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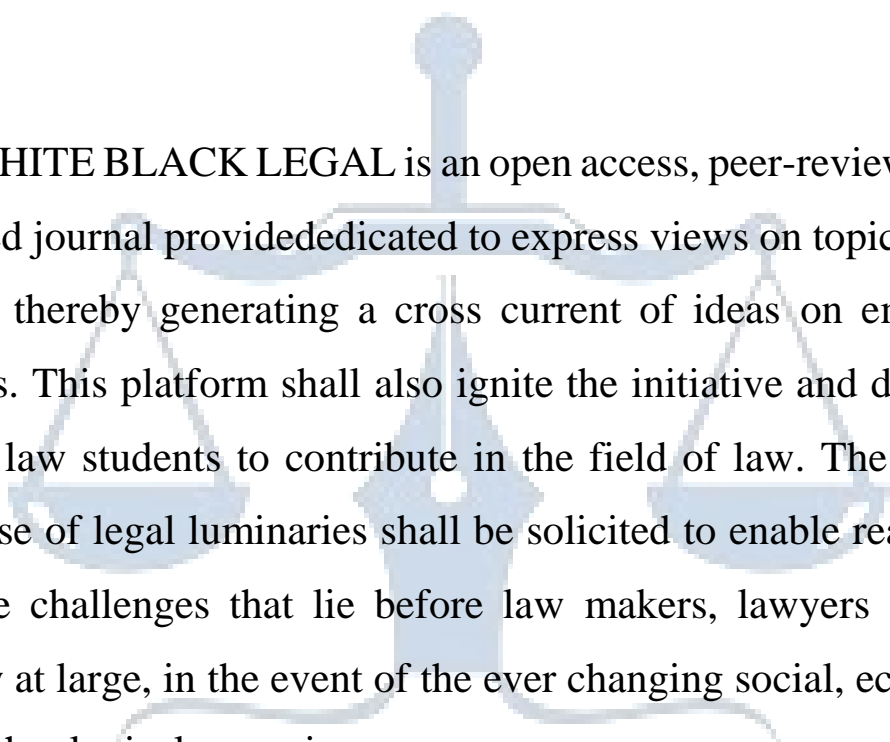


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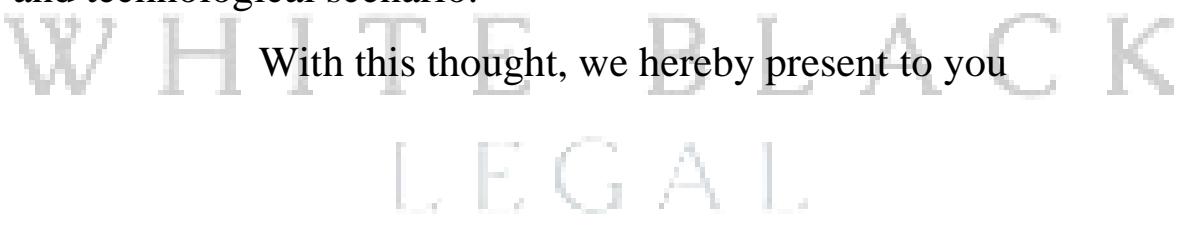
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you



THE ROLE OF CIVIL DISOBEDIENCE IN THE ENVIRONMENTAL MOVEMENT: A CASE STUDY OF SONAM WANGCHUK'S PEACEFUL PROTEST IN LADAKH

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ABSTRACT

The iconic region of Leh and Ladakh after the Abrogation of Article 370 was declared as a separate Union Territory on August 5, 2019, and Ladakh in the year 2024 celebrated its first independent status from Jammu and Kashmir. The recent protest underscored some eminent challenges faced by the people of Ladakh, the status was considered to be ornamental and did not ensure resistance in providing job security, rights on land and cultures. Lack of regional control, executive inefficiency and judicial organs have also impacted the region causing exploitation, mal-functioning and many other problems. The study is structured in a way to formulate a comprehensive understanding of the contemporary issues in safeguarding the rights of the Ladakhi people, it provides historical context, and the geographical outcomes of the region and also highlights the political relevancy, then it further demonstrates the vulnerable and delicate situations of the Ladakh region which is a prey of flash flood, landslides, melting of glaciers, endangering of species. "The Green Teacher", Sonam Wangchuck and how he initiated the Gandhian principle of non-violent protest facilitated by "hunger strike" and "pad yatra" led down the demands. The constitutional significance of the sixth schedule is also elaborated along with other legal frameworks. Further, emphasizes the arguments for how moral awareness should be infused for better protection of the environment and targets the Policy-makers to incorporate the sustainable development model for formulating new innovative techniques for various development projects.

