAHDC-Leh and other elected representatives (Members of Legislative Assembly or MLA, Member of Parliament or MP) as the interface between the people of Ladakh and the state and central government. In theory, this enables participation of Ladakhis in decision-making forums from local (panchayat) to national (parliament) levels. However, two aspects are important to note. In the state legislature, Ladakh had only 4 seats in a 89-member assembly (with the new UT status, this too is gone); at the national level, only one MP out of 545. While this could be seen to be justified given Ladakh's low population, it did create a sense of marginalisation amongst the people, and the feeling that they did not have an effective or equitable voice in state and national decision-making. For this they cite the fact that the demand for a Union Territory was not heeded for three decades.

Internally, panchayats and Councillors are the primary forum of interface for Ladakhis with the LAHDC-Leh and district administration. As mentioned above, there appears to be weak capacity for people to participate meaningfully in or adequately use these forums. Additionally, it is not clear how or whether marginalized people within the community (those socially 'lower', women, landless, etc.), have special forums for participation, and/or facilitation to be able to participate effectively in the panchayats or be able to stand for Council posts on an equal basis (and not only through reservations).

For Ladakh, an institution of special significance is the Goba system. Given its long-standing position as the main decision-making institution in villages, it may have been prudent to link it up in some formal way with panchayats and gram sabhas, mandated under the Constitution of India and/or specific state law. Of course, this need not have been done uncritically; various problematic parts of the Goba system could have been dealt with, such as its domination by elder men, while giving it formal recognition and a role in the gram sabha and panchayat system, and even perhaps at the LAHDC-Leh and state levels.

There do not seem to be other regular forums of participation, whether legally mandated or otherwise. These could include public hearings relating to proposed decisions for regions within Ladakh, the region as a whole, or the state, such as for periodic plans and budgets, development projects, and occasional processes like the Vision 2025 document.

However, as mentioned above, there do exist a number of civil society organisations and processes that enable some Ladakhi voices, sometimes, to enter the corridors of power, or on their own enforce norms such as with the use of plastic in Leh's shops. Such actions indicate tremendous potential. But this is not regular nor guaranteed.

In Leh town, ward sabhas have only recently been initiated, "where the citizens actively participate in solid waste management processes like no use of plastic, segregation of waste at source, citizens to bring their own cups and plates on social functions, community cleanliness drives and community plantations. The citizen participatory nature is very encouraging."[20] How much citizens will be involved in the Municipality's decision-making (beyond participating in its programmes or initiating their own programmes), will only emerge in future.

Maturity or wisdom: this is the most difficult aspect of democracy, both to develop as also to pinpoint in any analysis. At one level, it can be mandated or enabled through rules of procedure, for instance prioritizing consensus-based decision-making that waits for every voice to be heard, stipulating a certain minimum percentage of representation or participation by marginalized sections (women, landless, pastoralists, etc.), explicitly facilitating local languages to be spoken, or making it compulsory to include independent social and ecological assessments for all decisions. The LAHDC-Leh, for instance, has 4 members chosen from amongst religious minorities and women; however other forms of marginalisation such as caste and occupation, perhaps far more hidden in Ladakh than many other parts of India (see van Beek 2000), are not considered.
However, equally if not more important than this is the mindset with which participants take decisions. How much are issues of justice, sustainability, etc. ingrained in the worldview of members of decision-making forums? On both ecological and cultural grounds, Ladakh may be at an advantage, since traditional ethics of living with the earth and with each other are still strong in local society. On the other hand the advent of 'modernity' and of the state and market systems has meant that increasingly, other considerations are dominating. Whether it is the centre or state dealing with Ladakh, or LAHDC-Leh dealing with the region and its people, short-term and narrowly defined goals of 'development', and the hostilities that come with intensely competitive party politics, have visibly entered the area. How Delhi treats Ladakh now as a UT, will signal if there is any maturing in how it views the region. Internally, the LAHDC-Leh has occasionally, but not regularly and systematically, shown itself to be sensitive to widespread and meaningful participation in its decision-making, and the centrality of ecological considerations in how it views Ladakh's development (for instance in the framing of the Ladakh Vision 2025). But the uncontrolled expansion of tourism, clearly on an unsustainable trajectory, is an example of how none of the relevant authorities have demonstrated a long-term vision. An important implication of this is that even if the LAHDC-Leh, and/or communities in their settlements within Ladakh, are mandated to be truly independent in their decision-making, this would not automatically mean that the outcome would necessarily be just and responsible. Nevertheless, this cannot be an argument against autonomy in decision-making per se, if one accepts the fundamental principle of people being able to determine their own present and future. What it could mean is that, such autonomy may need to be complemented by empathetic engagement by 'outside' forums of decision-making and society, such as state/national institutions and civil society.

