

LADAKH DOMICILE CRITERIA: POLITY

NEWS:

WHAT'S IN THE NEWS?

The Ladakh issue centers on demands for constitutional safeguards, including enhanced reservation, domicile protections, and Sixth Schedule status, to preserve indigenous rights, culture, and employment after its transition to Union Territory status.

Despite recent reforms, local groups remain concerned about inadequate legislative autonomy and potential demographic and economic marginalization.

Background & Legal Framework

- After the abrogation of Article 370, Ladakh was made a separate Union Territory (UT) on October 31, 2019, carved out from the erstwhile state of Jammu and Kashmir.
- As a UT without its own legislature, Ladakh is governed directly by the Central Government through the Lieutenant Governor and Ministry of Home Affairs.
- This administrative setup has led to unique governance challenges and demands for local constitutional safeguards.

Amendment to Reservation Law

- The Union Territory of Ladakh Reservation (Amendment) Regulation, 2025, replaced the previous reservation cap of 50% (as per J&K Reservation Act, 2004) with a much higher cap of 85%, excluding reservations for Economically Weaker Sections (EWS).
- This move enables total reservations to reach up to 95%, among the highest in the country—comparable to Meghalaya (85%) and Arunachal Pradesh (80%).
- The intent is to prioritize the protection of local communities' rights, particularly the indigenous tribal population.

Domicile Criteria and Its Implications

- New domicile rules mandate 15 years of continuous residence in Ladakh (counted from October 31, 2019) to be eligible for government jobs and related benefits.
- Children of central government employees serving in Ladakh are also considered eligible for domicile.
- The policy aims to prevent “outsiders” from taking advantage of local job opportunities and public resources.
- The demographic profile (2011 Census) shows a population of approx. 74 lakh, with about 80% being Scheduled Tribes, predominantly Buddhist groups.
- The domicile criteria is designed to protect indigenous identity and employment, especially considering the region's strategic location and sensitivity.

Reservation & Social Justice

- The new policy introduces detailed sub-quotas:
 - 80% reservation for Scheduled Tribes (ST)
 - 4% for residents living along the Line of Actual Control (LAC) or Line of Control (LoC)
 - 1% for Scheduled Castes (SC)
 - 10% for Economically Weaker Sections (EWS)
- These quotas aim to secure opportunities and representation for the most vulnerable and strategically critical groups.

Women's Political Empowerment

- One-third of seats in Ladakh's Hill Councils are reserved for women, on a rotational basis.
- This initiative enhances gender inclusiveness and sets a progressive precedent for political participation of women in tribal and border regions.

Language Policy & Cultural Preservation

- The official languages of Ladakh have been expanded to include English, Hindi, Urdu, Bhoti, and Purgi.
- The recognition of Bhoti and Purgi as official languages reflects the government's intention to preserve Ladakh's distinct tribal and cultural identity during a period of political transformation.

Civil Society Demands and Regional Aspirations

- Despite recent policy reforms, groups like the Leh Apex Body (LAB) and Ladakh Buddhist Association (LBA) continue to push for:
 - Full statehood for Ladakh
 - Constitutional safeguards under the Sixth Schedule (providing autonomy over land, forests, and local governance)
- The demand arises from concerns about vulnerability to demographic change, loss of local control over resources, and marginalization without legislative autonomy.

Security Concerns

- Ladakh's borders with China and Pakistan make regional stability and indigenous support crucial for India's national security.
- Addressing local aspirations and grievances is essential to maintain peace and stability in this strategically vital frontier region.

Challenges and Implementation Gaps

- Although the Reservation Amendment has been notified, the specific Rules detailing eligible categories are still pending, causing administrative delays and uncertainty.
- The lack of an elected legislative body restricts political participation and keeps governance largely in bureaucratic hands.
- Striking a balance between rapid economic development and protection of tribal land and resources from external interests remains a major challenge.

Way Forward: Recommendations

Immediate Actions

- Expedite the notification of detailed Rules to ensure smooth and transparent implementation of the new policy.
- Increase consultation with local stakeholders and civil society to improve acceptance and relevance of policies.

Long-Term Governance Solutions

- Explore granting Ladakh constitutional autonomy under the Sixth Schedule, allowing greater control over land, resources, and governance.
- Consider hybrid models of governance that combine UT-level administrative efficiency with local autonomy and representation.