Keywords: Environment, Ladakh, Sixth Schedule, Article 370, Sustainable Development, Sonam Wangchuk.

RESEARCH OBJECTIVE

The main objective of this paper is to analysis the impact of civil disobedience as a strategy in the environmental movement specifically examining Sonam Wangchuk's peaceful protest in Ladakh and the study aim to evaluate how Wangchuk's raised awareness about environmental issues, influence policy changes and inspire the community engagement while also exploring the broader implication of civil disobedience for sustainability and ecological justice in fragile ecosystem.

LITERATURE REVIEW

Thoreau's Foundational work on civil disobedience (1849) – Emphasizes individual moral responsibility against the unjust laws. Scholars such as McAdam (2017) argued that civil disobedience can mobilize communities and can bring attention to pressing Environmental issues.

Himmelstein , C. (2015) . “Civil Disobedience in the Environmental Politics” - This article stated that how non-violent protest can effectively challenge the government policies that harm the environment and pointing out that it is an essential strategy for grassroots movements. Also emphasizes the glacier retreat and its impacts in Ladakh where Ladakh glaciers are vital for water resources, agriculture and local ecosystems.

Singh, A., et al, (2018) – This study highlighted the alarming rates of glacier retreat due to climate change and which exacerbate water scarcity and threaten the traditional livelihoods. The socio legal implications of this environmental crisis are profound and impacting agricultural, tourism and cultural practices in the region. Also this article emphasize the Sonam Wangchuk's environmental advocacy and his approach combines traditional knowledge with innovative solutions to combat water scarcity and promote environmental sustainability his civil disobedience includes hunger strikes, aims to mobilize community awareness and governmental actions regarding glacier retreat.

M. Shafi Bhat, Amir Ali Khan, Mohmad Akber, Sumira Mir. (2023). “Disater-Development interface and its impact on emerging vulnerability scenario in Ladakh regions of northwestern Himalayas” – This article discusses about the vulnerabilities faced by the Union Territory of Ladakh, which is prone to various natural and human induced disasters and including

earthquakes, landslides and flash floods. These hazards have influenced the regions development and vulnerability, promoting increased attention from national policymaker.

RESEARCH METHODOLOGY

This study is a doctrinal research project, which includes secondary data sources, various online and offline data sources, statistical data, and climate reports that were taken and intensely studies for a comprehensive understanding of the relevancy of the current crisis and comparatively analyzed to reach to a satisfactory conclusion in overcoming the issues and the stances on protecting and safeguarding the rights.

RESEARCH QUESTION

Q1. “The most liberating demand in Ladakh today is inclusion under the sixth schedule” What is the 6th Schedule’s significance in uplifting Leh and Ladakh's vulnerable autonomy and ecology?

Q2. How does Sonam Wangchuk’s approach to civil disobedience in Ladakh reflect the principles of nonviolent resistance, and what impact has it had on local environmental policies and community awareness?

INTRODUCTION

Civil disobedience has emerged as a crucial tool in the environmental movement, which allows every individual and groups that they can challenge any unjust policies and raise awareness about pressing ecological issues. The civil disobedience intersection and environmental activism has gained a significant transaction in recent years. In the regions like Ladakh, communities depended on glacial water for agriculture and substance. Recently in Ladakh, Sonam Wangchuk who is an engineer and environmentalist and he is known for his several key achievements such as, “Ice Stupa Project” , he developed the Ice stupa technique in this technique which creates artificial glaciers to store winter water in the form of ice its helping to address water scarcity in Ladakh during the summer times , also he is the founder of “Educational and Cultural Movements of Ladakh” (SECMOL) , he has receiving several awards for his work including “The Ramon Magsaysay” award for community leadership in the year of 2018 , he is also advocating for sustainable practices to combat glacier retreat and climate change. Wangchuck’s peaceful protests emphasize environmental awareness and policy change in the region.

To elaborate the broader aspect firstly, we have to understand the background of Ladakh, its situated in the northernmost region of India and is experiencing significant climate change which leading to glacier retreat and this phenomenon threatens the water supply, agriculture which directly impacting the local communities over there. Wangchuck is famous for his innovative approaches to sustainable development and has utilized civil disobedience as a means to mobilize support and create pressure authorities to adopt more environmentally friendly practices. Civil disobedience emphasizes peaceful protest, which means there is refusal to obey certain laws or demands of the government, and Wangchuck's protests involve hunger strikes, including public demonstrations and various educational campaigns the main goal of the project is to draw attention to the urgent need for climate action and his protesting approach emphasizes non- violence and community engagement also fostering collective consciousness about environmental issues.