As mentioned above, civil society and religious institutions also have the power and reach to make an impact, stimulating or initiating public participation in influencing decision-making. The foundation for such processes could be the considerable traditional knowledge and wisdom gained by Ladakhi communities of living in harmony with the landscape and harnessing the desert's fragile resources sustainably.

9. The Latest Twist: Ladakh as Union Territory

On August 5, 2019 the Union government took a decision to remove the special status of Jammu and Kashmir under Section 370 of the Constitution, and convert the state into two Union Territories, J&K as one, Ladakh as the other (a decision that came into effect on October 31st).[21] Reportedly there were celebrations in Leh district (though not in Kargil, which has wanted to remain with J&K[22]), since the demand for UT status is three decades old. But there was also concern amongst many Ladakhis, for several reasons. For one, it was so sudden, so devoid of any form of public consultation, that they have had no time to prepare. Second, the manner in which it took place in the context of the disempowerment of Kashmir, has left many Ladakhis deeply worried regarding the Centre's intentions. Third, considering that the UT

status has come without a legislature and with no clear powers relating to crucial aspects like land and natural resources, there is a worry that it may disempower Ladakh further vis-à-vis Delhi, whose 'developmentalist' mindset has opened up many ecologically and culturally fragile areas to externally induced landgrab and influx of 'outsiders'. Countering all these concerns are the hopes that the UT status could provide Ladakh greater resources directly from Delhi; also, if it is accompanied by appropriate powers, the chance to determine its own pathway.

In September a part of our study team was able to take part in some formal and informal discussions in Leh, regarding the implications of the new status. This was not as part of the study, but it is worth mentioning some key aspects that have a bearing on the overall objective of examining Ladakh's external and internal democracy. These came up in the discussions then or subsequently, or were thoughts that came to us while taking part in these discussions, or were part of comments we received:

- Along with the UT status, could the LAHDC-Leh (as also Kargil) be empowered with powers under something like the Constitution's Schedule 6, implemented to provide some degree of autonomy to states of north-east India and specific territorial or hill councils within them?[23]
- Could this also include the crucial powers of determining land use and transfer, use of natural resources including minerals, and control over aspects like tourism (not explicitly provided for in the current Constitutional provisions for Schedule 6)?
- Could the above be combined with the recognition of local powers of gram sabhas, under the Constitution's Schedule 5 and the Panchayat (Extension to Scheduled Areas) Act, combined with the Forest Rights Act where applicable?[24]
- Can an extensive programme be implemented to build the capacity of Ladakhis, from the level of 'ordinary' villagers to panchayats and Councillors, to be able to handle such powers, and to be sensitive to ecological, cultural, and social justice aims while exercising these powers?
- Can the Ladakh Vision document be updated, given legal and financial backing, and become the backbone of a long-term vision that is ecologically and culturally sensitive, and enables dignified livelihood, education, health, and other options for Ladakhis, especially its youth and especially in villages, which are otherwise seeing a major exodus of young people and a serious erosion of community life?
- Will Ladakh's enormous territory and ecological riches be seen with the exploitative eyes of public and private sector businesses encouraged by Delhi's regime (there is talk of uranium being found, and some corporations have already signalled their willingness to set up tourism enterprises), or will they be harnessed sensitively for the long-term benefit of the region (Kothari 2019)? A railway line being planned into Ladakh has raised concerns regarding whether it will become a conduit for exploitation, or will really benefit the residents. Will the area's unique wildlife and biodiversity, and sophisticated pastoral and agricultural livelihoods tuned to the ecological landscapes, have a central place in development vision and planning?
- Will the special spiritual and cosmological relationship of Ladakhis to all elements of their natural landscape, have any place also, in developmental vision and planning (Rigzin 2019)?
- Is there a danger of increased presence of armed forces in the region in the wake of any perceived or real threats from China or Pakistan.
- Can Leh and Kargil recover the earlier inter-religious harmony that prevailed before the politics of the last couple of decades created a division, now that both are part of the same UT? Reportedly at a meeting organised by the Lt. Governor in early December 2019, representatives from both Leh and Kargil "spoke in one voice regarding safeguarding the interest of their respective insitutions" without raising any issues of "religion or region on sectarian lines".[25] Otherwise also there seems to be greater inclination amongst the youth of both regions to bury the divisions of the past; and a common concern about possible imposition of a Hindutva agenda could be another cementing factor.[26] All this may augur well for bringing Leh and Kargil closer.

