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Shielding the Climate of Ladakh: Need of the Day

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Ladakh, a high-altitude freezing desert in the Indian Himalayas, is facing serious environmental issues due to climate change and fast growth. This research examines how socioeconomic change and climate change interact, focusing on local factors influencing Ladakh's vulnerability and resilience. Ladakh's unique geography of high mountains, glaciers, and limited water resources makes it highly susceptible to climate impacts like rising temperatures, receding glaciers, and extreme weather. Amid this crisis, Ladakh's predominantly tribal people demand autonomy and safeguards through the Indian Constitution's Sixth Schedule for tribal protection and independence for enhanced political representation. This aims to give them more control over development for environmental and cultural preservation. Activist Sonam Wangchuk's hunger strike brought international attention, but the Indian government has been reluctant to address demands fully, citing strategic border concerns. The struggle highlights the need for sustainable development balancing economic growth with environmental and cultural safeguards. The research underscores considering local conditions' impact on resilience and vulnerability when formulating broader climate policies. Ladakh exemplifies the complex interplay between environmental degradation, cultural erosion, and self-determination, demanding a nuanced approach to its multifaceted challenges.

Keywords: *Ladakh, climate change, glaciers, Constitution, sixth schedule.*

INTRODUCTION

Ladakh, located southwest of the 'Tibetan Plateau' and known as 'Little Tibet' for tourism purposes, runs from the Higher Himalayas to the 'Karakoram Mountains'. This area experiences a rain shadow and a high-altitude cold desert because the Indian summer monsoon (ISM) is blocked by the Himalayan Mountain range. Snowfall during the winter months is primarily caused by westerly disturbances, which influence the region's precipitation. Tall mountain ranges, broad valleys, and tight, narrow gorges filled with rivers '(Indus, Shyok, Nubra, Tangtse, Hanley, Yapola, Markha, Tsarap-Lingti, Zanskar)'; large lakes '(Tsokar, Pangong Tso, Tso Morari); glacial valleys (with glaciers, ice patches, moraines, etc.)' and multiple proglacial lakes situated on the crest of the Ladakh Range comprise the landscape of Ladakh.¹

Climate change is affecting ecological functioning as well as the human activities that rely upon them. Extreme weather events, retreating glaciers, and rising air temperatures are all happening more frequently and at a rate that is posing serious problems for mountain communities.² Furthermore, the effects of climate change intensify ongoing ecological, political, and socioeconomic strains, making it more challenging to respond to hazards both now and in the future.³

A large number of villages suffer severe water scarcity, especially in the two critical months of April and May when stream levels are low and residents vie with one another to irrigate their just planted crops. The icebergs and snow in the mountains are melting swiftly, resulting in an excess of water by the beginning of June resulting in extreme flooding. All farming operations cease by the middle of September, but a smaller stream continues to flow wastefully and steadily throughout the winter into the Indus River, serving no purpose for anyone. The Himalayan

¹ Binita Phartiyal and Debarati Nag, 'Sedimentation, tectonics and climate in Ladakh, NW Trans-Himalaya-with a special reference to Late Quaternary Period' (2022) 1(4) Geosystems and Geoenvironment <<https://doi.org/10.1016/j.geogeo.2022.100031>> accessed 10 March 2024

² Intergovernmental Panel on Climate Change, *AR5 Climate Change 2014: Impacts, Adaptation, and Vulnerability* (2014)

³ Hallie Eakin¹ and Amy Lynd Luers, '' (2008) 31(1) Annual Review of Environment and Resources <<http://dx.doi.org/10.1146/annurev.energy.30.050504.144352>> accessed 10 March 2024

glaciers are melting as a result of local pollution and global warming, making the issue worse with time.⁴

The contamination is a huge environmental onslaught, engineer Wangchuk said. Most of it is due to heating shelters that can be easily replaced by non-carbon-based heating systems.⁵

According to him, Ladakh is currently 'probably the densest militarized zone where the civilian-soldier ratio is 1:2'. Tens of thousands of troops have been stationed in the area as a result of the ongoing impasse between China and India.