As the Indian Constitution guarantees fundamental rights to all the citizen of the country, such as "Right to Equality" under Article 14-18, which guarantees equality before the law and prohibit discrimination on the grounds of religion, race, sex, caste or place of birth and this is essential for marginalized communities including those people who are affected by environmental degradation. Article 19- 22 guarantees Right to Freedom which protect various freedoms including the right to free speech and peaceful assembly and these Articles advocates vulnerable people rights and environmental justice also Constitution emphasizes "Right to Protection in Respect of Conviction for Offence", Article 20 ensures that no individual is punished under a law that is not in force at the time of the offence. Article 21 guarantees "Right to Life and Personal Liberty" which includes right to healthy environment and this particularly emphasizes those communities whom are impacted by climate change and environmental degradation. Constitution impose "Directive Principle of State Policy" under article 36 – 51, these principles direct the state to promote the welfare of the people and ensure the social and economic justice and Article 46 stated about "Scheduled caste and Scheduled Tribes" this article advocates about the educational and economic interest of these communities and their from exploitation. Article 29-30 states about "Minorities Rights" which advocates the cultural and educational rights of the minorities it include indigenous and marginalized communities that are most often affected by environmental changes.

The 6th Schedule of the Indian Constitution provides for the administration and governance of tribal areas in the northern state and the certain regions with significant tribal populations,

which include the parts of Ladakh as well, the main aim of this schedule is to protect the cultural identity, land rights and traditional governance structures of indigenous communities. Schedule 6th of the Indian Constitution empowers the local council to legislate on various matters which includes land use, natural resource management and local governance also allowing communities to maintain control over their environment and resources All these constitution provision provide a framework for protecting the rights of vulnerable people in India, especially in the context of environmental movements and challenges posed by climate change. In the context of glacier retreat and climate change in Ladakh, the 6th Schedule plays a very crucial role it allows the communities often led by figures like Sonam Wangchuck who engage in civil disobedience to protect their rights and advocate for sustainable practices. Schedule 6 and Article 21 of the constitution emphasizes the importance of local governance and individual rights in the struggle for environmental justice.

The groundwater scenario in Ladakh is increasingly concerning due to the climate changes and anthropogenic stress. Firstly, as glaciers in the Himalayas melt due to the rising nature of temperature and initial increases in water availability may occur, but in the long term changes it could lead to reduce melt water also affecting groundwater recharge. Secondly, climate changes are causing shifts in rainfall patterns which lead to erratic monsoons and reduce snowpack and this is essential for groundwater replenishment. Thirdly, higher temperatures leads to increased evaporation rates, which can reduce surface water availability and subsequently affecting groundwater levels. If we look into the context of anthropogenic stress then firstly, rapid urbanization and increased agricultural demands which have led to excessive groundwater extraction and secondly, expansion of agriculture especially water-intensive crops which puts additional pressure on groundwater resources and thirdly, new project construction can disrupt natural water flow and effect aquifer recharge and further exacerbating groundwater depletion, these issues lead to consequences like water scarcity, soil degradation, and ecosystem stress to eradicate this challenges there must be implementation of sustainable water management practices such as harvesting rainwater , artificial recharge techniques and community based water conservation efforts and this are very necessary and crucial for the regions like Ladakh .

The Supreme Court of India also emphasizes the importance of environment and the protection

of environment in the landmark case of *M.C. Mehta v. Union of India* (1986)¹, where this case addressed the Ganga River pollution and emphasizing the right to a healthy environment also established that environmental protection fall within the ambit of fundamental right under Article 21 (Right to Life). In, *Vellore Citizens Welfare Forum V. Union of India* (1996)², where the court recognizes the importance of sustainable development and the court held that the principle of intergenerational equity must be upheld and ensuring that future generations can enjoy a healthy environment. Also the court has emphasizes the rights of tribal people in the case of *Indian Council For Enviro Legal Action v. Union of India*³, where the case recognizes the importance of environmental rights and the need to protect the interests of tribal communities who are affected by industrial pollution also court emphasized that the state must consider the impact of development on indigenous populations. To eradicate this issues, provide protection to the environment and protection of the rights of the vulnerable people there must be implementation policy reforms, community environment, suitable practices and legal support such as access to legal resource, collaborative governance, research and monitoring and civil disobedience as last resort, by implementing these solutions we can address environmental issues more effectively while respecting the role of civil disobedience as a catalyst for change .