10. The Potential of LAHDC-Leh for the Future of Ladakh

Without financial, administrative and legislative autonomy, Ladakh's unique, ecologically and culturally sensitive needs are unlikely to be catered to. But while this may be a necessary condition, it is not sufficient, for the region also requires its own inhabitants to think of such needs in the long-term, and to do so in a manner where people in every settlement are empowered. It needs a radical ecological democ-

racy (Kothari, in press), with a holistic vision and the powers, capacities, and responsibilities to ensure comprehensive well-being that integrates political democracy, economic self-sufficiency, cultural sustenance, social justice, and ecological sustainability, built on a foundation of traditional and new ethical and spiritual values.

Ladakh has been a self-sustaining society for centuries that has not only survived but thrived in an ecologically challenging landscape. "Even when we were 'poor', we were a self-sustaining society; we never had any starvation deaths and people knew the art of living," according to Rigzin Spalbar. But the current economic and development policies are making Ladakh dependent on externally contingent resources, with no long term vision-based planning.

According to people we interviewed for this case study, there was a consistent assertion to the fact that LAHDC-Leh needs political will, clarity on how policy initiatives are implemented, training on imagining, envisioning, policy-making and devising strategies. We have examined this in various sections above, but it bears some repetition and consolidation. First, the council needs legislative powers to be able to formulate and implement policies and plans based on Ladakh's unique landscape and needs. Second, it needs financial autonomy such that it can generate its own revenues in appropriate ways (the 2018 amendment to the LAHDC Act provided this to some extent), while any additional Central funding could come straight to the Council and from there mandatorily be shared with gram sabhas and the Municipal Committee. Third, the administrative position even of the highest-ranking officials should be under the Council's control, even as the bureaucracy retains its ability to act as per law and policy, to ensure accountability, transparency, and a balance of powers. Fourth, the Council needs to regulate the functioning with the panchayats and gram sabhas of far-flung areas to truly decentralise the decision making process, such that the public at large holds both the Council and the bureaucracy accountable. Fifth, the Council has to re-imagine 'development' itself. The current focus is primarily on the conventional model of development, which prioritises more roads and other major infrastructure, electricity, agricultural subsidies, wages, flights, tourist facilities, etc. These models have to radically transform and re-envisioned to ensure that Ladakh develops in an ecologically resilient and localised economic way, especially re-invigorating rural life to deal with the rapid exodus of young people away from villages and from Ladakh in general. The Ladakh Vision 2025 document was a positive move towards this, but unfortunately never implemented. Sixth, the Council specifically but Ladakhi society as a whole has to also deal with traditional forms of marginalisation (caste, gender, etc), and see how a new vision of well-being can also lead to greater internal equality and justice.

Essentially though, LAHDC-Leh is a classic example of how the modern liberal state operates to quell local demands for power by creating small regional 'autonomous' units without giving them many of the powers that would actually confer autonomy, including financial, administrative and legislative ones. It is more of an appeasement strategy than a commitment to genuine local self-governance, which would be more in keeping with the spirit of India's Constitution.