*Climate change is a global mismanagement, while pollution is a local mismanagement. We are witnessing devastating effects of the mix in Ladakh Wangchuk said.*⁶

The Kargil Democratic Alliance (KDA) is about becoming part of Sonam Wangchuk's fasting as the moving forward unrest in Ladakh against the Union government picks up steam, a Ladakhi climate activist, and the Ramon Magsaysay Award recipient went on a 21-day 'fast unto death' hunger strike with hundreds of people, gathered in sub-zero temperatures at an altitude of 3,500 meters above sea level on 6th March 2024.⁷ The reasoning behind the choice of days and the crucial decision of a hunger strike was 'A total of 21 days, as this is the longest fast Mahatma Gandhi ever observed through the independence movement. Following Mahatma Gandhi's approach, embracing personal suffering and willingly enduring hardship can highlight injustices and compel lawmakers and the government to take immediate action in addressing pressing issues.

The KDA, a prominent political grouping, has decided to join Wangchuk's fast, which has entered its 16th day, as the talks have not responded to the demands for statehood and privileges under the Sixth Schedule. Thousands of people from Ladakh have already joined Wangchuk's

⁴ 'About The Project' (*The Ice Stupa Project*) <<http://icestupa.org/about>> accessed 10 March 2024

⁵ Mukhtar Khan, 'Ladakh herders struggle on the frontier of climate crisis' *Al Jazeera* (10 January 2023) <<https://www.aljazeera.com/gallery/2023/1/10/photos-ladakh-herders-struggle-on-the-frontier-of-climate-crisis#>> accessed 15 March 2024

⁶ *Ibid*

⁷ 'Ongoing Ladakh Protest Demanding Constitutional Safeguards Is Getting Bigger' *The Wire* (21 March 2024) <<https://thewire.in/rights/ongoing-ladakh-protest-demanding-constitutional-safeguards-is-getting-bigger>> accessed 25 March 2024

protest, which is aimed at drawing attention to the fragile environment of the region and the threats posed by industrial development. The situation in Ladakh is increasingly volatile, with the Union government facing mounting pressure from the local population to address their long-standing political and environmental concerns.

HISTORICAL IMPORTANCE OF LADAKH

The countless number of glaciers in Ladakh has been contributing to the region's status as one of the 'water towers of the world'⁸ Ladakh is also known as 'the Land of Passes' (La - passes, dakh - land) is the region with the greatest area, with 95,876 km², among Jammu, Kashmir, and Ladakh. The region is administered by India as a union territory.⁹ Ladakh is one of the highest and driest inhabited regions on earth, with an incredibly severe environment. Because Ladakh's climate combines elements of the Arctic and desert, it is known as a cold desert environment. Except for valley floors and irrigated areas, the entire region is almost completely bare of vegetation because of the following: These include exceptionally low precipitation, with just 10 to 30 cm of snow falling annually, and significant seasonal and diurnal temperature variations, ranging from '-40°C' in the winter to '+35°C' in the summer. The combination of the low humidity and high altitude causes radiation levels to be among the highest on Earth.

Inhabitants of Ladakh were additionally affected by decreased snowfall in the area, even though severe rainfall has its own set of problems. Shortages of water are seriously impacting farmers, and locals—including entrepreneurs of hotels and guesthouses—have been thinking of other options. These days, they drill wells to supply fresh water for the many visitors from all over the world who travel to the area annually.¹⁰

Ladakh has been crucial to the Kargil conflict and other territorial conflicts, making it an important area from a military perspective. Wangchuk raises worries about the potential for

⁸ 'Thousands in Ladakh protest demanding climate action and land rights in freezing conditions' *Australian Broadcasting Corporation* (24 March 2024) <<https://www.abc.net.au/news/2024-03-25/thousands-protest-in-ladakh-demanding-climate-action-and-rights/103626414>> accessed 28 March 2024

⁹ 'Importance of Ladakh' (*Drishti IAS*, 3 July 2020) <<http://drishtias.com/printpdf/importance-of-ladakh>> accessed 28 March 2024

