

SECTION-B

INSTRUCTIONS REGARDING

BONAFIDE HIMACHALI

CERTIFICATE

SECTION- B

BONAFIED HIMACHALI CERTIFICATE Index

Sr. No.	Subject	Letter No. & Date	Page No.
1.	Procedure for issuing various certificates.	-	1-4
2.	Issuance of Bonafide Certificate to Nepali Origin Clarification thereof alongwith the opinion of Law Department.	No. Rev. B.F.(11)-3//2010 Loose Dated 15.06.2016.	5-7
3.	Certificate of Bonafide Himachali- Instructions thereof .	No.Per.(AP-B)A(3)-1-2013- Dated 11.02.2016	8-9
4.	Proceedings of the 13 th Meeting of H.P. Gorkha Welfare Board Dated 07.01.2015- Instructions thereof .	No. Rev.B.A (3)1-2010 Dated 13.08.2015.	10
5.	Certificate of Bonafide Himachali- Instructions thereof .	No.Div.Commr.(SML)LR-13(3) /2015-1111-14 Dated 22.03.2015	11
6.	Clarification regarding issuance of Bonafide Himachali Certificate in favour of Nepali National.	No. Rev. B.A.(3)-1/2004-IV Dated 7.8.2014	12-15
7.	Certificate of Bonafide Himachali- Instructions thereof .	No. Per(AP-B)A(3)-1/2000- Vol-11 Dated 31.05.2013	16
8.	Guidelines for issuance of Certificate of Bonafide Himachali.	No. Rev. D(F)6-10/2011 Dated 08.07.2011	17
7.	Notification regarding Chapter 28	No.Rev.B.(3)-1/2004-vol-1 Dated 20.12.2010	18-19
8.	Certificate of Bonafide Himachali- Instructions thereof .	No. Per(AP-B)A(3)-1/2000- Vol-111 Dated 20.11.2009.	20-21
9.	Certificate of Bonafide Himachali- Instructions thereof .	No. Per(AP-B)A(3)-1/2000- Vol-11 Dated 01.08.2009.	22-23
10.	Certificate of Bonafide Himachali- Instructions thereof .	No. Per(AP-B)A(3)-1/2000- Vol-11 Dated 03.07.2009.	24-25
11.	Certificate of bonafide Himachali- Instructions thereof.	No. Rev-D(F)1-2/2007. Dated 29.05/2007.	26
12.	Certificate of Bonafide Himachali- Instructions thereof .	No. Per(AP-B)A(3)-1/2000 loose Dated 09.05. 2007 .	27
13.	Certificates of Bonafide Himachali instructions thereof.	No. Per.(AP-B)A(3)-1-2000 Dated 11.11.2004.	28
14.	Definition of Bonafide Himachali clarification regarding.	No.8-82/71-DP(Apptt.11) 13August, 1975.	29-32

No.Rev.B.F.(11)-3/2010-Loose-
Government of Himachal Pradesh.
Department of Revenue.

From,

The Addl.Chief Secretary-Cum-FC.(Revenue)
Government of Himachal Pradesh.

To

The Sub Divisional Officer ©
Hamirpur, Distt. Hamirpur,H.P.

Dated Shimla-2, the 15 th June, 2016

Subject:- Issuance of Bonafide Certificate to Nepali Origin Clarification thereof.

Sir,

I am directed to refer to your department letter No. 2559/steno dated 23 may 2016 on the subject cited above and to enclose herewith a photocopy of opinion dated 26.3.2016 tendered by the Law Department on such matters.

You are therefore requested to examine all such matters in light of the above opinion tendered by the Law Department before issuance of Bonafide Certificate to any Non Indian origin

Yours faithfully,
Sd/-

Deputy Secretary(Revenue) to the
Govt. of Himachal Pradesh.

