
**CIVIL SERVICES DECENTRALIZATION AND
RECRUITMENT ACT, 2010**

(Act No. XVI of 2010)

As amended by S. O. 1245 dated 3rd April, 2020

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AND RECRUITMENT ACT, 2010

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**THE JAMMU AND KASHMIR CIVIL SERVICES
DECENTRALIZATION AND RECRUITMENT ACT, 2010**

(Act No. XVI of 2010)

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**THE JAMMU AND KASHMIR CIVIL SERVICES DECENTRALIZATION
AND RECRUITMENT ACT, 2010**

(Act No. XVI of 2010)

*[Received the assent of the Governor on 10th May, 2010 and published
in Government Gazette dated 10th May, 2010.]*

An Act to provide for equitable opportunities of employment in the Civil Services in the *State keeping in view its complex socio-economical and geographical/topographical/linguistic/security concerns and matters connected therewith and incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixtieth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* —(1) This Act may be called the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2010.

(2) It extends to the ¹[whole of the Union territory of Jammu and Kashmir].

(3) It shall come into force from the date of its publication in **Government Gazette.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

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

(b) “District Cadre” means the cadre of a department in a district comprising all the posts whether executive, ministerial, technical or manipulative the basic pay of which does not exceed the basic pay for the post of Senior Assistant but does not include the posts falling under the Divisional or ²[State Cadre] ;

(c) “Divisional Cadre” means the cadre of a department in a Division comprising the following posts: —

* Now Union territory of Jammu and Kashmir.

** Now Official Gazette.

1. Substituted for “whole of the State of Jammu and Kashmir by S. O. 1229(E) dated 31st March, 2020.

2. Throughout the Act, references to “State Cadre” shall be construed as references to “Union territory Cadre”.

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- (i) all non-gazetted posts the basic pay of which exceeds the basic pay for the post of Senior Assistant but does not exceed the basic pay for the post of Sectional Officer and does not include the posts falling under the ¹[State Cadre] ;
- (ii) such gazetted posts or services as the Government may from time to time notify in this behalf ;

²[(ca) “Domicile” means Domicile as defined in section 3A of this Act ;]

³[(d) “Government” means the Government of the Union territory of Jammu and Kashmir ;]

(e) ¹["State Cadre"] means—

- (i) the sanctioned strength of all gazetted and non-gazetted posts borne, on the establishment of the headquarter offices of all the departments having jurisdiction over the whole *State, but does not include the posts borne on the Divisional and District Cadre ; and
- (ii) all the gazetted posts borne on the establishment of any department or service of the *State except such gazetted posts as may be notified by the Government under sub-clause (ii) of clause (c) ;

(f) words and expressions used but not defined in this Act and defined in the Jammu and Kashmir Civil Services Regulations or the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 shall have the meanings respectively assigned to them in such general regulations/rules.

⁴[3. *Applications of the Act.*— The provisions of the Act shall apply to—

- (a) all the Gazetted and non-Gazetted posts borne on the establishment of any Department or Service of the Government ; and

* Now Union territory.
1. Throughout the Act, references to “State Cadre” shall be construed as references to “Union territory Cadre”.
2. Clause (ca) inserted by S. O. 1229(E) dated 31st March, 2020.
3. Clause (d) substituted *ibid*.
4. Section 3 substituted *ibid*.

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- (b) Class IV posts borne on the establishment of any Department or Service of the Government or any Government company, organization and body substantially owned or controlled by the Union territory :

Provided that the provisions of this Act shall not apply to —

- (i) the posts for which any special procedure is laid down under any enactment of the Legislature of the Union territory of Jammu and Kashmir ; and
- (ii) such other posts as may be excluded from the operation of the Act by the notification issued by the Government in this behalf from time to time.]

