

J&K to grant domicile certificates to non-native spouses

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In news

Recently, the J&K administration has rolled out the process to issue domicile certificates to the spouses of erstwhile State subjects who have a domicile certificate.

Key updates

- **The government has granted domicile certificates to spouses of a domicile in exercise of the powers conferred by provision to Article 309 of the Constitution of India** read with Section of the J&K Civil Service (Decentralisation and recruitment) Act, 2010.
- It will **allow husbands of women married outside to acquire the documents for the first time**
- The new clause has been added in the table appended to sub rule (1) of rule 5 of the Jammu and Kashmir Grant of Domicile (Procedure) Rules, 2020.
- The government has authorised **tahsildars to issue such certificates** against valid proof of marriage.
- A deputy commissioner will be the **appellate authority** for the same.
- **When the Centre ended J&K's special constitutional position in 2019**, husbands of local women married outside J&K **had no right** to buy property or apply for jobs in J&K.
- **Native women married to non-Kashmiris could so far get only their children to apply** for domicile certificates.
- As per **J&K Grant of Domicile Certificate Procedure Rules 2020**, domicile certificates will be issued to all

Permanent Resident Certificate holders and their children living outside the Union Territory.

- The order **has also modified the application of domicile condition to all levels of jobs in the Jammu and Kashmir government**, as the newly added clause has been brought under the Jammu and Kashmir Civil Services (Decentralisation and Recruitment) Act as well.
- Domicile certificates have now been made a basic eligibility condition for appointment to any post under the Union Territory of J&K following the amendments in the previous Act.
- To make the process transparent and time-bound, any officer not able to issue the certificate would be penalised Rs. 50,000.
- 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.
- Earlier, it was provided for the issuance of a domicile certificate only to those who have resided in the Union Territory for 15 years, or have studied for seven years and appeared in Class 10 or 12 exam in the UT.
- The new clause into the Grant of Domicile (Procedure) Rules has removed these conditions.

Article 309 of the Constitution of India

Article 309 of the Constitution of India provides that acts of the appropriate Legislature may regulate the recruitment and conditions of service of persons serving the Union or a state.