¹⁰ Arjun Sharma, 'Climate Change Stripping Ladakh of Its Very Identity' *The Weather Channel* (17 July 2019) <<https://weather.com/en-IN/india/news/news/2019-07-17-climate-change-stripping-ladakh-of-its-very-identity>> accessed 29 March 2024

corporate development within the union area, citing the expectation that this will worsen the already severe shortage of resources, including water. Glaciers in the area may melt as a result of mining activity. He claimed that individuals in big cities worldwide held much too much responsibility for climate change in December, using recent events in the northern mountain region, such as flash floods, to illustrate the effects of the phenomenon.

Ladakh, frequently referred to as the earth's 'third pole,' encounters a few major challenges. 'If action is not taken, Ladakh's industry, tourism, and trade will continue to grow and eventually bring it to an end. According to recent research conducted by Kashmir University and other research institutions, if the glaciers in Leh-Ladakh are not adequately maintained, they will eventually recede almost to their second third. According to a study conducted by Kashmir University, glaciers that are surrounded by roads and human activity are melting more quickly than others, according to Wangchuk. There should be as little human activity as possible in the ecologically delicate Ladakh to preserve the glaciers for the benefit of both the residents and the nation as a whole.¹¹

Located in northern India, the arid region of Ladakh is inhabited by 300,000 people of the Buddhist and Muslim minorities. Shia Muslims stay in the Kargil region, whereas Buddhists predominate in the Leh region. For several decades, the Kargil community aimed to be a part of the Muslim-majority section of India-administered Kashmir, while the Buddhist community wanted to have its land.¹²

The regime of Prime Minister Narendra Modi abolished Article 370¹³ of the Indian Constitution in 2019, providing the erstwhile state of Jammu and Kashmir considerable autonomy and a special status. After that, the state was partitioned into Ladakh and Jammu & Kashmir, both of which are areas within federal authority. To fix people's concerns, the districts of Kargil and Leh came together to form the Kargil Democratic Alliance (KDA) and the Leh Apex Body (LAB)

¹¹Aayushi Sharma, 'Who is Sonam Wangchuk and why did he undertake a 5-day 'Climate Fast' in Ladakh?' (*Climate Fast Checks*, 1 February 2023) <<https://climatefactchecks.org/who-is-sonam-wangchuk-and-why-did-he-undertake-a-5-day-climate-fast-in-ladakh/>>accessed 30 March 2024

¹² Bilal Kuchay, 'Ladakh Buddhists who hailed India's Kashmir move not so sure now' *Al Jazeera* (14 October 2020) <<https://www.aljazeera.com/news/2020/10/14/kashmirs-leh-region-demands-constitutional-safeguards>> accessed 30 March 2024

¹³ Constitution of India 1950, art 370

a year later. Organisations from civil society were challenging the federal government in massive protests.¹⁴

Ladakh's unique rights and authority under the statehood were taken away in 2019 when Article 370¹⁵ of the Indian Constitution was repealed. Among the numerous resolutions that the two hill councils have issued, a few have been unanimous in their consideration of the requests of the populace and the actual conditions in the UT.¹⁶ In addition, they support implementing the Sixth Schedule, a constitutional clause that safeguards indigenous communities and allows them the power to establish independent bodies to establish rules regarding agriculture, health, and the land. Ladakh's inhabitants are nomadic to the tune of 97%.¹⁷

Wangchuk fiercely protested every aspect of his call for Ladakh to be integrated into the constitution and for its unique ecology to be shielded from mining and commercial interests. Wangchuk's unwavering determination, backed by a committed community, served as a painful reminder to the Indian Government of its duty to safeguard 'Ladakh's' ecological integrity and conserve its historically cultural roots. They raised their voices in unison, imploring the authorities to keep their word and protect 'Ladakh's' unspoiled environment and centuries-old cultural heritage from the ongoing demands of development and contemporary life.