With the recent move of granting Ladakh UT status (without legislature), the above approach may be further strengthened, as discussed above. Or, if those in power in Delhi and Ladakh are able to see the wisdom of devolving crucial powers in recognition of the predominantly 'tribal' identity of the population, and its ecological and cultural uniqueness and fragility, it may signal a turn towards true autonomy. Part of such an approach would be to pay attention to the four crucial aspects of democracy laid out above: rights, forums, capacity, and wisdom. These are tall asks, but by no means impossible, and one hopeful sign is that there is a lot of churning and debate within Ladakhi society itself. Some people feel that if there is a positive orientation, it may even be possible for the Vision 2025, the plan for making Ladakh organic, and other such processes may get a boost with additional resources from the Centre. Completely opposite to this, extractivist and commercial activities that are ecologically destructive and beneficial to outside industrialists, traders and a few local elite, could get promoted. The first few months of 2020 may tell more clearly which direction Ladakh is headed in.

An additional consideration falls within the realm of what has been variously called *ecoregional or bioregional or bioculture-regional politics*. This refers to re-envisioning political boundaries, or boundaries for decision-making purposes, based on ecological and cultural linkages and contiguities. In a sense the Ladakh region is already a biocultural unit, with a predominantly high-altitude arid climate based

landscape, and a cultural mosaic that has evolved over centuries with the co-existence (mostly peaceful, occasionally tense) of distinct but inter-related religious and ethnic identities. Its division into Leh and Kargil districts was a recognition of the religious difference in the composition of their populations, though with some common history and ecological contiguity. But whether as one unit or two, looking at Ladakh as a biocultural region could provide a stronger explicit basis for decision-making that is ecologically and culturally sensitive, that prioritises the rights, capacities, knowledge, spiritual worldviews and wisdom of Ladakhis as emerging from the centuries of interaction with a unique landscape, and that therefore envisions livelihoods (old and new) and ways of 'developing' that are appropriately just and sustainable. Thinking of Ladakh as a biocultural region for political decision-making may not be a sufficient condition for all this, but it may well be a necessary one.

This also raises the more difficult and controversial issues of the ecological and cultural linkages of Ladakh with similar regions in Pakistan and China-occupied Tibet. The international boundaries that impassably cut across this entire high-altitude Himalayan landscape, are in many senses accidents of history, not willed by the peoples (much less the wildlife!) of the region. They have created enormous problems for ways of life (pastoralism, trade) and species that depended since ancient times on free passage across the entire landscape. Even within each of these countries, the militarization necessitated by a constant state of tension amongst them, has meant massive ecological and socio-cultural disruption due to the occupation by and movement of armed forces. In the long run, envisioning and moving towards re-opening the borders, seeing the entire region as a biocultural zone, seems like a worthwhile dream. Impossible? Perhaps. Or perhaps not, going by the experience of the erstwhile West and East Germany, or more recently, the dialogue between north and South Korea. What could a democratic process be for such a biocultural region? We leave this question for another time …

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Annexure 1: Respondents in the study

Given below is the list of people interviewed in our visit in March 2019 (the designations mentioned below are from that period, and may no longer be valid in some cases), and those who gave substantial inputs during that visit or subsequently. A draft version of this report was sent to these people, and comments were received from several of them (marked below with *), in writing or orally. These comments were considered and where appropriate, incorporated into the final report.

Interviewed

Tsering Angchuk, Councillor, Diskit
*Avny Lavasa, Deputy Commissioner, Leh
Jamyang Tsering Namgyal, Chief Executive Councillor, Leh
*Ishey Namgyal, President, Municipal Committee, Leh
Tsewang Rigzin, former Executive Councillor, Leh
*GM Sheikh, social activist, Leh
Rigzin Spalbar, former Chief Executive Councillor, Leh

Inputs and/or comments from

*Alex Jensen, Local Futures, a regular visitor to Ladakh
Tashi Morup, Ladakh Art and Media Organisation, Leh
Tsewang Namgail, Snow Leopard Conservancy – India Trust, Leh
*Martjn van Beek, Aarhus University, Denmark

Endnotes

[1] http://www.vikalpsangam.org/about/the-search-for-alternatives-key-aspects-and-principles/

[2] www.vikalpsangam.org

[3] http://www.vikalpsangam.org/static/media/uploads/Resources/alternatives_transformation_format_revised_20.2.2017.pdf

[4] ACKnowl-EJ (www.acknowlej.org) is a network of scholars and activists engaged in action and collaborative research that aims to analyse the transformative potential of community responses to extractivism and alternatives born from resistance. The project (2016-2019) involved case studies, dialogues, and analysis on transformation towards greater justice, equity, and sustainability in several countries.

