

Government of Jammu & Kashmir
Social Welfare Department
Civil Secretariat, J&K
Jammu

NOTIFICATION
Jammu, 20th April, 2020

S.O 127 .-In exercise of the powers conferred by section 23 of the Jammu and Kashmir Reservation Act, 2004 and the Rights of Persons with Disabilities Act, 2016 (No. 49 of 2016), the Lieutenant Governor of Jammu and Kashmir hereby directs that the following amendments shall be made in the Jammu and Kashmir Reservation Rules, 2005; namely:-

1. In rule-2

- (a) After clause (xi), the following shall be inserted, namely:
“(xia) “Pahari Speaking People(PSP)” means the persons belonging to Pahari Community, clan or Tribe having distinct Cultural, ethnic and linguistic identity to be identified in such manner as may be prescribed and by such Authority as may be appointed by the Government in this behalf.”

2. Rule-4 shall be substituted by the following

“4. Reservation in Direct Recruitment: Except as otherwise provided in these rules, available vacancies shall be reserved for direct recruitment in each service, class, category and grade belonging to any of the below mentioned categories which shall, as nearly as possible constitute the percentage of available vacancies shown against each:-

(a)	Scheduled Castes	8%
(b)	Scheduled Tribes	10%
(c)	Socially and Educationally Backward Classes(other than Scheduled Castes and Scheduled Tribes:- (i) <i>Weaker and under privileged Classes(Social Caste);</i> (ii) Residents of areas adjoining line of Actual Control(ALC)/International Border(IB); (iii) Residents of backward areas; (iv) <i>Pahari Speaking People</i>	4% 4% 10% 4%

c(a)	Economically Weaker Sections(EWSs)	10%	
(d)	Ex-servicemen	6%	Horizontal Reservation
(e)	Physically Challenged Persons	4%	

Explanation (A):-The horizontal reservation to the extent of 6% of the available vacancies shall be provided to the Ex-servicemen against such posts only where the maximum of the pay scale does not exceed Rs. 10,500/-.

Explanation (B):-For purpose of clause (d) and (e), the horizontal reservation means the reservations which would cut across the vertical reservation (what is called interlocking reservation) and the person selected against the physically challenged quota will have to be placed in the appropriate category viz. if he/she belongs to the scheduled caste category, he/she will be placed in that quota by making the necessary adjustment and similarly if he/she belongs to the open competition category, he/she will be placed in that category.

Explanation(C):-For the purposes of clause (e) reservations in recruitment shall be available for physically challenged persons for services and posts specified under section 34 of the Rights of Persons with Disabilities, Act, 2016 to the extent specified therein, i.e:

(a)	<i>Blindness or low vision</i>	1%
(b)	<i>Deaf and Hard of hearing</i>	1%
(c)	<i>Locomotor disability including Cerebral Palsy, Leprosy Cured, Dwarfism, Acid attack victims and muscular dystrophy;</i>	1%
(d)	<i>Autism, intellectual disability, specific learning disability and mental illness,</i>	1%
(e)	<i>Multiple disabilities from amongst persons under clauses(a) to (d) including deaf-blindness in the posts identified for each disabilities</i>	

3. **Sub-rule(1) of rule 5** shall be substituted by the following;

“(1) With a view to giving effect to the reservation here in before provided in this part, the appointing authority shall, in respect of each service, class, category and grade in the services

and posts under the state, maintain a roster of 100 vacancies in the form given herein after:

1	Open Competition
2	Backward Area
3	Scheduled Caste
4	Open Competition
5	Open Competition
6	Scheduled Tribe
7	Open Competition
8	Open competition
9	Economically Weaker Section
10	Line of Actual Control/International Border
11	Open Competition
12	Backward Area
13	Pahari Speaking People(PSP)
14	Open Competition
15	Scheduled Caste
16	Scheduled Tribe
17	Social Caste
18	Open Competition
19	Economically Weaker Section
20	Open Competition
21	Open Competition
22	Backward Area
23	Open Competition
24	Open Competition
25	Open Competition
26	Scheduled Tribe
27	Scheduled Caste
28	Open Competition
29	Economically Weaker Section
30	Open Competition
31	Open Competition
32	Open Competition
33	Backward Area
34	Open Competition
35	Pahari Speaking People(PSP)
36	Scheduled Tribe
37	Open Competition
38	Line of Actual Control/International Border