LATEST PROTEST AND DEMANDS

The special status assigned to Kashmir was withdrawn by Modi's BJP government in August 2019, and the region has been split into Jammu and Kashmir and Ladakh, two federally managed areas. Ladakh's leaders, however, stated they are no longer officially recognised in the present administrative framework and have minimal influence over the development projects that the execution, which resides in New Delhi, promotes. Locals are also concerned regarding new federal regulations that permit foreigners to establish businesses and settle in the region.

¹⁴ 'Why Ladakh Is Witnessing Protests Over Statehood And Sixth Schedule' (*Outlook India*, 5 February 2024) <<https://www.outlookindia.com/national/explained-why-ladakh-is-witnessing-protests-over-statehood-and-sixth-schedule>> accessed 01 April 2024

¹⁵ Constitution of India 1950, art 370

¹⁶ Sharma (n 11)

¹⁷ 'Ladakh: The thousands of Indians protesting in freezing cold' *BBC News* (22 March 2024) <<https://www.bbc.com/news/world-asia-india-68573281>> accessed 01 April 2024

Much of the authority possessed by two autonomous entities that were established for autonomy in Leh and Kargil in the middle of the 1990s and early 2000s has now been taken away. In the districts of Leh and Kargil, the *Ladakh Autonomous Hill Development Councils* played a significant role in making decisions about land, healthcare, and other local issues. Strikes have been made in the streets by the general population. In January of last year, activist Wangchuk starved for five days despite camping in frigid temperatures to bring close attention to the hazards that planned mining and industrial developments posed to the pristine ecological systems.

On February 3rd, thousands of people gathered in Leh, the main city of Ladakh, led by the *Kargil Democratic Alliance* and the *Leh Apex Body*, which stands for the goals of Kargil, which is mostly Muslim, and Leh, which is majority Buddhist. They demand independence for Ladakh, a traditional territory, per the 6th Schedule of the Constitution, which enables the creation of independent organizational divisions that have particular legislative, judicial, and executive power inside a state. They enact rules on land, forests, water, and mining, which are vital in an area where indigenous people make up 97% of the populace.

‘It’s very crucial for us being tribal and sparsely populated to stand for our rights,’ Al Jazeera was given the news by Lhador Rapper, a young person from Leh who sings protest rap songs. ‘In 2019, we rejoiced, believing we had been anticipating this day for a long time, but it was in vain.’ The rapper submitted a Hindi song to YouTube, which to date received 69,000 likes. It is called 6th Schedule for Ladakh, and here is a translation of some of its lyrics:

Listen to the voice of Ladakh, my countrymen. How's this government when one cannot even speak? We aren't just blabbering. Our home is at risk.¹⁸

The large Buddhist group in Leh had long harboured resentment in opposition to the actuality that Srinagar, the capital of Kashmir, existed 420 kilometres (260 miles) away and operated as the region's administrative centre. Wangchuk claimed he expected that the legislative body for

¹⁸ ‘Why are people in India’s Ladakh protesting against central government?’ *Al Jazeera* (11 March 2024) <<https://www.aljazeera.com/news/2024/3/11/why-are-people-in-indias-ladakh-protesting-against-central-government>> accessed 02 April 2024

Ladakh would be engaged with decision-making once India separated the territory and dissolved Kashmir's semi-autonomy. Yet, that did not happen. The president of India appoints the deputy governor, who leads the administration. Ladakh's people feel inadequately represented under the current regime.¹⁹

Until the Kashmir region's semi-autonomy was taken away, foreigners were prohibited from acquiring land and moving there. However, worries regarding an imminent demographic shift and harm to the delicate ecosystem have grown more prevalent in Ladakh. Similar fears have also been voiced by Kashmiris. Residents of Ladakh said that bringing the region to the Indian Constitution's Sixth Schedule would safeguard them from foreigners exploiting their wealth of resources and affecting the area's inhabitants.