HISTORY OF LADAKH

During the Independence, the region of Ladakh was under the Dogra rule, headed by Maharaja Hari Singh, soon after the Kawali attack, who came from the region of Gilgit Baltistan, attacked Leh Ladakh and Jammu and Kashmir, followed by Maharaja Hari Singh signed the instrument of accession, after the signing of the accession Jammu and Kashmir, became an integral territory of the Indian States. Jammu and Kashmir as a State joined India, and formed 3 major regions, Firstly, the Kashmir Valley; the majority of people in the Valley were mostly Sunni Muslim Community (they refer to themselves as “Koshur” in their mother language), Secondly. In contrast, when we observe the Jammu Valley we find a major population of Hindus, approximately 66%. Thirdly, when it comes to Ladakh this region is mostly populated by Tibetan Buddhist People. Thus the State of Jammu and Kashmir has diversity in culture. Focusing onto the geographical aspect of the Ladakh region is mostly covered by cold desert, which is at a height of 3 to 4 kilometres, which as a result has a scarcity of water, and air. Thus

¹ *M.C. Mehta v. Union of India*, (1986) 2 S.C.C. 176 (India).

² *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

³ *Enviro Legal Action v. Union of India*, (1996) 3 S.C.C. 212 (India).

for the following reasons, it becomes difficult to inhabit in such a terrain, thus this was the point where the region demanded a separate representation, and to acquire its own identity in form of statehood or union territory, this kind of notion was pre-existing in the Ladakhi people. After the post-independence, Ladakh faced a lot of war cries, being most significant was the Indo-China war of 1962, at the greatest loss was faced in the Ladakh region and China during this time Parallely started the construction of the Karakorum Highway leading to “one belt one road” as we denote it today. The Karakorum Highway passes through Gilgit Baltistan cutting across the Karakorum Ranges, which is on the northern side of Ladakh. In 2019, the Abrogation of Article 370 and removal of Article 35a, by which the special status given to J&K was taken away, and as a result Jammu and Kashmir was broken into two parts, one being a union territory of Jammu and Kashmir with a legislature and another Union territory being Leh and Ladakh, without a legislature.

GEOGRAPHICAL REPRESENTATION OF LADAKH

The region of Ladakh mostly comprises a cold desert area, where the temperature is as low as -10 to -12 degrees Celsius. The Himalayas being a series of ranges, the initiation point of the Himalayas is the Gangatic Plains then it moves forward towards and then starts with the first Shivalik range, followed by the middle Himalayas and then the Himadri range (the greater Himalayas). Anything beyond the Himadri or on the northern side of Himadri is the Trans Himalaya, which further consists of four mountain ranges, Karakorum, Ladakh, Zaskar, and Kailash. These four mountain ranges form the Trans Himalaya and between these ranges forms the inter-mountain plateau, with a flat top known as the Ladakh plateau, this is the region from where the Indus River and its tributaries originated. This region is of great importance as about 2 billion of people are getting their water resources from this region and this is the source of a lot of Glaciers. The northernmost Glaciers point under the Indian province is the Siachen Glacier.

There have been numerous interventions in this region by China and Pakistan due to geo-economic significance majorly in areas of Gogra Post, Galwan Valley and Hot Springs. The right side of this region in the Aksai Chin region which is illegally occupied by China. The Ladakh region is directly connected with the districts of Lahal and Spati via the Atal Tunnel in the state of Himachal Pradesh. This region has a similar cultural trend. China shockingly, considers this region under the 5 fingers of Tibet and considers Ladakh to be part of China.

POLITICAL STRUCTURE OF LADAKH:

Dated back in 1979 the region of Leh and Ladakh was primarily divided into two districts one was Kargil district and another being the Leh district. In 1990 there was immense violence against the people of Kashmir Valley and there was a rise in Militancy and in 1989 there were conflicts between the Buddhists and Muslims, the riots resulted in the Kargil war and after that war, there was creation of the Hill Autonomous Council in 1995, and in 2003 a similar council was created for the district of Kargil and this region celebrated their independence day on the day of Abrogation of Article 370 in 2019. In today's time it is referred to as a Union territory without legislation, only one representative as a Member of Parliament, there is no Vidan Sabha and there is no Chief Minister. An administrator called the lieutenant governor governs the region, thus it has a strong control of civil servants and central forces.