**Government of Himachal Pradesh.
Law Department (Opinion)**

N.5. Examined in the Law Department . The A/D have stated that Shri Bal Bahadur Singh S/O Shri Bahadur Singh, Resident of Village Garua, Tehsil Kandaghat, District Solan , Himachal Pradesh has sought permission for the purchase of land for the construction of house under section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972. It has been stated by the A/D that the applicant has mentioned in the affidavit given by him that his father has been married to a Nepali Women and that his father had come to India during the 2nd World War as an oustee. As further stated by the A/D, above Shri Bahadur Singh Was born in the year, 1964 in village, Gaura, District, Solan (H.P.) and he is residing in Solan since his birth and that the applicant has enclosed the School leaving Certificate and certificate issued by the Local Gram Panchayat. As per the A/D his Wife is also Nepali national and they as well their children have never applied for Indian nationality.

Keeping in view the above facts, the A/D have sought the opinion of this Department on the Indian citizenship of above Shri Bal Bahadur Singh.

In this regard, it is stated that sub-section (1) of section 3 of the Citizenship Act, 1955 provides that except as provided in sub-section (2), every person born in India,

(a) on or after the 26th day of January, 1950 but before
The 1st day of July, 1987;

(b) on or after the 1st day of July, 1987 but before the
commencement of the Citizenship (Amendment) Act,
2003 and either of whose parents is a citizen of India
At the time of his birth;

(c) on or after the commencement of the Citizenship
(Amendment) Act, 2003, where:-

(i) both of his parents are citizen of India; or

(ii) one of the whose parents is a citizen of India
and other is an illegal migrant at the time of
his birth, shall be a citizen of India by birth.

Further, sub-section (2) of section 3 of the above Act provides that a person shall not be a citizen of India by virtue of this section if at the time of his birth:-

(a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the president of India and he or she, as the case may be, is not a citizen of India.

(b) his father or mother is an enemy alien and the birth occurs in a place then under the occupation by the enemy.

As stated by the A/D, above Shri Bal Bahadur Singh was born in the year, 1964. From the perusal of the School Leaving Certificate of the applicant issued by the C.H.T. Government Primary School Gaura, District Solan (H.P.) placed by the A/D on file he was born on 06-05-1964 and he studied in the said school w.e.f 11-3-1971 to 31-12-1975. The fact that above Shri Bal Bahadur Singh is residing in Village Gaura, Tehsil Kandaghat, District Solan for the last 40 Years has also been corroborated in the Certificate issued by the Secretary, Gram Panchayat, Hinner, Development Block Kandaghat, District Solan (H.P.) on 6.11.2003.

Keeping in view the date of birth of the applicant and the above provisions of sub-section (1) of section 3 of the Act *ibid* his case is covered under the provisions of clause (a) of sub-section (1) because as per the documents available on record, he was born between 26th January, 1950 and before 1st day of July, 1987. Therefore, in the opinion of this Department above Shri Bal Bahadur Singh is a citizen of India by birth subject to the condition that his case is not covered under the exceptions provided under sub-section (2) of section 3 of the Act *ibid*.

This has the approval of LR-cum-Pr. Secretary (Law-O)

Sd/-

DLR-cum-Deputy Secy.(Law-O) to the
Government of Himachal Pradesh.

No.Per.(AP-B)A(3)-1/2013-
Government of Himachal Pradesh.
Department Personnel
Appointment-11.

From, Dated Shimla-171002, the 11 February, 2016
The Addl.Chief Secretary (Personnel) to the
Government of Himachal Pradesh.

To

1. The Addl.Chief Secretary (Revenue) to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Deputy Commissioners in Himachal Pradesh.

Subject:- Certificate of Bonafide Himachali-Instructions thereof.