The Ladakhi people, confronted with huge challenges, do not accept to wait for replies in silence. Instead, they adopt proactive steps towards the advancement of their future by contacting the Indian government and staging peaceful protests. Their primary demands are for Ladakh to be placed in the Indian Constitution's Sixth Schedule. This provision gives indigenous communities autonomy and safeguards that are crucial for preserving their customary way of life, land rights, and cultural legacy. By pushing for this inclusion, they aim to have a greater say in how Ladakh evolves while making sure that future options put the preservation of the natural world and cultural heritage first.

The Ladakhi people campaign for wider representation in politics alongside what they want for statehood and entry into the Sixth Schedule. They truly believe that in want to safeguard their assets and guarantee their future, they have to have a greater role in the decision-making process. Ladakhis are now given limited political representation, resulting in it being difficult for them to alter legislation that immediately impacts their standard lives and the environment.

The rapid development efforts that are diminishing the environment are among the primary worries raised by the Ladakhi people. Although pastures for pasture are crucial to their ways of herding livestock, these attempts put their way of life in danger by immersing their development. Their profound connection with the land, which is an essential part of their sense

¹⁹ *Ibid*

of culture, disappears as a consequence of this disruption, which also interferes with their customary seasonal migrations. The decreasing availability of water resources is also worrisome since it places agricultural and human consumption at risk because of melting glaciers, which are the primary source of freshwater. In addition, medicinal plants, which are essential to their conventional medical system, are at risk of abandoning their habitat as a consequence of development efforts.

On top of that, the Ladakhis moved for the independence of Ladakh. They argue that being a state gives them greater influence in politics and an increased say about choosing their future, yet they have been accepted as a Union Territory. With the ability to craft policies tailored to their unique concerns, people could pursue development in a way that honours their environment and cultural legacy. Ultimately, the Ladakhi people want to create a future where both modernity and tradition can coexist and be passed down through the ages.²⁰

ENVIRONMENTAL CONCERNS FACED BY LADAKH

A substantial supply of water for the area, Ladakh is known for its icebergs and lakes of ice. The phrase 'water tower of Asia' refers to the glaciers of the Himalayas and the river basins they feed. They represent a few of the world's few frozen sources of water. However, the area has become water-stressed due to weather trends changing and glaciers shrinking due to climate change, which inhabitants claim risks their future. They claimed that the limited assets of the region have been pushed by an increasing number of tourists.

Throughout the busiest summertime, visitors exceed residents by 274,000. Four hundred and fifty thousand travellers visited Ladakh in the initial eight months of 2022. Locals are concerned about the 'government's plans' to promote 'tourism' and make use of the region's natural gems. Seven hydroelectric schemes were reportedly proposed, and many commercial groups are interested in exploring the area due to its abundant mineral resources, which include marble, granite, gold, borax, and limestone.

²⁰ Vivek Saini, 'Sonam Wangchuk's Hunger Strike and Ladakh's Environmental Awakening' (*Climate Fast Check*, 28 March 2024) <<https://climatefactchecks.org/sonam-wangchuks-hunger-strike-and-ladakhs-environmental-awakening/>>accessed 02 April 2024

In addition, tenders for solar projects have been suggested, and the *Ladakh government* needs permission to cut down 157 hectares (388 acres) of woodlands to build transmission paths for electricity. “The developmental projects will bring some convenience to people, but no one is interested in this kind of development,” Wangchuk said. “What is the use of development without democracy?” Claiming that Ladakh would turn into a playground driven by profit entrepreneurs, he addressed the query. “They are not interested in the future or local people.”²¹

India has built military infrastructure throughout the past three years. Such as roads, bridges, and land paid for military use in the course of hostilities with China over a territorial dispute. People who have lost land in the region said they feel exposed. “We cannot say it openly, but we would want the military to be as sustainable as possible,” stated an activist with a base in Leh who discussed with *Al Jazeera* over the condition of anonymity. The 35-year-old said that community fears are never addressed adequately.

Behind Ladakh's beautiful landscape lies a growing critical ecological problem. The region's sensitive ecology is upset by an increase in industrial units and mining activity. Development projects are consuming lush pastures that were before overflowing with life and a vital supply for Ladakhi nomads. According to reports, seven hydroelectric schemes were proposed, and several manufacturing companies have expressed interest in investigating the area, which is abundant in marble, gold, borax, granite, and limestone.

