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	II	III	IV	V	VI
S.No./ Clause	**Category of Domicile**	**Relevant section of the Jammu and Kashmir Civil Services (Decentralization and Recruitment), Act, 2010**	**Competent Authority for issuance of Domicile Certificate**	**Documents to be annexed with application**	**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

	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	

(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

No. GAD/Mtg/RB-IV/92/2019 Dated:18.05.2020

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

FORM-'A'
(See Rule 3)

GOVERNMENT OF JAMMU AND KASHMIR
APPLICATION FORM – DOMICILE CERTIFICATE

APPLICANT DETAILS

1. Name of Applicant : _____
2. Name of Father : _____
3. Name of Mother : _____
4. Name of Spouse : _____
5. Gender : ☐ Male ☐ Female ☐ Other
6. Date of Birth : DD / MM / YYYY
7. **Aadhar No.** : _____

Applicant's color Passport Size Photograph Size – 5 x 4.5 (Cm.) Or 2 x 1.75 (Inch)

8. Mobile No. : _____ e-Mail ID : _____@_____
(in case of minor, provide parents contact details)

9. Present Address (Address of Parents in case of Minor)

House Name/No : _____ Street : _____
Locality : _____ Village/ Town : _____
Tehsil : _____ District : _____
PIN Code : _____

10. Whether the Present and Permanent Address is same : Yes No

if No, Permanent Address *(Address of Parents in case of Minor)*

House Name/No : _____ Street : _____
Locality : _____ Village/ Town : _____
Tehsil : _____ District : _____
PIN Code : _____

11. Period of Stay at present location: _____Year(s)_____Month(s)

12. Are you having any valid Domicile Certificate of any other State/UT : ☐ Yes ☐ No
(If Yes, please attach copy)

13.	Documents to be attached as per category specified in Rule 5
Clause 1(a) of Rule 5	☐ Permanent Resident Certificate
Clause 1(b) of Rule 5	☐ Permanent Resident Certificate of the Parent; and ☐ Date of Birth Certificate
Clause 2(a) of Rule 5	Any of the following documents: ☐ Ration Card ☐ Immovable Property Records ☐ Education Certificate ☐ Voter list ☐ Electricity/Utility Bill ☐ Labour Card; ☐ Employer Certificate ☐ Any other Document
Clause 2(b) of Rule 5	Any of the following documents: ☐ Ration Card ☐ Immovable Property Records ☐ Education Certificate ☐ Voter list ☐ Electricity/Utility Bill ☐ Date of Birth Certificate ☐ Labour Card ☐ Employer Certificate ☐ Any other Document; and ☐ Date of Birth Certificate
Clause 3 of Rule 5	☐ Certificate of Education verified by the Chief Education Officer, School Education Department of the concerned District
Clause 4(a) of Rule 5	☐ Certificate of Registration as Migrant by the Relief and Rehabilitation Commissioner (Migrants) Or

Clause 4(b) of Rule 5	☐ Permanent Resident Certificate ☐ Certificate of Registration as Migrant of the Parent Or ☐ Permanent Resident Certificate of the Parent; and ☐ Date of Birth Certificate
Clause 5 of Rule 5	☐ Certificate of Service; and ☐ Date of Birth Certificate
Clause 6 of Rule 5	☐ Permanent Resident Certificate of the Parent Or Any of the following documents: ☐ Ration Card ☐ Immovable Property Records ☐ Education Certificate ☐ Voter list ☐ Electricity/Utility Bill ☐ Labour Card ☐ Any other Document

14. Identity Proof of Parents (in case parents applied on behalf of minor) (Anyone to be attested and attached)

☐ Aadhaar Card

☐ PAN Card

☐ Ration Card with Photograph

☐ Voter ID Card

☐ Passport

☐ Driving License

☐ Any Govt. recognized document Document No: ☐

Date: __/__/_____	**Signature of Applicant:-**
Place:_____	**(Parents Signature in case of Minor)**

15. Self-Declaration

I_____S/o/D/o Sh._____
aged_____R/o_____
verify as Under:

I. That the above contents are correct to the best of my knowledge and belief and nothing has been concealed therein.

I further affirm that-

II. I am aware that in case the information furnished above is found to be incorrect, I shall be liable for prosecution under section 177 & 191 of the Indian Penal Code, which stipulates as under:-

177. Furnishing False Information- whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has a reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or fine which may extend to one thousand rupees, or with both;

Or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

191. Giving false evidence- Whoever being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

III. Providing any false evidence shall be punishable under section 193 of IPC, 1860 which provides imprisonment for a term upto three years and fine.

Date: ___/___/_____	**Signature of Applicant:-**	
Place:_____	**(Parents Signature in case of Minor)**	

FOR OFFICE USE

OFFICE OF THE COMPETENT AUTHORITY:-

1. Application No:_____
2. Date of receipt of Application ___/___/_____
3. Name of the Official along with designation who received the application form_____

Form-B

(See Rule 6)

Government of Jammu and Kashmir

(Office of the Competent Authority.....)

DOMICILE CERTIFICATE

Certificate No._____
Dated:_____

This is to certify that Shri/Smt/Kumari_____son/daughter/wife_____ resident of_____Village/Street _____Post Office_____District_____of Jammu and Kashmir, Pin Code_____, Aadhar No._____whose photograph is attested below is a domicile of Union territory of Jammu and Kashmir.

2. That the applicant is eligible in terms of the following clause of Rule 5 of the Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules,2020.

(a).....

Recent passport size photograph of the applicant

Signature with seal of Competent Authority_____
Name_____
Designation_____

Signature with seal of Officer_____

सत्यमेव जयते