



## Centre Defines J&K Domicile Rules

---

 [drishtiias.com/printpdf/centre-defines-j-k-domicile-rules](https://drishtiias.com/printpdf/centre-defines-j-k-domicile-rules)

### Why in News

---

Recently, the **Ministry of Home Affairs (MHA)** has issued the **Jammu and Kashmir Reorganisation (Adaptation of State Laws) Order, 2020**.

- On 6<sup>th</sup> August 2019, the Centre **revoked J&K's special status** under **Article 370 and Article 35A of the Constitution** and **bifurcated it into the UTs of J&K and Ladakh**.  
The two revoked constitutional provisions let the state legislature decide the **'permanent residents'**, prohibiting a non-J&K resident from buying property there and ensuring job reservation for its residents.
- There are **12 States**, including Himachal Pradesh, where provisions of **special status** under **Article 371** apply.  
The provisions pertain to **regulation of ownership and transfer of land** in order to conserve the limited resources available for development and to ensure that the State preserves its unique identity.

### Key Highlights of Order

---

- It amended 109 laws and repealed 29 laws of the erstwhile State and inserted the **'domicile'** clause in the **Jammu and Kashmir Civil Services (Decentralisation and Recruitment) Act, 2010**.
- The clause for **'permanent resident of the State'** under the 2010 Act, has been substituted by **'Domicile'** of the UT.
  - The Act pertained to **employment in the civil services** comprising "district, divisional and State" cadre posts.
  - Only permanent residents of J&K were eligible to apply for the gazetted and non-gazetted posts but **now non-domiciles can also apply** for these posts.

- 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 **reservation** for domiciles **would not apply to Group A and Group B posts**, and like other UTs, recruitment would be done by the **Union Public Service Commission (UPSC).**
- **Criteria for Domiciles**
  - Someone who has **resided for a period of 15 years** in the UT of J&K or
  - Someone who has **studied for a period of seven years** and **appeared in Class 10<sup>th</sup>/12<sup>th</sup> examination** in an educational institution located in the UT of J&K or
  - Someone who is **registered as a migrant by the Relief and Rehabilitation Commissioner (Migrants).**
  - **Children** of Central government officials, All India Services, PSUs, autonomous body of Centre, Public Sector Banks, officials of statutory bodies, Central Universities, recognised research institutes of Centre who have served in J&K for a **total period of 10 years.**
  - **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.**
- The order also amended the **Jammu and Kashmir State Legislature Members' Pension Act, 1984** which fixes the pension for former legislators and councillors.
  - The notification **scraps all pension benefits** such as car, driver, accommodation, phones, electricity, medical facilities and rent-free accommodation to former J&K Chief Ministers.
- The order has also made amendments to the **Public Safety Act (PSA) 1978** by removing a clause that prohibited J&K residents booked under the Act to be lodged in jails outside.
  - It **changes the criteria for appointing the PSA advisory board** on the recommendation of a search committee headed by the Chief Secretary instead of the Chief Justice of the J&K High Court.
    - The advisory board has a crucial role to play in release of detenus under the PSA.
  - It also **bars sitting High Court judges to be made part of the board** without the Chief justice's consultation.
  - The order also **scraps a clause that deals with the power to regulate place and conditions of detention.**

**Source: TH**