Empowerment & Inclusiveness

- Invest in capacity-building and skill-development programs for Ladakhi youth and women to enhance their role in governance and economic development.
- Strengthen infrastructure, welfare, and livelihood initiatives focusing on sustainable development and tribal welfare to ensure long-term regional stability and prosperity.

Sixth Schedule of Indian Constitution: Detailed Elaboration

Objectives

- The Sixth Schedule is designed to protect the cultural identity and customary laws, traditions, and social institutions of tribal communities in specified areas.
- It seeks to prevent the alienation of tribal land to non-tribals, ensuring that indigenous communities retain control over their traditional territories.
- The Schedule promotes socio-economic development within tribal regions, with special emphasis on local participation and empowerment.
- It aims to decentralize governance and empower tribal populations through legislative, administrative, and judicial authority at the local level.

Constitutional Basis

- The Sixth Schedule derives its authority from Article 244(2) of the Indian Constitution.
- It is distinct from the Fifth Schedule, which governs tribal areas in other parts of India (mainly central and southern regions).
- The Sixth Schedule is exclusively applicable to certain tribal areas in the northeastern states of India.

Autonomous Districts and Regions

- The Schedule enables the creation of Autonomous Districts in four northeastern states: Assam, Meghalaya, Tripura, and Mizoram.
- These districts are identified based on significant tribal populations to provide special administrative and legal protections.
- Within an Autonomous District, if different Scheduled Tribes inhabit separate compact areas, the Governor can declare these as Autonomous Regions within the district.
- The Governor has the authority to reorganize, rename, or create new districts and regions based on administrative and demographic considerations.

District and Regional Councils

- Each Autonomous District is governed by a District Council, and each Autonomous Region by a Regional Council.
- These councils function as local self-governments and are partly elected by adult franchise and partly nominated by the Governor (up to four nominated members).
- The maximum strength of a District Council is capped at 30 members.
- Councils have substantial administrative and legislative powers over matters relevant to tribal welfare and development.

Legislative Powers

- District and Regional Councils are empowered to make laws on a variety of subjects, provided they have the Governor's assent.
- Legislative domains include:
 - Regulation of land and land transfers (to prevent alienation to non-tribals)
 - Inheritance of property and customary marriage laws
 - Forest management (except Reserved Forests, which are under state control)
 - Regulation of money lending and trading by non-tribals within tribal areas
- These powers safeguard the tribal way of life from being overridden by external legal and administrative systems.

Judicial Powers

- The Councils are authorized to establish Village Courts and District Council Courts to adjudicate civil and criminal cases involving only members of Scheduled Tribes.
- This allows for the continuation and formal recognition of tribal customary justice systems.
- However, cases involving grave criminal offenses (punishable by 5 or more years of imprisonment, or death penalty) fall under the jurisdiction of the state judiciary or High Courts.
- This creates a dual system that respects tribal traditions while aligning with broader constitutional principles.

Financial and Administrative Powers

- District and Regional Councils are empowered to assess and collect land revenue and levy taxes on professions, animals, trades, and vehicles within their jurisdictions.
- They can issue licenses for the extraction of minerals and other resources.
- Councils are responsible for local infrastructure development, including primary schools, health centers, roads, markets, cattle ponds, and water transport facilities.
- These powers ensure that economic planning and development remain community-driven and sensitive to tribal needs.

Exemption from State and Central Laws

- Central and State laws do not automatically apply in Autonomous Districts and Regions.
- The Governor is empowered to decide whether to apply, not apply, or apply with modifications any State or Central law to these areas.
- This safeguard allows local autonomy and prevents imposition of laws that may not align with the social and cultural context of tribal communities.

Governor's Oversight and Investigative Powers

- The Governor holds significant oversight authority over the administration of Autonomous Districts and Regions.
- Powers include:
 - Appointing Commissions of Inquiry to investigate issues concerning governance in autonomous areas.
 - Approving, withholding, or modifying assent to legislation passed by the Councils.
 - Modifying or annulling Council decisions if deemed necessary for public order or state interests.
- This arrangement balances tribal self-governance with constitutional oversight and accountability.

Sixth Schedule Areas by State

- **Assam:** North Cachar Hills District, Karbi Anglong District, Bodoland Territorial Region (BTR)
- **Meghalaya:** Khasi Hills District, Jaintia Hills District, Garo Hills District
- **Tripura:** Tripura Tribal Areas Autonomous District Council (TTAADC)
- **Mizoram:** Chakma District, Mara District, Lai District

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