Sir,

In continuation of this Department Letters No. Per.(AP.B)A(3)-1/2000-Vol-11 dated 1st August,2009 and 31 May, 2013, I am directed to say that certificate of Bonafide Himachali shall be issued by the authorities already specified therein on the basis of certificate issued by the respective Pradhan of Gram Panchayat/Patwari/President of Municipal Committee and NAC/Executive Officers/Councillors of the Municipal Corporation to the effect that the person concerned is having his permanent home in H.P. or residing in H.P. for a period of 20 Years or above, or having his permanent home in H.P. but living outside H.P. on account of his occupation and to children of those persons who are entitled for grant of such certificate fulfilling the above mentioned condition for the purpose of admission in various Educational Institutions/Engineering College/ Medical Colleges and for grant of scholarship etc. only notwithstanding the criteria of age of children. It has brought to the notice of the Government that the instructions issued by this Department for issuing Bonafide Himachali Certificate are not being adhered to strictly cause inconvenience to the general public.

It is, therefore requested that necessary instructions may be issued to all concerned that the Bonafide Himachali Certificate may be issued by the authorities empowers to issue such certificates scrupulously and special attention may also be accorded in the matter so that the common people do not face any difficulty in getting such certificate.

Please acknowledge receipt.

Yours faithfully,

Sd/-

Special Secretary (Personnel) to the
Government of Himachal Pradesh.

संख्यारैव0बी0ए03-1 / 2010
हिमाचल प्रदेश सरकार
राजस्व विभाग।

प्रेषक

अतिरिक्त मुख्य सचिव एवं वित्तियुक्त (राजस्व)
हिमाचल प्रदेश सरकार।

दिनांक षिमला-171002 13.8.2015.

प्रेषित,

समस्त उपायुक्त, हिमाचल प्रदेश।

विषय:-

दिनांक 7 जनवरी 2015 को आयोजित हि0प्र0 गोरखा कल्याण बोर्ड की 13वीं बैठक की कार्यवाही भेजने बारे-गोरखा उपजाति का नाम पटवारी द्वारा दर्ज करने बारे दिषा-निर्देश।

महोदय,

उपरोक्त विषय पर मुझे यह कहने का निर्देश हुआ है कि दिनांक 7 जनवरी 2015 को आयोजित हि0प्र0 गोरखा कल्याण बोर्ड की 13वीं बैठक में यह चर्चा हुई कि गोरखा उपजाति का नाम पटवारी के कागजात में दर्ज नहीं है। गोरखा समुदाय के बच्चों को फौज में भर्ती के लिए उप जाति प्रमाण पत्र अनिवार्य है। परन्तु सम्बन्धित पटवारी द्वारा केवल गोरखा राजपूत का ही प्रमाण पत्र जारी किया जाता है। उप जाति में दर्ज होने के कारण उप जाति का प्रमाण पत्र नहीं दिया जाता।

अतः यह निर्देश दिये जाते हैं कि आप अपने अधीनस्थ सम्बन्धित अधिकारियों/ कर्मचारियों को गोरखा समुदाय के लिए स्थानीय पूछताछ के आधार पर उप जाति प्रमाण पत्र जारी करने के निर्देश देने की कृपा करें।

भवदीय,
हस्ता/-

उप-सचिव(राजस्व)
हिमाचल प्रदेश सरकार।

No.Div.Commr.(SML)LR-13(3)/2015-1111-14

Office of the Divisional Commissioner.
Shimla Division.

Dated Shimla-2

22 March 2015.

To

The Deputy Commissioner, Shimla, Solan, Sirmaur
And Kinnaur.

Subject:-

Certificate of bonafide Himachali- Instructions thereof.

Sir,

I am directed to invite your attention to the Special Secretary (personnel) to the Govt. of H.P. letter No. Per. (AP-B)A(3)-1/2013, Dated 11-2-2016 which is also addressed to you on the subject cited above and to say that the certificate of Bonafide Himachali shall be issued by the authorities already specified therein on the basis of certificate issued by the respective Pradhan of Gram Panchyat/Patwari/ President of Municipal Committee & NA/ Executive Officers/Councillors' of Municipal Corporation to the effect that the person concerned is having his permanent home in H.P. residing in H.P. for a period of 20 years or above or having his permanent home in H.P. but living outside H.P. on account of his occupations and to children of those persons who are entitled for grant of such certificate fulfilling the above mentioned condition for the purpose of admission in various educational Institutions'/Engineering College/Medical Colleges and for grant of scholarship etc. only notwithstanding the criteria of age of children. It has brought to the notice of the Government that the instructions issued by Personnel Department for issuing Bonafide Himachali Certificate are not being adhered to strictly causing inconvenience to the general public.

