

**GOVERNMENT OF JAMMU AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT**

Civil Secretariat,
Jammu/Srinagar

Notification

Jammu, the 18th of May, 2020

S.O.166.- In exercise of the powers conferred by Article 309 of the Constitution of India read with section 15 of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010, the Government hereby makes the following rules:-

1. Short title, extent and commencement: - (1) These rules may be called the Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules, 2020.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definitions:- In these rules, unless the context otherwise requires:

a) "Act" means the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010;

b) "Competent Authority" means Tehsildar within his territorial jurisdiction or any other officer as may be notified by the Government from time to time for the purpose of issuance of Domicile Certificate;

c) "Domicile" means domicile as defined in Section 3A of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010;

d) "Domicile Certificate" means a certificate issued under rule 6 of these rules.

The words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Persons eligible for grant of Domicile Certificate.- Any person who fulfils the following conditions shall be eligible for grant of Domicile Certificate by the Competent Authority:-

a) who has resided for a period of fifteen years in the Union territory of Jammu and Kashmir or has 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

b) who is registered as a migrant by the Relief and Rehabilitation Commissioner (Migrants) in the Union territory of Jammu and Kashmir as per procedure prescribed by Government for migrants and displaced persons ; or



c) who is a child 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; or

d) who is a child of parents who fulfil conditions as prescribed in clause (a) or (b); or

e) who is a child of such resident of Union territory of Jammu and Kashmir as reside outside the Union territory in connection with their employment of business or other professional or vocational reasons but whose parents fulfil any of the conditions in clauses (a) or (b).

4. Application for grant of Domicile Certificate.- (1) Any person who is eligible for grant of Domicile Certificate may apply to the Competent Authority for grant of Domicile Certificate in Form 'A', either physically or electronically online (as may be made available by the government).

(2) In case of minors and persons suffering from any disability, application for grant of certificate may be made and appearances and other acts done by their appointed guardians.

(3) Every application made under sub-rule (1) and (2) shall be accompanied by such documents as are prescribed under these rules.

5. Class of Persons, Documents required, Authority Competent and Appellate Authority for issuance of Domicile Certificate.- (1) Persons eligible for Domicile Certificate under rule 3, categories whereof are specified in Column - II shall apply to relevant Competent Authority as specified in Column IV along with documents specified in Column V against each category for issuance of Domicile Certificate as indicated in table below:-

I S.No./ Clause	II Category of Domicile	III Relevant section of the Jammu and Kashmir Civil Services (Decentralization and Recruitment), Act, 2010	IV Competent Authority for issuance of Domicile Certificate	V Documents to be annexed with application	VI Appellate Authority
1.	(a) Permanent Resident Certificate Holder	Section 3A (1) (a) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	TEHSILDAR	(a) Permanent Resident Certificate	Deputy Commissioner

	(b) Children of persons possessing Permanent Resident Certificate	Section 3A (2) (b) read with 3A (1) (a) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	TEHSILDAR	(a) Permanent Resident Certificate of the parent; and (b) Birth certificate issued by Competent Authority	
2.	(a) A person who has resided for a period of fifteen years in the Union territory of Jammu and Kashmir	Section 3A (1) (a) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	TEHSILDAR of the place last resided	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	Deputy Commissioner
	(b) Children of a person who has resided for a period of fifteen years in the Union territory of Jammu and Kashmir	3A (2) (b) read with 3A (1) (a) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	TEHSILDAR of the place last resided	(i) Any document of the parent 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, (ii) Birth certificate issued by the Competent Authority.	
3.	A person who has studied for a period of seven years and appeared in class 10 th /12 th examination in an educational institution located in the Union territory of Jammu and Kashmir	3A(1) (a) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	TEHSILDAR of the place last resided	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	Deputy Commissioner
4.	(a) Migrants	3A(1)(b) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	RELIEF AND REHABILITATION COMMISSIONER (MIGRANTS)	(a) Certificate of registration of migrant; Or (b) Permanent Resident Certificate, if available.	Financial Commissioner, Revenue
	(b) Children of Migrants	3A(2)(b) read with 3A(1)(b) of the Jammu and Kashmir Civil Services	RELIEF AND REHABILITATION COMMISSIONER (MIGRANTS)	(i)(a) Certificate of registration of the parent; Or	