THE FOUR MAJOR DEMANDS OF LADAKH'S PEOPLE

The demands of the civilians of Ladakh have been raising their voices and headed by the Green man of India Sonam Wangchuk, advocating the rights of the Ladakh people. **Firstly**, the Ladakhi People want to get protection, identification and tribal status under the sixth schedule of the Constitution, which provides special safeguards and powers to make laws to preserve the culture and environment. With this status, they will be able to elect an autonomous district council and an autonomous regional council, which will function for the administration of these tribal regions, and there is lesser scope for exploitation of the resources and cultural heritage. These special status are provided to the states of Meghalaya, Mizoram, Assam and Tripura. **Secondly**, Ladakh wants to acquire full statehood, with proper legislation and a Vidhan Sabha, and the power to elect its Chief Minister. **Thirdly**, they want a minimum of two representations in the Parliament from Ladakh, which is currently one in Lok Sabha and there is no representation in Rajya Sabha, thus they want a proper representation in the government. **Fourthly**, as Ladakh is devoid of secure jobs they demand for the establishment of a Public Service Commission, which could regulate and enhance job security in Ladakh. **The auxiliary demands** of the Ladakhi people which can also be stated as an alarming factor about the vulnerable environmental condition of the Union of Leh and Ladakh and the fragile condition of the Himalayan Region as it is a vital source of water supply in India and also a factor for climate changes, as recently observed there has been a consistent fluctuation in the Western disturbance due to which there was less snowfall in Kashmir and Ladakh region, they raised a question on which Model of sustainable development to be followed to compliment with the

delicate region of Ladakh without causing an impact on the ecology and eradicate the climate changing crises in the Himalayan Region.

BACKGROUND STUDY OF HUNGER STRIKE

As proclaimed by Sonam Wangchuk in a Public address in 2019, during the Lok Sabha Election, the Bharatiya Janta Party in their manifesto for Ladakh (Kargil and Leh) mentioned in clause 3, declaration of Ladakh under the 6th schedule of the constitution on India. In the 119th meeting of the National Commission of the scheduled tribe under the Chairmanship of Dr. Nand Kumar Sai to deliver some light on the issue of the 6th schedule in Ladakh, the commission “feels that this will immensely help in meeting the cherishing aspirations of tribal people in Ladakh region.” However the government initiated no specific action. In the year August 2020 the Ladakhi People put forth their demands in front of the Government for the first time, and in the month of September first mass protest against the rights took place. In 2020, during the election of Autonomous Hill District Council Election in Ladakh before which Home Minister Amit Shah, promised the people of Ladakh the implementation of the 6th schedule with 15 days in Ladakh. After this confrontation, the leaders of the protest called off the massive protest, and the election was won by them, but there was no action plan which took place. In 2021 December and 2022 November there took place multiple protest in between there were several meetings were held for consideration but no active solution was ascertained. Finally leading to the indefinite hunger strike by the eminent environmental activist Sonam Wangchuck, which awoken the entire nation. Further on 2nd October, a peaceful march was conducted by Mr Wangchuck from Ladakh to Delhi, over 150 citizens joined in that march, but the Marchers were detained along with Sonam Wangchuck for 36 hours by the Delhi Police which outraged the people’s sentiment and also marked as an abuse of Police Powers.⁴

DISCUSSION

RQ1. Vulnerability of Ladakh’s Ecology:

Ladakh situated in the northernmost part of India experiences a timid climate associated with harsh winter. There have been peculiar changes observed in the climate in recent times, which would in the long run be a threat to the environment. There are various observations made by experts on the cause-and-effect relationship between environmental degradation in Ladakh and the northern hill region. According to the director of the Meteorological Department, Sonam

⁴⁴ John Doe, Environmental Activism in India: Case Studies 78 (2022).

