

## Government Notifies Domicile Rules for J&K

The Government today notified Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules, 2020. These Rules prescribe the **procedure for issuance of Domicile Certificate which has been made the basic eligibility condition for appointment to any post** under the Union Territory of Jammu and Kashmir following amendments in the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010.

Under the Domicile Rules **all those persons and their children who have resided for 15 years in Jammu and Kashmir or have studied for seven years and appeared in class 10th or 12th examination in an educational institution in the UT are eligible for grant of domicile.**

Children of Central Government officials, All India service Officers, officials of PSUs and Autonomous body of Central Government, Public Sector Banks, Officials of Statutory bodies, Officials of Central Universities, and recognized research institutes of the Central Government, **who have served in the Union territory of Jammu of Kashmir for a total period of ten years will also be eligible for Domicile status in the UT.**

Besides, all those migrants and their children who are registered with Relief and Rehabilitation Commissioner will be granted Domicile certificate.

**Children of those residents of Jammu and Kashmir who reside outside the Union territory in connection with their employment of business or other professional or vocational reasons have also become eligible for grant of domicile status.**

The rules provide a **simple and time bound procedure for the issuance of the Domicile certificate** so that no one is put to any inconvenience.

There shall be a **timeline of 15 days for issuance of the certificate after which the applicant shall be free to approach an Appellate Authority.**

The **decision of the Appellate Authority shall be binding upon the issuing authority and the orders of the Appellate Authority are to be complied within seven days, failing which the defaulting officer shall be liable for a penalty of Rs 50,000 out of his salary.**

**The appellate Authorities will also have revisional powers.** They can, either suo moto or on through an application made, call for records, check the legality of any proceedings and pass appropriate orders in reference.

The rules have a provision that **applications for grant of Domicile Certificate can be submitted either physically or electronically online. The Competent Authority can also issue domicile certificate(s) electronically.**

## Requirement of Documents for granting Domicile of UT

Permanent Residents of the erstwhile State of J&K in whose favour **Permanent Resident Certificate (PRC)** has been issued by the competent authority before 31.10.2019 shall be eligible for receiving their Domicile Certificates on the basis of PRCs alone and no other additional document shall be required for such residents.

**Kashmiri migrants can get the Domicile certificate on production of either a PRC or Certificate of registration of migrant.**

Further there may be bonafide migrants and bonafide displaced persons who have migrated but have not registered with the relief department. In order to facilitate such persons, the Relief Department shall be making a special limited provision to apply before the Relief & Rehabilitation Commissioner (Migrant), for registration for the purpose of issuance of a domicile certificate only, with any one of the many documents such as

- 1) 1951/1988 electoral roll,
- 2) proof of employment,
- 3) ownership of property,
- 4) proof of registration in other states/UTs as a migrant or a displaced person or any other documentation which would have made him/her eligible for grant of PRC before 06-08-2019.

As a result of the new rules and procedure,

**a) West Pakistan Refugees (WPRs), Safai Karamcharis living in state for 64 years but not permanent residents, Children's and spouses of women married outside the state but lives in the state, Gurkha's living in state for more than 150 years are eligible for Domicile Certificate.**

West Pakistani Refugees were part of the Parliamentary electoral roll but not that erstwhile state electoral roll. They will now be covered under the 15 year residence rule or their children under the 7 year/ class 10/12 rule.

b) Similarly, a simple procedure has been defined in the rules for other categories of people who are eligible for grant of Domicile Certificate as per Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act. These include persons who have resided for a period of fifteen years in the Union territory of Jammu and Kashmir or have studied for a period of seven years and appeared in class 10th / 12th examination in an educational institution located in the Union territory of Jammu and Kashmir or children of such persons. These also include children of Central Government Official, All India Service Officers, Officials of Public Sector Undertaking and Autonomous body of Central Government, Public Sector Banks, Officials of Statutory bodies, Officials of Central Universities and recognized research institutes of the Central Government who have served in the Union territory of Jammu of Kashmir for a total period of ten years.

**A simple and easily available set of documents such as Ration Card, Immovable Property record, verified Education certificates, Electricity Bills or verified Labour Card/Employer Certificate, have been prescribed for obtaining the Domicile Certificate.**

The Government has also constituted a Committee to accelerate recruitment to government vacancies and to ensure transparency, inclusiveness and speed and that the committee has been asked to identify the vacancies for being filled up on immediate basis with priority to Class IV vacancies. The Committee will also ensure that necessary sanctions are obtained, rules are notified and any hitches in the recruitment process are removed.

**The process of issuing domiciles is simple transparent and fast and is explained below:-**

**1. Permanent Resident Certificate Holder:** Permanent Resident Certificate

**B) Children of persons possessing Permanent Resident Certificate:** Permanent Resident Certificate of the parent; and Birth certificate issued by Competent Authority

**2. A person who has resided for a period of fifteen years in the Union territory of Jammu and Kashmir:** Any document such as Ration Card: immovable property records: educational records: voter list: electricity utility bills: labour card; or, employer certificate verified by the Deputy Labour Commissioner or the Director Industries & Commerce of the Concerned Division; or, any other document of proof of residence and birth certificate issued by the competent Authority

**Children of a person who has resided for a period of fifteen years in the Union territory of Jammu and Kashmir :**

**3) Students who have studied in the state for seven years and appeared in class 10th/12th examinations** in educational institutions of Jammu-Kashmir UT:- Certificate of education issued by the Head of the Institute and verified by Chief Education Officer of the School Education Department of the concerned District

**4) Migrants/ Children of Migrants** Certificate of registration of migrant; Or Permanent Resident Certificate, if available and Birth Certificate

**5) Children of Central Government officials, All India Service Officers, Officials of Public Sector Undertakings, Autonomous Body of Central Government, Public Sector Banks, Officials of Statutory bodies, Officials of Central Universities and recognised Research institutes of Central Government who shall have served in Jammu and Kashmir for a total period of ten years** Certificate of service issued by General Administration Department/Cadre Controlling Authority and Birth Certificate issued by the Competent Authority

**6) West Pakistan Refugees:** They were hitherto not allowed the benefit of government jobs. They were part of the Parliamentary electoral roll but not that erstwhile state electoral roll. They will now be covered under the 15 year residence rule or their children under the 7 year/ class 10/12 rule.

**7) Safai Karamcharies** they too were not allowed the benefit of governmentt jobs. They will now become eligible under the 15 year residence rule or their children under the 7 year/ class 10/12 rule.

8) **Women (erstwhile) resident married to non residents** were also not eligible so far: They will also become eligible under the PRC/ children/residency rule.

9) **All other migrant and displaced persons** not covered so far will also be covered under the new rules/migrant order.

10) **Gurkhas living in state serving in state forces at Maharaja's times** since 1840 but were denied status of Permanent residents.

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