		(Decentralization and Recruitment) Act, 2010		(b) Permanent Resident Certificate of the parent, if available; and (ii) 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.	3A (2) (a) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	(a) For children of All India Service Officers - Additional Secretary or above in the General Administration Department dealing with All India Services, to be nominated by the Secretary, General Administration Department; and	(a) Certificate of service issued by General Administration Department; and (b) Birth Certificate issued by the Competent Authority	Secretary to Government, General Administration Department
(b) for other categories - Additional Commissioner in the office of Divisional Commissioner to be nominated by Divisional Commissioner			(a) Certificate of service issued by Cadre Controlling Authority; and (b) Birth Certificate issued by the Competent Authority	Financial Commissioner, Revenue	
6.	Children of such residents of Union territory of Jammu and Kashmir as resided	3A(2) (c) of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010	TEHSILDAR where applicant last resided	(a) Permanent Resident Certificate of the parent, if available; Or	Deputy Commissioner

2

	outside Union territory in connection with their employment or business or other professional or vocational reasons.			(b) Any other documents such as Ration Card: immovable property records: educational records: voter list: electricity utility bills; or, labour card of parent; or, any other document of proof of residence	
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(2) Any person aggrieved by an order of Competent Authority shall file an appeal before the Appellate Authority as specified in column VI:

Provided that the Appellate Authority shall decide the appeal after providing an opportunity of being heard to the parties.

6. Grant of Domicile Certificate.- (i) After holding such enquiry as the Competent Authority may deem expedient and on the basis of documents furnished by the applicant under rule 5, the Competent Authority shall either issue Domicile Certificate in Form 'B' to the applicant bearing its seal and signatures or reject the application within a period of 15 working days:

Provided that if the domicile certificate is neither issued nor rejected within the specified time period, the applicant may prefer an appeal before Appellate Authority who shall, after affording opportunity to the Competent Authority, decide such appeal within a period of 15 days either accepting or rejecting such appeal:

Provided further that in case the applicant succeeds in his appeal, the Appellate Authority shall direct the Competent Authority to issue Domicile Certificate within a period of 07 working days and in case, the certificate is not issued within 07 days, the Appellate Authority shall recover an amount of Rs.50,000/- from salary of the Competent Authority.

(ii) The Competent Authority can also issue Domicile Certificate electronically, as may be made available by the Government.

7. Revision:- The Appellate Authority may, suo moto or on an application made to it, call for records of the proceedings taken, or orders made, by any Competent Authority for purposes of satisfying itself as to the legality and propriety of such proceedings or orders and may pass such orders in reference thereto as it deems fit;

Provided that no order shall be made against any person without affording him a reasonable opportunity of being heard.



8. Interpretation:- If any question of interpretation of any of the provisions of the rules arises, the decision of the Government in the General Administration Department thereon shall be final.

Sd/-

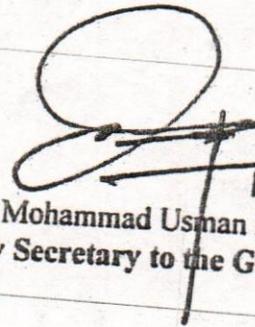
Secretary to the Government

Dated: 18.05.2020

No. GAD/Mtg/RB-IV/92/2019

Copy to the:-

1. Ld. Advocate General, J&K.
2. All Financial Commissioners.
3. Director General of Police, J&K.
4. All Principal Secretaries to the Government:
5. Principal Secretary to the Lieutenant Governor.
6. Principal Resident Commissioner, J&K Government, New Delhi.
7. Chief Electoral Officer, J&K.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. All Commissioner/Secretaries to the Government.
10. Divisional Commissioner, Jammu/ Kashmir.
11. Chairperson, J&K Special Tribunal.
12. Director General, J&K Institute of Management & Public Administration & Rural Development.
13. Director Information, J&K.
14. All Deputy Commissioners.
15. All Heads of the Departments/Managing Directors/Secretary, J&K Advisory Boards.
16. Secretary, J&K Public Service Commission/SSB/BoPEE.
17. Director Estates, J&K.
18. Director Archives, Archaeology & Museums.
19. Secretary, J&K Legislative Assembly.
20. General Manager, Government Press, Jammu/Srinagar.
21. Private Secretary to the Chief Secretary.
22. Private Secretary to Advisor(S)/(F)/(B) & (BK) to the Lieutenant Governor.
23. Private Secretary to Secretary to the Government, GAD.
24. Governor Order/Stock file/Website, GAD.



18.05.2020

(Dr. Mohammad Usman Khan) KAS
Deputy Secretary to the Government