39	Scheduled Caste
40	Economically Weaker Section
41	Open Competition
42	Social Caste
43	Backward Area
44	Open Competition
45	Open Competition
46	Scheduled Tribe
47	Open Competition
48	Open Competition
49	Open Competition
50	Economically Weaker Section
51	Schedule Caste
52	Open Competition
53	Backward Area
54	Open Competition
55	Open Competition
56	Scheduled Tribe
57	Open Competition
58	Open Competition
59	Open Competition
60	Economically Weaker Section
61	Open Competition
62	Pahari Speaking People(PSP)
63	Scheduled Caste
64	Backward Area
65	Open Competition
66	Scheduled Tribe
67	Line of Actual Control/International Border
68	Open Competition
69	Open Competition
70	Economically Weaker Section
71	Social Caste
72	Open Competition
73	Open Competition
74	Backward Area
75	Scheduled Caste
76	Schedule Tribe
77	Open Competition
78	Open Competition
79	Open Competition
80	Open Competition

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81	Economically Weaker Section
82	Open Competition
83	Open Competition
84	Backward Area
85	Open Competition
86	Scheduled Tribe
87	Open Competition
88	<i>Pahari Speaking People(PSP)</i>
89	Scheduled Caste
90	Open Competition
91	Economically Weaker Section
92	Open Competition
93	Social Caste
94	Open Competition
95	Backward Area
96	Scheduled Tribe
97	Line of Actual Control/International Border
98	Open Competition
99	Economically Weaker Section
100	Open Competition

4. Rule-13 shall be substituted by the following:-

Reservation in Professional Institutions:

Except as hereinafter provided, seats shall be reserved for Scheduled Castes, Scheduled Tribes, Socially, Educationally Backward Classes and Economically Weaker Sections (EWSs) in each course of professional institutions which shall, as nearly as possible, constitute such a percentage of the available seats in that course as shown against each category or group hereinafter:-

(i)	Scheduled Caste	8%
(ii)	Scheduled Tribe	10%
(iii)	Socially and Educationally Backward Classes(other than Scheduled Castes and Scheduled Tribes)	
	(a) Weak and under Privileged Classes(Social Castes)	4%
	(b) Residents of Area adjoining Actual Line of Control/International Border(IB)	4%
	(c) Residents of Backward Areas	10%

	(d) Pahari Speaking People	4%
(iv)	Economically Weaker Sections (EWSs)	10%
(v)	Physically Challenged Persons	4% (Horizontal)

Explanation:- For purpose of clause (v), the horizontal reservation means the reservations which would cut across the vertical reservation (what is called interlocking reservation) and the person selected against the physically challenged quota will have to be placed in the appropriate category viz. if he/she belongs to the scheduled caste category, he/she will be placed in that quota by making the necessary adjustment and similarly if he/she belongs to the open competition category, he/she will be placed in that category.

5. Rule-15 shall be substituted by the following:-

Distribution of seats:

For the post-graduate courses in MD/MS/M.Tech, Engineering and Agricultural Sciences and similar other postgraduate courses, the seats shall be distributed as follows with the conditions that the selection of candidates from the reserved categories for different streams shall be made strictly on the basis of their inter-se merit, treating them as a single class for purpose of allotment of streams:-

(i)	<i>Open Merit Category</i>	57%
(ii)	<i>Reserved Categories</i>	
	<i>(a) Scheduled Caste</i>	8%
	<i>(b) Scheduled Tribe</i>	10%
	<i>(c) Socially and Educationally Backward Classes</i>	
	<i>(i) Residents of Backward Areas</i>	10%
	<i>(ii) Residents of Area Adjoining Actual Line of Control/International Border</i>	4%
	<i>(iii) Weak and Under Privileged Classes (Social Caste)</i>	4%
	(iv) Pahari Speaking People	4%
	<i>(d) Children and Defence of Personnel/Para-military Forces and State Police Personnel</i>	2%
	<i>(e) Candidates possessing Outstanding Proficiency in Sports</i>	1%
	<i>(f) Economically Weaker Sections (EWSs)</i>	10%

Ans

- (i) *Proviso to Rule-15 shall be substituted by the following:-*
 "Provided that in case sufficient number of reserved seats are not available to accommodate all the reserved categories in a selection process, the available reserved seats shall be rotated in such a manner that all reserved categories get their due share in a phased manner. For the said purpose, the following running roster of 30 seats shall be maintained and followed till the same gets exhausted:-

1	Backward Area
2	Scheduled Caste
3	Scheduled Tribe
4	Economically Weaker Section(EWSs)
5	Line of Actual Control/International Border
6	<i>Pahari Speaking People</i>
7	Social Caste
8	Children of Defence Personnel/State Police
9	Backward Area
10	Scheduled Caste
11	Scheduled Tribe
12	Economically Weaker Section
13	Backward Area
14	Scheduled Caste
15	Scheduled Tribe
16	<i>Pahari Speaking People</i>
17	Line of Actual Control/International Border
18	Backward Area
19	Scheduled Caste
20	Scheduled Tribe
21	Economically Weaker Section
22	Social Caste
23	Backward Area
24	Scheduled Caste
25	Candidates possessing outstanding proficiency in Sports
26	Scheduled Tribe
27	Economically Weaker Section
28	Backward Area
29	Scheduled Tribe
30	Economically Weaker Section

6. In rule-18, after sub-clause(iii) of clause(a), following sub-clause(iv) shall be added;

iv	Pahari Speaking People(PSP)	Tehsildar
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7. In rule -19, in sub-rule (i) of Rule 19 for the sign "III", the sign "III and IIIA" shall be substituted.