Demands for solar energy projects are being suggested, and the Ladakh administration is asking for permission to cut down 157 hectares (388 acres) of woodland for energy transmission lines.

“The proposed development projects may offer some conveniences to the locals, but there is little enthusiasm for this type of development,” remarked Wangchuk. He questioned, “What good is development without democracy?” claiming that Ladakh would be turned into a haven for profit-motivated businesspeople while ignoring the region's larger concerns.²²

²¹ Sharma (n 10)

²² Why Ladakh Is Witnessing Protests Over Statehood And Sixth Schedule (n 14)

The disappearance of pastures is only one element of the ecological calamity. Climate change has led the glaciers that provide Ladakh's freshwater to melt at an alarming rate. This puts the region's very life in danger alongside the water supplies required for agriculture and human consumption. Millions of individuals downstream depend on the Indus River system, which gets its nourishment from the meltwater. The regular flow of water is at risk as the ice caps melt, threatening the water security of an extensive region. Ladakh's environmental degradation is more than just a local issue; it has broad implications that call for urgency.

OPINION OF THE JUDICIARY ABOUT “THE RIGHT TO A HEALTHY ENVIRONMENT AND THE RIGHT TO BE FREE FROM THE ADVERSE EFFECTS OF CLIMATE CHANGE”

In contrast, the State shall make every attempt to safeguard and improve the natural world as well as the nation's forests and wildlife, under Article 48A²³ of the Indian Constitution. As per Article 51A, clause (g),²⁴ Every Indian citizen has a responsibility to safeguard and enhance the natural setting, which includes woodlands, waterways, and fauna, and to demonstrate empathy for all forms of life. These indicate that the Constitution identifies the worth of the natural environment even though they are not clauses that may be contested in court. The environment, which is guaranteed a right in other parts of the Constitution, is emphasised in these articles. Article 14²⁵ guarantees equal protection under the law and equality before the law, whereas *Article 21*²⁶ *recognises the rights to life and personal liberty.*

India has implemented many efforts to battle climate change. A variety of regulations have been approved by Parliament, such as the National Green Tribunal Act,²⁷ the Wild Life (Protection) Act of 1972,²⁸ the Water (Prevention and Control of Pollution) Act,²⁹ the Air (Prevention and Control of Pollution) Act,³⁰ the Environment (Protection) Act,³¹ and others. The Energy

²³ Constitution of India 1950, art 48A

²⁴ Constitution of India 1950, art 51A(g)

²⁵ Constitution of India 1950, art 14

²⁶ Constitution of India 1950, art 12

²⁷ National Green Tribunal Act 2010

²⁸ Wild Life (Protection) Act 1972

²⁹ The Water (Prevention and Control of Pollution) 1974

³⁰ Air (Prevention and Control of Pollution) Act 1981

³¹ Environment Protection Act 1986

Conservation Act³² was amended in 2022 to provide the Central Government the power to set up a carbon credit trading scheme.³³ To guarantee access to and encourage the use of green energy, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules³⁴ were created by the authority granted by the Electricity Act.³⁵ The executive branch of government has implemented several programmes over the years, including the National Solar Mission (more on this in the following section), the National Mission for Enhanced Energy Efficiency, the National Mission for a Green India, and the National Mission on Strategic Knowledge for Climate Change. There is no comprehensive legislation about climate change and related issues in India, despite official policies, rules, and regulations acknowledging the negative impacts of climate change and attempting to mitigate them. This does not, however, entail that India's citizens have no claim to protection against the negative effects of climate change.

The articles adequately convey the rights to a clean environment and to be free from the negative effects of climate change.

This Court concluded in *M.C. Mehta v Kamal Nath*³⁶ that Article 21³⁷ of the Indian Constitution must be taken into consideration when interpreting Articles 48A³⁸ and 51A(g)³⁹ of the Indian Constitution:

“8. These two articles have to be considered in the light of Article 21⁴⁰ of the Indian Constitution which provides that no person shall be deprived of his life and liberty except under the procedure established by law. Any disturbance of the basic environmental elements, namely air, water and soil, which are necessary for ‘life’, would be hazardous to ‘life’ within the meaning of Article 21⁴¹ of the Indian Constitution.”

