

# Domicile law for Jammu and Kashmir

June 4, 2020

**Source:** *The Hindu*

## Related issue/Extra Reading

**In news:** The J&K administration has notified the J&K grant of domicile certificate procedure rules, 2020

**Static dimensions:** Old law

**Current dimensions:**

- Provisions of the new law
- Analysis- Importance and Criticisms

**Content:**

**Old law:**

- The **Ministry of Home Affairs (MHA)** recently issued the **Jammu and Kashmir Reorganisation (Adaptation of State Laws) Order, 2020** by publishing a gazette notification.
- It amended 109 laws and repealed 29 laws of the erstwhile State.
- It amended a 2010 legislation, the **Jammu and Kashmir Civil Services (Decentralisation and Recruitment Act)**, by substituting the term “**permanent residents**” with “**domiciles of UT of J&K.**”

**2010 Act:**

- The 2010 Act **pertained to employment** in the Civil Services comprising “**district, divisional and State**” **cadre posts.**
- Earlier, **only permanent residents of J&K** were eligible to apply for gazetted and non-gazetted posts.

- The **J&K Legislature decided the “permanent residents”**, prohibiting a non-J&K resident from buying property there and ensuring job reservation for its residents.

#### **Provisions of the new law:**

- The order says **the domiciles will be eligible “for the purposes of appointment to any post carrying a pay scale of not more than Level 4.”** ((The Level 4 post comprises positions such as gardeners, barbers, office peons and waterman and the highest rank in the category is that of a junior assistant)).
- The amendment **allows non-domiciles also to apply to these posts.**
- The reservation for domiciles would **not apply to Group A and Group B posts**, and like other UTs, recruitment would be done by the UPSC.
- The order **defines “domiciles” as** anyone
  1. who has **resided for a period of 15 years** in the UT of J&K or
  2. 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** or
  3. who is **registered as a migrant** by the Relief and Rehabilitation Commissioner (Migrants)
  4. **Children of central government officials** including the all India services, public sector units, autonomous body of Centre, Public Sector Banks, officials of statutory bodies, central universities and recognised research institutes of the Centre **who have served in J&K for a “total period of 10 years”**
  5. Children of such residents of J&K who reside outside J&K in connection with their employment or business or other professional or vocational reasons but their parents fulfil any of the

conditions provided.

- It **allows West Pakistan refugees, safai karamcharis and children of women who married non-locals to apply for jobs** in J&K.
- Kashmiri migrants living in or outside J&K can get domicile certificates by simply producing their Permanent Residence Certificate (PRC), ration card copy, voter card or any other valid document.
- Those migrants not registered with the Relief and Rehabilitation department can do so by providing documents such as electoral rolls of 1988, proof of registration as a migrant in any State in the country or any other valid document.
- The **power to issue domicile certificates has been vested in the tehsildar (revenue officer)**.
- Applicants can apply electronically and even **get a certificate online**.

#### **Analysis:**

- **Domicile certificates have now been made a basic eligibility condition for appointment to any post** under the Union Territory of J&K.
- **People who left J&K or were forced to leave** their homeland from 1931 onwards, will **now be the beneficiaries**.
- The new rules provide a **simple time-bound and transparent procedure** for issuance of domicile certificates with a **timeline of 15 days** for issuance of certificates.
- Any officer not able to issue the certificate would be **penalised ₹50,000**.
- Over **84,000 vacancies available in J&K can be filled now** as the rules provide ample opportunities to people to take up jobs in J&K.

#### **Criticisms:**

- The main political parties of the state have blamed the rules saying that it is **aimed at changing the demography of J&K.**
- As the new law **allows several outsiders to avail domicile certificates,** thousands of the labour force, construction workers and traders from various states who had been staying in J&K would be eligible for government jobs. It is feared that the **demographic change and disenfranchisement will further complicate the J&K issue.**
- The Government has pushed in the measures when the people of J&K are in complete lockdown engaged in a battle of survival against COVID 19.

**Mould your thought:** Critically analyse the J&K domicile certificate procedure rules, 2020.

**[Related issue/Extra Reading](#)**