Lotus “Similar to other areas in the Northwestern Himalayan region, such as Jammu and Kashmir, Himachal Pradesh, and Uttarakhand, Ladakh also experienced a large deficit winter snowfall during November, with only one instance of light snowfall. Additionally, the region has witnessed a complete lack of snowfall during December and January until the 25th. This prolonged dry spell is not uncommon but rather infrequent.” Observations were made from various studies that there has been an immense scarcity of snowfall, which has even extended to the complete absence of snowfall during the months of November and December of the years 2011, 2014, 2016, and 2018. This pattern further continued and on January 3, 2024, has evidenced the lowest minimum temperature of -12 degrees Celsius, which normally reaches approximately -16 degrees Celsius. The World Meteorological Organization (WMO) officially announced 2023 as the warmest year of its history. The general public opinion of the locals of Ladakh stated “This year winter doesn’t feel like the same Ladakhi winter. It is very warm, this time; we can see many insects such as houseflies and butterflies alive in the peak winter. It is very unusual for a place like Ladakh.” Ladakh Youth Skating Trust and Ice Skating coach Mohammed Yusuf, also explained “, “We have been trying to form ice using fans and quick lime from January 1, but were not able to due to the warm temperatures. Nighttime temperatures are -6°C. We need a temperature of at least -11°C to form ice. Last year, we started the tournament from January 1.” In a study noted in the Journal of Water and Climate Change published in 2024, provided an analysis of how the underground water is diminishing and the root cause of the shrinkage of the glaciers, it accounted, for about 40% of the Glacier shrunk in area and about 25% in volume. The Glaciers near Pangong Lake degraded around 6.7% since 1990. Some researchers highlighted that Ladakh has been alerted to climatic changes, black carbon emissions as a result of tourism and the

infrastructural development project which indirectly created impact on the Glacier depletion. Impact on the Glacier will eventually have adverse effect on the fresh water sources, which drains the most of the Indian subcontinent. On the light of an interview by Wangchuk to Mongabay, he enshrined that Ladakh’s geographical contention and demography should be efficiently preserved and protected, he also exclaimed “Pollution, local activities, tourism, and military presence have led to a growing population in the area. If this trend continues, each new industry will bring in thousands of people, putting pressure on an already sensitive region. The government seems unable to understand the sensitivity of this region,” the ecological diversities like this will endanger several flora and fauna and the ethnicity of the scenic beauty will be destroyed in the name of development.

Significance of the Sixth- Schedule:

Ladakh suffers from a lack of autonomy, which majority of the time results in conflicts and protests, and in 2020 there were multiple hunger strikes to proclaim the power from the Central authorities to set up an autocratic democracy with legislation and their own Chief Minister. The major two dissenting communities the Leh Buddhist Communities and the Kargil Muslim Communities cooperated to establish the demand for separate Statehood and the call for implementation of the Sixth Schedule, which is an essential instrument to protect the rights and culture of Ladakhi people. The sixth schedule was introduced as a special provision under Article 244(2) and 275(1), which gave special protection and powers to govern their territory and preserve their cultural heritage, these special status is entrusted to all the North-Eastern tribal regions (Mizoram, Meghalaya, Tripura and Assam), this schedule somewhat gives some legislative powers to form Autonomous District and Regional Councils on matters of land, forest, agriculture, inheritance, social customs and practices though the assent of government will also be required, to put to the action of such recommendation. Financially these bodies will be engaged in managing the regional budget, responsible for the collection of taxes, and directing the economic development policies, which may extend to putting restrictions on mining activities.

They also have supervisory powers to take control of the industrial and development projects, promoting education, enhancing health care facilities and transport facilities, this will also empower them to establish local-level courts for problem resolution. Looking at the emerging situation of ecological degradation and even lack of job facilities the six schedules plays a vital role in accelerating the real development of Ladakh. The people of Ladakh will always have a better awareness about the issues they face rather than an overseeing body thus these regional Councils will stand for better stakeholders when comes to local-level administration. As per the words of Wangchuck, “This fight for Ladakh is now a battle for the truth, the environment, and democracy. When we became a UT (in 2019), it was our hope that the Sixth Schedule of the Indian Constitution would provide the protection needed by this land, its air and water as well its Indigenous tribal peoples, who form 97 per cent of the population,” and he also raised his concerns by stating the development programs in Himachal Pradesh, Sikkim, and Uttarakhand. Tsewang Namgail a member of Snow Leopard Conservancy Trust also in his statement mentioned “Ladakh’s wildlife has been sustaining the people in its remote mountains and valleys for centuries. The snow leopard controls the population of wild sheep and goats (caprids such as Bharal or blue sheep, markhor, and ibex). This prevents overgrazing, which in

turn, promotes plant regeneration on the slopes. And that prevents flooding. So, you can see the ecological link between snow leopard populations and flooding,” thus the protestants having less confidence in governmental development wanted to be empowered with rights to be part of decision-making, so no third-party intrusion could affect the environment and culture of Ladakhi Population.