³² Energy Conservation Act 2001

³³ Energy Conservation Act 2001, s14(w)

³⁴ Electricity (Promoting Renewable. Energy Through Green Energy Open Access) Rules 2022

³⁵ The Electricity Act 2003

³⁶ *M.C. Mehta v Kamal Nath* (2000) 6 SCC 213

³⁷ Constitution of India 1950, art 21

³⁸ Constitution of India 1950, s 48A

³⁹ Constitution of India 1950, s 51A(g)

⁴⁰ Constitution of India 1950, art 21

⁴¹ *Ibid*

In *Virender Gaur v State of Haryana*,⁴² this court upheld the right to a hygienic environment in the following terms:

“7. ... The State, in particular, has a duty on that behalf to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment. Article 21⁴³ protects the right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of the environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contracts or actions would cause environmental pollution. Environmental, ecological, air, water, pollution, etc. should be regarded as amounting to a violation of Article 21. Therefore, a hygienic environment is an integral facet of the right to a healthy life and it would be impossible to live with human dignity without a humane and healthy environment. Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is a constitutional imperative on the State Government and the municipalities, not only to ensure and safeguard the proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment.”

The negative impacts of increasing sea levels and rising global temperatures were noted by this court in the case of *Karnataka Industrial Areas Development Board v C. Kenchappa*⁴⁴. As acknowledged by this court in *Bombay Dyeing & Mfg. Co. Ltd. (3) v Bombay Environmental Action Group*⁴⁵ Climate change represents a "major threat" to the environment.

Although the right to a healthy atmosphere has been the subject of multiple rulings, some of them have recognised climate change as a significant concern, and national programmes have been implemented to combat climate change, it has not been made plain that people have a right

⁴² *Virender Gaur v State of Haryana* (1995) 2 SCC 577

⁴³ Constitution of India 1950, art 21

⁴⁴ *Karnataka Industrial Areas v Sri C. Kenchappa & Ors* (2006) 6 SCC 371

⁴⁵ *Bombay Dyeing & Mfg. Co. Ltd v Bombay Environmental Action Group & Ors* (2006) 3 SCC 434

against its detrimental effects. This could be a result of the fact that both this right and the right to a hygienic environment are complementary rights. The devastation brought about by climate change is getting worse every year, thus it's important to state this as a separate right. Both Article 14⁴⁶ and Article 21⁴⁷ of the Indian Constitution recognize it.

The right to life can't be fully realised without a stable, clean environment that is not affected by the unpredictable effects of Climate Variability. Air pollution, variations in vector-borne diseases, temperature increases, droughts, crop failure-related food shortages, storms, flooding, and rising temperatures are some of the factors that impact Article 21⁴⁸ of the Indian Constitution '*right to health*,' which is a component of 'the right to life'. Marginalized populations' inability to cope with the consequences of climate change and how to respond to it infringes on their equality rights and existence. With an example, this is easier to understand. Poorer people will be disproportionately affected if severe food and water shortages brought on by climate change and environmental degradation occur in a given location. In all these cases, there would surely be an impact on the right to equality.

Additionally, there's a chance that an indigenous community's interaction with nature is influenced by their culture or religion. Their distinctive culture may be lost forever if their lands and forests are destroyed or if they are forced to flee their homes. The right to equality guaranteed by the Constitution may be impacted by climate change in several additional ways.

POSSIBLE SOLUTION: "IS A SUSTAINABLE PATH POSSIBLE FOR LADAKH"

Finding a means to balance development with environmental conservation is critical to Ladakh's future success. The inhabitants of Ladakh recognise the importance of economic expansion, nevertheless, not at the price of their fragile surroundings or cultural heritage. A clear reminder of how urgent it is to choose a sustainable course is provided by Sonam Wangchuk's hunger strike. While there are remedies, it appears that the Indian government is not doing enough to

⁴⁶ Constitution of India 1950, art 14

⁴⁷ Constitution of India 1950, art 21

⁴⁸ Constitution of India 1950, art 21

address them. The aspirations of the Ladakhi people remain unfulfilled, encompassing statehood and inclusion in the 6th Schedule.

