

ELIGIBILITY FOR OBTAINING STATE SUBJECT/ PERMANENT RESIDENT CERTIFICATE OF JAMMU & KASHMIR

THE STATE SUBJECT DEFINITION NOTIFICATION

The following definition of the term "State Subject" has been sanctioned by His Highness the Maharaja Bahadar (vide Private Secretary's letter No. 2354, dated 31st January, 1927, to the Revenue Member of Council) and Notification of the below definition was issued under No. 1-L/84 DATED 20TH APRIL, 1927 and is hereby promulgated for general information.

a) The term State Subject means and includes:-

CLASS I – All persons born & residing within the state before the commencement of the reign of his highness the late Maharaja Gulab Singh Sahib Bahadar, and also persons who settled therein before the commencement of Samvat year 1942, and have since been permanently residing therein;

CLASS II –All persons other than those belonging to Class I who settled within the State before the close of Samvat year 1968, and have since permanently resided and acquired immovable property therein.

CLASS III -- All persons other than those belonging to Class I and II permanently residing within the State, who have acquired under a rayatnama any immovable property therein or who may hereafter acquire such property under an ijazatnama and may execute a rayatnama after ten years' continuous residence therein.

This notification is to be read subject to the provision contained in Part III of the Constitution of Jammu and Kashmir, section 6 of which is reproduced below:-

6. Permanent residents—(1) Every person who is, or deemed to be, a citizen of India under the provisions of the Constitution of India shall be a permanent resident of the State, if on the fourteenth day of May, 1954—

- (a) He was a state subject of class I or of CLASS II ; or
- (b) Having lawfully acquired immovable property in the State, he has been ordinarily resident in the State for not less than ten years prior to that date.

(2) Any person who, before the fourteenth day of May, 1954 was a State Subject of Class I or of Class II and who having migrated after the first day of March 1947, to the territory now included in Pakistan, return to the State under a permit for resettlement in the State or for permanent return issued by or under the authority of any law made by the State Legislature shall on such return be a permanent resident of the State.

(3) In this section, the expression " State Subject of class I or Class II" shall have the same meaning as in the State Notification No. 1-L/84 Dated 20th April, 1927, read with State Notification No. 13-L dated 27th June, 1932.

Reference: Jammu & Kashmir Laws Vol.-IX Fourth Edition Page 45