¹[3A. *Domicile for purposes of appointment to any service in Union territory of Jammu and Kashmir.* —(1) Any person who fulfils the following conditions shall be ²[x x x] domicile of the Union territory of Jammu and Kashmir for the purposes of appointment to any post ³[x x x] under the Union territory of Jammu and Kashmir or under a local or other authority (other than cantonment board) within the Union territory of Jammu and Kashmir:—

- (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.

(2) Notwithstanding anything contained in sub-section (1), following persons shall be ⁴[x x x] domicile under sub-section (1) :—

- (a) children of those Central Government Officials, All India Services Officers, Officials of Public Sector Undertaking and Autonomous body of Central Government, Public Sector Banks, Officials of Statutory bodies, Officials of Central Universities and recognised

1. Sections 3A and 3B inserted by S. O. 1229(E) dated 31st March, 2020.
 2. Words “deemed to be” omitted by S. O. 1245(E) dated 3rd April, 2020.
 3. Words and figures “carrying a pay sclae of not more than Level-4 (25500)” omitted *ibid*.
 4. Words “deemed to be” omitted *ibid*.

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Research institutes of Central Government who ¹[shall have served] in Jammu and Kashmir for a total period of ten years ; or

- (b) children of parents who fulfil any of the conditions in sub-section (1) ; or
- (c) children of such residents of Union territory of Jammu and Kashmir as reside outside Union territory of Jammu and Kashmir in connection with their employment or business or other professional or vocational reasons but their parents fulfil any of the conditions provided in sub-section (1).

²[(3) Notwithstanding anything contained in sub-section (1), spouse of a domicile shall also be deemed to be a domicile for the purposes of sub-section (1)].

3B. *Issuance of domicile certificate.* —(1) Tehsildar within his territorial jurisdiction shall be the Competent Authority for issuance of domicile certificate :

Provided that the Government of Union territory of Jammu and Kashmir may notify any other officer to be Competent Authority for issuance of domicile certificate.

(2) The applicant may apply in such form as may be prescribed to the Competent Authority who shall after verification issue such certificate in such form as may be determined by the Competent Authority.

(3) Any person aggrieved by the order of the Competent Authority may file appeal before the concerned Deputy Commissioner who shall decide appeal, providing an opportunity of being heard to the parties, within a period of sixty days.]

4. *Constitution of District, Divisional and ^{*}[State Cadre].* —(1) There shall be constituted District, Divisional and ^{*}[State Cadres] of the Services which shall be organized on department basis and administered as such, subject to the general policy directives issued from time to time by the Government :

Provided that the Government may, by notification in the ^{**}[Government Gazette], in exceptional circumstances and for sufficient reasons, exclude a

1. Substituted for words “have served” by S. O. 1245 (E) dated 3rd April, 2020.

2. Sub-section (3) inserted by S.O. 3808 (E) dated 26.10.2020.

* Now Union territory Cadre.

** Now Official Gazette.

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post or a category of posts ordinarily falling within District or Divisional Cadre, and include it in the Divisional or ^{*}[State Cadre] as may be necessary :

Provided further that if there is more than one office at the District/ Divisional level in a particular department, each such District or Divisional level office along with its subordinate offices in the District or the Division, as the case may be, shall constitute a separate District or Divisional Cadre, as the case may be, unless the Government, by notification, specifies otherwise.

(2) Notwithstanding anything contained in sub-section (1), the posts borne on temporary organizations created for specified works/projects other than the work charged establishment shall be treated as posts in the Divisional Cadre concerned for purposes of recruitment only.

5. *Mode of recruitment.* —(1) The appointment to District, Divisional and ^{*}[State Cadre] posts shall be made by the competent authority on the basis of selection made by the Public Service Commission or the ¹[Service Selection Board], as the case may be.

²[x x x x]

(2) The competent authority shall refer all the available vacancies in each cadre of service to the Public Service Commission or the ¹[Service Selection Board], as the case may be, at least once in a year.

³[5A. *Requirement of domicile for being eligible for certain posts.*— Subject to the provisions of this Act, no person shall be eligible for appointment to ⁴[a post] unless he is a domicile of the Union territory of Jammu and Kashmir.]