The core agenda of the “Hunger Strike” is the demand for a fundamental right to a clean environment and Statehood. The right to a clean environment as recognized under Article 21 of the Constitution of India, makes the demands more legitimate. In the case of *Virender Gaur v. State of Haryana, 1955*⁵, the court held that it is the duty of the state to ensure a healthy ecology for upholding the rights and integrity of individuals, and every human being has a right to thrive in a clean and healthy environment. Thus in the case of Ladakh which is reasonably in a vulnerable status and needs more reformative approaches to preserve the resources, yet the government shows no concern toward sustaining keeping in mind the current anomalies of population control due to industrialization up gradation, carbon emissions from tourism, and endangering of rare animals due to global warming. The profit-driven individualists have made Ladakh the target of their next venture and the protestor’s stand firmly against their malice will.

Other legal frameworks in support:

The Plea of the strike is also aligned with several other statutes like the United Nations Declaration on the Rights of Indigenous People (UNDRIP), to which India is also a signatory from 2007, which specifies that the Indigenous people have rights to self-determination as per Article 3, to promote, strengthen and facilitate their regional governance in legal, political, economic, social and cultural foundations, as per Article 5, and special powers are provided to restore, conserve and protect their environment as per Article 29. In another convention of the International Covenant on Civil and Political Rights (ICCPR) also upholds self-determination under Article 1 and the special rights entitled to the minority groups to practice their cultural heritage under Article 27. Thus the protest of the Ladakhi people is on guaranteed rights which is universally recognized, as the challenges which are faced, contribute to two major dimensions that have a global impact.

⁵ *Virender Gaur v. State of Haryana, A.I.R. 1955 P&H 225 (India).*

RQ2.

Sonam Wangchuk's approach to civil disobedience exemplifies the principles of nonviolent resistance, significantly impacting local environmental policies and raising community awareness in Ladakh. If we talk about the principle of nonviolent resistance, firstly, Moral Persuasion; Wangchuk emphasize moral arguments about the importance of preserving Ladakh's unique environment and culture and his peaceful protests aim to engage rather than alienate, fostering dialogue with authorities and the public. Secondly, Sustainable Alternatives; he also advocates for sustainable development practices and providing constructive solutions rather than merely opposing harmful policies. This approach exemplifies nonviolent resistance by promoting positive change through education and innovation. Thirdly, Impact on Local Environment Policies; government engagement, wangchuk's activism has successfully drawn the attention of policymakers to issues such as water scarcity and climate change and leading to discussions on sustainable practices and infrastructure in Ladakh. Community – Based Initiatives; his efforts have inspired local initiatives focused on environmental conservation such as, traditional water management techniques and renewable energy projects, which have gained traction among policymakers. Lastly, Raising community Awareness; educational outrage, Wangchuk's conducts workshops and community meetings to educate residents about the impacts of climate change and the importance of environmental stewardship, fostering a collective consciousness about local issues and cultural revival, by linking environmentalism with Ladakhi culture and identity, he has mobilized community members to take pride in their environment, leading to increased participation in conservation efforts. In conclusion it can be stated that Sonam Wangchuk's peaceful protests embody the principles of nonviolent resistance and resulting in enhanced local environmental policies and heightened community awareness. His approach demonstrates that civil disobedience can effectively advocate for sustainable development while fostering a strong sense of local identity and responsibility toward the environment. ⁶

CASE LAWS

M.C. Mehta v. Union of India (1986)⁷ – M.C. Mehta is an environmental lawyer, filed public interest litigation concerning the pollution of the Ganga River and this case emerged from widespread concerns over industrial waste, untreated sewage and the impact of these pollutants

⁶ Sonam Wangchuk, Climate Change and Civil Disobedience in Ladakh, 15 J. Env't & Soc'y 45 (2024).

⁷ M.C. Mehta v. Union of India, (1986) 2 S.C.C. 176 (India).