8 In rule-21, after clause(viii), the following clause(ix), shall be added;

- (ix) (a) A person claiming the benefit under the Pahari Speaking People Category must be a member of the Pahari Clan, Community or Tribe having Distinct Cultural, Ethnic and Linguistic identity.
- (b) He/She must be speaking Pahari language and his/her mother tongue must be Pahari.
- (c) He/She must produce Aadhar card/Voter Identity Card/ Domicile Certificate.
- (d) Further, Tehsildar, shall be the authority to certify the claim of persons belonging to said Category. The Revenue Authority shall issue such certificate after due diligence as per **Form-XV** appended to this notification.

9. In Rule-23, after the "sign "XIVA", the sign "XV" shall be added.

By order of the Government of Jammu and Kashmir.

Sd-

(Shailendra Kumar)IAS

Principal Secretary to the Government
Social Welfare Department

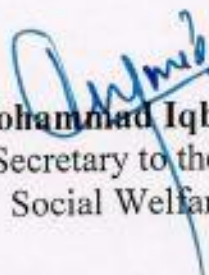
No.SW/PSP/04/2017

Dated:- 24 .04.2020

Copy to the:-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Principal Secretary to the Hon'ble Lieutenant Governor.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
8. All Commissioner/Secretaries to the Government.
9. Divisional Commissioner, Kashmir/Jammu.

10. Chairperson, J&K Special Tribunal.
11. Director Information, J&K.
12. All Deputy Commissioners.
13. All Heads of Departments/Managing Directors/Secretary, Advisory Boards.
14. Secretary, Public Service Commission/Vigilance Commission/Backward Classes Commission/SSB/BoPEE.
15. Director, Archives, Archaeology & Museums, J&K, Jammu.
16. Secretary, J&K Legislative Assembly.
17. General Manager, Government Press, Srinagar/Jammu.
18. Private Secretary to the Chief Secretary, J&K.
19. Private Secretary to Advisor (F) to the Hon'ble Lieutenant Governor.
20. Private Secretary to Principal Secretary to Government, Social Welfare Department.
21. I/c Website, Social Welfare Department.
22. Stock file.


(Mohammad Iqbal Mir) KAS
Under Secretary to the Government
Social Welfare Department



FORM IIIA

**APPLICATION FOR BEING A MEMBER OF THE PAHARI
SPEAKING PEOPLE CATEGORY**

To

The Competent Authority

Sir,

I request that a Certificate of being a Member of Pahari Speaking People category may please be issued in my favour. The grounds of claim and other particulars are given as under:-

1. Name of the applicant _____
2. Father's name/guardian/person upon whom dependent _____
3. Place of residence of the applicant:
 - (i) Village/Mohalla _____
 - (ii) Tehsil _____
 - (iii) District _____
4. Place of residence of father/guardian/person upon whom dependent _____
5. Whether the applicant is a permanent resident of the Union territory
Yes/No
6. Occupation of the father/guardian/person upon whom dependent _____
7. Total income from all sources of the applicant/father/person upon whom dependent per annum _____

8. The applicant belongs to
Pahari Community, Clan or
Tribe of that area _____

9. Date of application _____

**I solemnly declare that I belong to Pahari category, Clan
or Tribe of that area and my mother tongue is Pahari.**

**I further declare that the entries made above are true and
nothing has been concealed.**

Signature of the Applicant

(For use in the Office of the Competent Authority)

Application received on _____ along with _____ enclosures and
entered in the Register at serial No _____

Competent Authority with seal

FORM XV

Government of Jammu and Kashmir

(Name and Address of the authority issuing the certificate)

**CERTIFICATE OF BEING A MEMBER OF PAHARI SPEAKING
PEOPLE CATEGORY.**

Certificate No:- _____

Dated:- _____

This _____ is _____ to _____ certify _____ that
Shri/Smt/Kumari _____ son/daughter/wife of _____
_____ resident of _____
Village/Street _____ Post Office _____ District
_____, J&K Pin Code _____ whose photograph is
attested below belongs to Pahari Speaking People category.

Recent Passport
size attested
photograph of the
applicant

Signature with seal of the Office

Name _____

Designation _____