6. *Appointment to District Cadre posts.*—A person shall be eligible to the appointment to a District Cadre post only if he,—

(i) is a ⁵[Domicile of Union territory of Jammu and Kashmir] ;

⁶[x x x x] ; and

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- * Now Union territory Cadre.
1. Substituted for “State Service Selection Board” by S. O. 1229(E) dated 31st March, 2020.
 2. Proviso omitted *ibid*.
 3. Section 5A inserted *ibid*.
 4. Substituted for “carrying a pay scale of not more than Level-4 (25500)” by S. O. 1245(E) dated 3rd April, 2020.
 5. Substituted for “permanent resident of the State” by S. O. 1229(E) dated 31.03.2020.
 6. Clause (ii) omitted *ibid*.

- (iii) possesses the prescribed qualification, eligibility and experience for the post as specified under the rules/orders regulating recruitment to such posts.

7. *Appointment to Divisional Cadre posts.*—A person shall be eligible to the appointment to a Divisional Cadre post only if he, —

- (i) is a ¹[Domicile of Union territory of Jammu and Kashmir] ;

²[x x x x] ; and

- (iii) possesses the prescribed qualification, eligibility and experience for the post as specified under the rules/order regulating recruitment to such posts.

8. *Appointment to *[State Cadre] posts.*—A person shall be eligible to the appointment to the *[State Cadre] post only if he, —

³[x x x x]

- ⁴[(i) is a domicile of Union territory of Jammu and Kashmir ;]

- (ii) possesses the prescribed qualification, eligibility and experience for the post as specified under the rules/orders regulating recruitment to such posts.

9. *Promotions to the District Cadre.*— Promotions to the District Cadre posts shall, subject to the qualifications prescribed for the said posts under the relevant rules or orders regulating promotion to such posts, be made on the basis of merit and ability with due regard to seniority.

10. *Promotions to the Divisional Cadre.* —(1) Promotions from District Cadre posts to the Divisional Cadre posts shall, subject to the qualifications prescribed for the said posts under the rules or orders regulating promotion to such posts, be made on the basis of merit and ability with due regard to seniority.

(2) While making such promotions from District to Divisional Cadre, posts shall be allocated to each district in the ratio and proportion as the cadre

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1. Substituted for “permanent resident of the State” by S. O. 1229(E) dated 31.03.2020.
 2. Clause (ii) omitted *ibid*.
 - * Now Union territory Cadre.
 3. Existing clause (i) omitted by S. O. 1229(E) dated 31st March, 2020.
 4. Clause (i) added by S.O. 1245(E) dated 3rd April, 2020.

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strength of each district bears to the total cadre strength of the division, as far as practicable.

11. *Promotions to the *[State Cadre].* —(1) Promotions from Divisional Cadre posts under any service to the *[State Cadre] posts shall, subject to the qualifications prescribed for the said posts under the relevant rules or orders regulating the service, be made on the basis of merit and ability with due regard to seniority.

(2) While making such promotions from Divisional to *[State Cadre], posts shall be allocated to each division in the ratio and proportion as the cadre strength of each division bears to the total cadre strength of the **[State], as far as practicable.

12. *Seniority.*— There shall be maintained in every Department a separate seniority list for District, Divisional and *[State Cadres] for all categories of posts included in the respective cadres.

¹13. Omitted.

14. *Removal of difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, do anything which appears to it necessary for the purpose of removing such difficulty.

15. *Power to make rules.* —(1) The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of the Act.

(2) Any rule made under this Act shall as soon as may be after it is made, laid before ***[each House of the State Legislature].

* Now Union territory Cadre.

** Now Union territory of Jammu and Kashmir.

1. Section 13 omitted by S. O. 1229(E) dated 31st March, 2020. (For earlier amendment see Act No. V of 2013, s. 2).

*** Now the Legislative Assembly of the Union territory of Jammu and Kashmir.

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