[5] The case studies carried out in 2019, of which this is one, include an analysis of decentralised urban governance in Bhuj (Kachchh, Gujarat), and citizens' mobilisation and involvement of panchayats to save a Himalayan landscape from an army firing range in Budgam District (Kashmir).

[6] For a number of essays exploring notions of autonomy, direct democracy, swaraj, and the experiments by the Zapatista and the Kurdish communities, see Kothari et al 2019.

[7] Material for this section has been taken from the following sources, other than where specifically mentioned: Wikipedia entries on Ladakh; https://leh.nic.in; and Padmanabhan and Kundaji 2014.

[8] https://www.census2011.co.in/census/district/621-leh.html and https://www.census2011.co.in/census/district/622-kargil.html

[9] https://leh.nic.in/about-district/history/

[10] All aspects of the Act in this section are from the original Act and its amendment, unless otherwise stated.

[11] One view expressed to us is that the state government's retention of the mandate to nominate 4 additional members was an at-

tempt to retain some amount of control over the Council.

[12] No longer in existence, due to the change of J&K's status into two union territories.

[13] The council fund is the fund held by the council for the purpose of all the revenues raised under the provisions of the LAHDC-Leh act, the loans realised by the council with the approval of the government, allocations made from the Plan and Non-Plan budget and loans, advances and grants made by the central and state governments. The council fund is operated through government treasuries and the government may make rules for management of the council fund.

[14] Taxes remaining under state/central governments:

1.Goods and Services Tax under the Jammu and Kashmir Goods and Services Tax Act, 2017
2. Stamp Duty under the Stamps Act, 1977 Samvat (1920 A.D.)
3. Excise Duty under the Jammu and Kashmir Excise Act, Samvat 1958
4. Toll under the J&K Levy of Toll Act, Samvat, 1995
5. Passenger Tax under J&K Passengers Taxation Act, 1963
6. Taxes under J&K Motor Spirit and Diesel Oil (Taxation of sales) Act, SVT. 2005 (1948 A.D.)
7. Token Tax under J&K Motor Vehicles Taxation Act, 1957

[15] However, if the budget is not approved by the government within the prescribed time then the Budget is deemed to be approved by the government.

[16] The reactions about divisional status that we got from respondents were mixed. The CEC said that the move was a good one, but how it would play out would depend on the relationship between the Divisional Commissioner and the LAHDC-Leh as also the DC, which had not been clearly laid out. A lot could depend on the approach of the specific DivC. The DC felt that the decision was a 'political' one and doubted whether anything good would come out of it. Several respondents pointed out, however, that there was lack of clarity and analysis regarding the nuances of the relationship between the LAHDC and the DivC, which is likely to create ambiguity and confusion, especially since the DivC's position is outside the LAHDC-Leh Act. The granting of divisional status, according to them, was done without consultations and people's involvement. One specific concern is that along with the DivC (who is at the level of Secretary to the government), Directors of Departments will also come to Ladakh, and these would have an equivalent status to the Deputy Commissioner. So if DC, being the CEO of the Council, follows the Council's order, but the Divisional Commissioner has other ideas or orders from the state government, who would the Departmental Directors listen to? According to Tsewang Rigzin (former Councillor), Nawang Rigzin Jora, ex-councilor and cabinet minister, had proposed that a state secretary level officer should be the CEO of the Council; the DivC would then report to this secretary and hence to the LAHDC. At the time of our visit, a committee had been constituted to look at how many Directors of Departments will be in Ladakh and how many in Kargil, but not to look into the potential confusion, overlap, and contradictions between the DivC, Directors, and the LAHDC-Leh.

