

## LADAKH DOMICILE TAG - POLITY

NEWS: The Union Government is considering a new policy for Ladakh under which **citizens who have had a continuous 15-year stay in the region, beginning 2019**, will be considered domiciles.

### WHAT'S IN THE NEWS?

- The consensus was reached at a **high-powered committee meeting between civil society leaders and the Ministry of Home Affairs (MHA)**.
  - The HPC led by Minister of State for Home Nityanand Rai was first constituted in **2023** to **address the concerns of people in Ladakh**.
- **Any 'outsider' who settled in Ladakh after its special status along with that of Jammu and Kashmir (J&K) was struck down in 2019 will be considered a domicile only after 2034.**
- The definition is important to decide **eligibility to apply for 5% gazetted government vacancies** as many citizens feared that people from other parts of the country would take away the jobs of the locals.
- **If Proposal is approved then, at least 80% vacancies** would be reserved for **Scheduled Tribes (ST)**, 4% for people living along the Line of Actual Control/Line of Control, 1% for Scheduled Castes and 10% for Economically Weaker Sections (EWS).

### Background

- **Ladakh** became a Union Territory in **2019** without a Legislative Assembly after **Article 370** of the Constitution was read down by the Parliament.
- A year later, the region comprising Buddhist-dominated Leh and Muslim-dominated Kargil district, erupted in protests pressing forth constitutional safeguards such as **Statehood for Ladakh, inclusion of Ladakh in the Sixth Schedule of the Constitution thus giving it a tribal status, job reservation for locals and a parliamentary seat each for Leh and Kargil**.
- Since it became a UT, recruitment for gazetted government posts is yet to begin in Ladakh.

#### J&K Domicile Policy 2020

– It removed the **concept of permanent residents and introduced new policy which states:**

1. that anyone “who has resided for a period of 15 years in the UT of J&K
2. or has studied for a period of seven years and appeared in Class 10th /12th examination in an educational institution located in the UT of J&K
3. or who is registered as a migrant by the Relief and Rehabilitation Commissioner (Migrants)” will be considered a domicile.
4. Children of Central government officials who have served in J&K for a “total period of 10 years” will also be domiciles.
5. It will allow West Pakistan refugees and children of women who married non-locals to apply for jobs in J&K.

### Major Concerns of People of Ladakh

- **Lack of Political Autonomy:** As a Union Territory without an assembly, all major decisions are taken by the Lieutenant Governor and central ministries, which limits local involvement.
- **Demographic Changes:** There is fear of a demographic imbalance due to migration, which could threaten the cultural and ethnic composition of the region.
- **Environmental Degradation:** Rapid infrastructure development and mass tourism have led to depletion of water sources, waste problems, and ecological stress.
- **Youth Discontent:** High unemployment and lack of educational and professional opportunities are fueling frustration among youth.

### Key Demands

- **Constitutional Safeguards (Sixth Schedule):** Ladakhis seek inclusion under the Sixth Schedule of the Indian Constitution, which provides autonomy and land protection for tribal areas.
- **Full-fledged Statehood or Legislative Assembly:** Currently, Ladakh is a Union Territory without a legislative assembly.
  - There is a demand for greater political representation and democratic governance through either full statehood or a legislature for better local decision-making.
- **Job Reservation and Local Employment Opportunities:** Locals demand reservation in government jobs and priority in private sector employment for Ladakhis.
  - Concerns about outsiders occupying government and private posts have led to calls for exclusive job quotas.
- **Environmental Protection Laws:** Given Ladakh's fragile ecosystem, there is a demand for strict environmental regulations to curb unplanned tourism and infrastructure projects.
- **Protection of Cultural and Religious Heritage:** The Buddhist population, particularly in Leh, seeks protection of Tibetan-Buddhist heritage and monastic traditions.
  - There is concern about the erosion of cultural identity due to external influences and rapid modernization.
- **Economic Development with Local Participation:** There are demands for inclusive development that benefits local communities, especially in sectors like tourism, solar energy, and agriculture.

### Sixth Schedule of the Constitution

– The Sixth Schedule was adopted under **Article 244** of the Constitution with provisions for formation of autonomous administrative divisions within a state.

1. The Sixth Schedule is applicable to what are officially called as 'tribal areas' in the States of **Assam, Meghalaya, Mizoram and Tripura**. There are 10 such 'tribal areas' at present in these four States.

2. These divisions, in the form of Autonomous District Councils (ADCs), were granted certain **legislative, judicial and administrative autonomy** within the state.

– **Composition:** According to the Sixth Schedule, the ADCs administering a region within a state have **30 members** with a **term of five years**.

1. **The Bodoland Territorial Council** in Assam is an exception to this with more **than 40 members** and rights to make laws on **39 issues**.

– **Jurisdiction:** ADCs can make laws, rules and regulations with regard to land, forest, water, agriculture, village councils, health, sanitation, village and town level policing, inheritance of property, marriage and divorce, social customs, and mining, among other issues.

1. ADCs also have **powers to form courts to hear cases** where both parties are members of Scheduled Tribes and the maximum sentence is less than **5 years in prison**

### Way Ahead

- A sustainable and peaceful future for Ladakh requires a **careful balancing of national interests with local aspirations**.
- Recognizing the unique cultural, geographical, and demographic characteristics of the region — and embedding these into governance structures — will be key to **ensuring long-term stability and satisfaction among Ladakh's people**.

Source: <https://www.thehindu.com/news/national/15-year-continuous-stay-since-2019-must-to-be-ladakh-domicile/article69625616.ece>