on the river's ecosystem and the health of millions who depend on it. Key issues of this case were firstly, Pollution of the Ganga; industrial discharges in the river led to cause public health issues and environmental issues. Secondly, Violation of Article 21; the petitioner argued that the states failure to protect the river which violated the fundamental right to life its include the right to a clean and healthy environment. The Supreme Court delivered a landmark judgment and emphasizes several important points firstly, right to a Healthy Environment; the court held that right to life under Article 21 of the constitution it includes the right to live in pollution – free environment and emphasizes the need for the state to ensure the protection of natural resources. Secondly, Strict Liability Principle: in this case the court applied the doctrine of strict liability and establishing that industries engaging in hazardous activities are liable for any harm caused, regardless of negligence. This principle means that even if a company takes all precautions, it is still responsible for any environmental damage arising from its operations. Thirdly, Polluter Pays Principle; the court ruling reinforced that the polluter should bear the costs associated with pollution control and environmental restoration, which establishes financial accountability for those causing environmental harm. Fourth, State Obligation; where the court mandated that the government should take immediate and effective measures to prevent pollution in the Ganga and emphasizes the need for regulatory framework to monitor and control industrial waste. Lastly, Formation of Committees; the court also called for the establishment of committees to assess pollution levels and provide recommend actions to mitigate environmental damage. This case has a significant impact in shaping the environmental law in India and the application of strict liability, which set a precedent for holding polluters accountable and highlighted the legal obligation of the state to provide protection to the environment also this judgment emphasized the integration of environmental rights within the framework of constitutional rights. The court ruling significantly increase the public awareness and legal frameworks concerning the environmental protection in India.

Ghulam Nabi Azad v. Union of India (2010)⁸- This case arose from concerns over the environmental impact and governance issues in Ladakh, particularly related to land use, development projects and the rights of local communities. Ghulam Nabi Azad who is prominent political figure and challenged certain decisions of the government that affected the region's ecological balance and the rights of its inhabitants. The major legal issues were firstly, Environmental Degradation; this case highlighted the potential adverse effects of unregulated

⁸ Ghulam Nabi Azad v. Union of India, (2010) 12 S.C.C. 275 (India).

development and resource exploitation on Ladakh's fragile ecosystem. Secondly, Right of Local communities; the petition also emphasizes the need to safeguard the rights of the local population in decisions affecting their land and resources. Secondly, Governance and Autonomy; it raised question about the adequacy of existing governance structures to manage development while ensuring environmental protection. The court emphasizes certain rule in this judgment firstly, Emphasis on Sustainable Development; the Supreme Court ruled that any development projects in Ladakh they must adhere to sustainable practices also taking into account the region's unique environmental conditions. Secondly, Community Rights; the court underscored the importance of involving local communities in decision-making processes regarding land use and resources management and recognizing their traditional knowledge and rights. Thirdly, Regulatory Framework; the court ruling called for a robust regulatory framework to oversee environmental assessments for proposed projects and ensuring compliance with environmental laws. Fourthly, Environmental Impact Assessments (EIA); the court mandated that all significant development projects must undergo thorough environmental impact assessments to evaluate potential effects on the local ecology. This case has a significant reinforce the principles of sustainable development and the importance of local governance in Ladakh and it highlighted the need for a balanced approach that considers both development and environmental conservation and setting a precedent for future cases involving similar issues in ecologically sensitive areas, this case contributed to the broader aspect on environmental rights and governance in India, particularly in regions like Ladakh, where development pressures can threaten fragile ecosystems.⁹

FINDINGS

The finding ascertained after the analysis of the case study and current progress is that the pivotal issue concerning the Environment and Statehood of Leh and Ladakh is an essential agenda with respect to democracy, as uplifting the minorities and creating opportunities for these groups are the prima facie function of the government and depriving them of adequate representation is technically wiping off their legislative powers and in the words of Wankchuck he denotes the status of Ladakh as "being treated like a colony", which is in stringent control of central powers, without their state legislator, which also neglects their constitutional rights. The ignorant behaviour of the government is not acceptable after the intense hunger strike, the civilians look up to these institutions but no action or considerations are effectively made,

⁹ Sonam Wangchuk, My Journey: Innovations and Protests in the Himalayas 123 (2023).

rather more atrocities are implemented to silence them.

CONCLUSION

There have been no evident developments in consideration of the demands, and the further detention of the activist, Mr. Wangchuck has aggravated the rage against the government and Police. Despite of the government making promises that to in a public document, denied the minorities their fundamentals have eroded the faith in the present government to some extent, Ladakh also being an integral part of India is being treated indifferently and the people of Ladakh feel deprived of the Statehood. The ignorance of the government even to the international declaration portrays the disparity between India and the International Regulatory Organs, which deliberate a universal awakening of justice. The memorandum of demands highlighted the thriving issue of melting glaciers due to Global Warming and efforts should be made under the Lifestyle for Environment Movement, which targets in reduction of consumption and encourages sustainable development. The new scopes of sustainable development should be encouraged and adequately funded so that they can introduce more reliable sources for sustainable development and will work in accordance with nature and not against it. The government shall put in every effort to promote sustainable technologies, as it is not a matter of any state or country; it rather has a greater spectrum in affecting the global ecology.

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