[17] There is also the issue of local opposition to the use of Ladakhi in education; many scholars do not want the way it is spoken to used as a medium of education, as they feel the language will get diluted, but the formal, written form is tough for common people.

[18] https://cdn.s3waas.gov.in/s3291597a100aadd814d197af4f4bab3a7/uploads/2018/06/2018061732.pdf

[19] These include 1. Sanitation of whole town 2. Lifting garbage from the outskirts 3. Regulation of parking vehicles 4. Issue of trade licenses 5. Registration of Birth and Death events 6. Issue of building permission 7. Construction of soakage pits for disposal of kitchen waste 8. Sterilisation of stray dogs 9. Disposal of unclaimed dead bodies 10. Maintenance of public toilets 11. Maintenance of lanes and drains 12. Maintenance of street lights 13. Administrators specialising in legal research 14. Generalists 15. Auditors 16. delegations 17. Cooperation and management of aid

[20] Personal communication, Ishey Namgyal, 7.12.2019.

[21] This report is not the place to comment on the decision as a whole, including its contested Constitutional validity and its undemocratic nature (the people of J&K were never consulted). Here we look only at the implications on Ladakh.

[22] The Chief Executive Councillor (CEC) of Ladakh Autonomous Hill Development Council Kargil, Feroz Ahmed Khan, while reacting on the status to the media said, "we have been deprived of full flow of democracy as neither we were in favour of division of Jammu and Kashmir nor Union Territory status to Ladakh", adding "the aspirations of people across Kargil district have not been taken into consideration by the Union Government while taking this decision" (https://www.dailyexcelsior.com/leh-elated-kargil-dejected-over-ut-status-to-ladakh/)

[23] One model proposed for this is the Bodoland Territorial Council in Assam, as it has considerable powers. The HIAL-sponsored teams that went to various parts of India to examine the pros and cons of Schedule 6 and Union Territory status, after August 2019, also recommended this (HIAL 2019). However, as of the time of finalizing this report, it does not seem that the Government of India is inclined to grant such a status. See, for instance, https://timesofindia.indiatimes.com/india/ladakh-may-not-be-brought-under-6th-schedule-for-now/articleshow/72357371.cms.

[24] The Scheduled Tribes and Other Forest Dwellers (Recognition of Rights) Act 2006 was not applicable to the state of Jammu and Kashmir; now as UTs under the central government, it is presumably applicable to both Ladakh and J&K.

[25] Personal communication, Ishey Namgyal, 7.12.2019.

[26] Personal communication, Martijn van Beek, 6.1.2020.

This case study analyses the extent and nature of democracy seen in the example of the Ladakh Autonomous Hill Development Council (Leh). Born of a demand over several decades, the status of an autonomous region within the state of Jammu and Kashmir was achieved by Ladakh in 1995 through legislative enactment. This status has benefited the region in a number of ways. But it has also been severely constrained because the relevant legislation granted limited administrative, financial and legal powers to the Council, continued domination by the state government, and inadequate use of even the limited powers that the Council had by its own members. Additionally, issues of what kind of development would be appropriate have been weakly focused on, with some notable exceptions.

This view of the external aspects of Ladakh's democratic status (i.e. autonomy in relation to the state and central governments) has been complemented by an examination of the internal aspects, i.e. how democratic is the Council vis-à-vis the region's people. Here too, while there are some positive aspects, the study found fundamental weaknesses and faults.

During the period of the study, mid- to late-2019, the status of Ladakh changed dramatically from being a pair of districts with a state, to becoming a Union Territory. Since the new status has come without its own legislative assembly and without any extra powers under the Constitution, there is concern that autonomy will be further eroded, though depending on the disposition of the central government, it could also be strengthened. This report looks only briefly at the implications of the new status, as this happened during the latter part of the study.

Based an analysis of four crucial aspects of a successful democracy – rights, capacity, forums, and maturity – as relevant to Ladakh, the study concludes with some suggestions and indications of steps that could help in strengthening democracy in the region.