The central government let the public know on March 4 that they were unable to fully live up to their expectations. They did, however, suggest expanding certain protections. "The BJP government seems reluctant to make any administrative moves unless there are substantial political dividends to be gained," said "*Praveen Donthi*," a senior analyst of the New Delhi think tank International Crisis Group.

Furthermore, The demonstrators are eager to emphasize that their requests did not come as a surprise to the administration. In actuality, the ruling Bharatiya Janata Party had promised in their Ladakh manifesto during the 2019 Lok Sabha Elections that "the Declaration of Ladakh under 6th schedule of the Indian Constitution (Tribal Area)" will be implemented.

Security considerations are frequently given priority in the Indian government's official position on the development of Ladakh. Ladakh is an important area for national defence due to its advantageous placement on Pakistan's and China's borders. Government announcements in the past have emphasized bolstering military readiness and border infrastructure. At times, the Ladakhi people's concerns about environmental preservation and cultural preservation have been eclipsed by this emphasis on security.

RECOMMENDATIONS

To address the pressing environmental and cultural challenges in Ladakh, it is crucial to implement sustainable development practices that harmonize economic growth with ecological conservation. This includes promoting renewable energy, eco-friendly tourism, and responsible mining to minimize ecological damage and ensure long-term environmental health. Recognizing the unique cultural and environmental needs of Ladakh, it is recommended that the region be granted statehood and included in the Indian Constitution's Sixth Schedule. This move would provide the Ladakhi people with greater political representation and autonomy, allowing them to make decisions that align with their cultural priorities and environmental requirements. Additionally, it is essential to enforce stricter regulations on industrial activities

and large-scale development projects, ensuring comprehensive environmental impact assessments to safeguard Ladakh's fragile ecosystem.

Promoting cultural preservation is another vital step, which involves supporting initiatives that aim to protect and promote Ladakh's unique heritage. Investing in cultural education, traditional practices, and the transmission of cultural knowledge to younger generations will help maintain the Ladakhi way of life. Enhancing local governance and participation is equally important; by increasing the involvement of local communities in decision-making processes and establishing mechanisms for their input on development projects, the interests and concerns of the Ladakhi people can be effectively addressed. Raising awareness and advocacy on Ladakh's challenges at both national and international levels is necessary to garner support for policies that protect the region's natural and cultural heritage. Finally, improving infrastructure in Ladakh should be done responsibly, focusing on sustainable transportation networks, water management systems, and facilities that support sustainable tourism while preserving the region's ecological capacities.

CONCLUSION

The document highlights the pressing need for a development strategy that respects the region's ecological and cultural heritage by shedding light on the important environmental and cultural concerns that Ladakh is currently experiencing. Rapid industrialization and irresponsible development practices have precipitated an environmental crisis that threatens both the fragile ecosystem and the traditional lifestyle of Ladakh's inhabitants. The demand of the Ladakhi people for statehood and inclusion in the Indian Constitution's Sixth Schedule highlights their desire for greater political representation and autonomy, which is crucial for safeguarding their cultural and environmental interests. Despite the significant international attention brought about by activists like Sonam Wangchuk, the Indian government has been reluctant to fully meet these demands, citing security concerns in this strategically important region.

However, the future of Ladakh hinges on a balanced response that integrates economic growth with environmental preservation and cultural protection. Addressing these concerns through sustainable policies and greater local governance can ensure the preservation of Ladakh's

unique cultural identity and natural resources for future generations. The resolution of these issues will have far-reaching implications, not only for Ladakh but also for the broader environmental and political landscape of the region. This underscores the necessity for a comprehensive and inclusive approach to development in this delicate and historically significant area.