It is therefore requested that necessary instructions may be issued to all concerned that the Bonafide Himachali Certificate may be issued by the authorities empowered to issue such certificates scrupulously and special attention may also be accorded in the matter so that the common people do not face any difficulty in getting such certificates.

Yorus faithfully,

Sd/-

Assistant Commissioner to the
Divisional Commissioner,
Shimla Division Shimla-2

No. Rev. B.A. (3)-1/2004-IV
Government of Himachal Pradesh
Department of Revenue

From

The Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

TO

The Deputy Commissioner,
Shimla, District Shimla, H.P.

Dated: Shimla -171002. the

7-8-14.

Subject:- Clarification regarding issue of bonafide Himachali Certificate in favour of Nepali National.

Sir,

I am directed to refer to your letter No.SML.Rev.- Certificates/2013-717 dated 18th December,2013, on the subject cited above and to say that the matter was examined in consultation with the law department and the Department of Personnel. It is clarified that a Nepali Citizen cannot be a bonafide Himachali unless he or she first qualifies the definition of Citizen as provided in the Citizenship Act. 1955. Hence , before considering the issuance of bonafide Himachali Certificate, the issue of citizenship may be taken into consideration and it should be ascertained that such Nepali is citizen of India or not. It is also clarified that to ascertain the Citizenship of individuals, only provisions of Citizenship Act,1955 may be taken into consideration and not other documents like a bonafide certificate or agriculturist certificate etc. A photocopy of the detailed opinion tendered by the Law Department is enclosed herewith.

You are, therefore, requested to take action in accordance with the opinion tendered by the Law Department. These instructions may be brought to the notice of all concerned revenue officers.

Yours faithfully,

Sd/-

(Rakesh Mehta)

Deputy Secretary (Revenue)to the
Government of Himachal Pradesh.

N-99. Examined in the Law Department. The A/D have sought the opinion of this Department on the following Issues:-

1. Whether Bonafide Himachali or domicile Certificate is to be issued in favour of all those people of Nepal Nationality who have born and brought up in Shimla/Himachal Pradesh.
2. Whether a condition of resident for a particular number of years(i.e. for 20 years)make them eligible for the issue of bonafide certificate or not?
3. Whether a person of Nepal or other such nationality who marries a Himachali bonafide make him eligible for the grant of Bonafide Himachali Certificate.

As regards, issue No. 1 and 2, the provision of sub section (1) of section 3 of the Citizenship Act,1955 are relevant which provides that except as provided in sub section(2),every person born in India,-

- (a) On or after the 26th day of January,1950, but before the 1st day of July, 1987;
- (b) On or after the 1st day of July,1987,but before the commencement of the citizenship(Amendment) Act,2003 and either of whose parents is a citizen of India at the time of his birth;
- (c) On or after the commencement of Citizenship(Amendment) Act,2003, where-
 - (i) Both of his parents are citizen of India; or
 - (ii) One of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth,

Shall be a citizen of India by birth.

Further sub- section (2) of section 3 the said Act provides that a person shall not be a citizen of India by virtue of this section if at the time of his birth-

- (a) Either his father or mother possess such immunity from suits and legal process as is accorded to an envoy or a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India ;
or

(b) His father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.

From the perusal of the above provisions of section 3 of the Act *ibid*, it is clear that citizenship by birth can be acquired by a person born in India, if he is covered under the requirements specified under sub-section(1) of section 3 but subject to certain conditions specified under sub-section (2) of section 3 of the said Act. Therefore, the A/D have to examine the case of the people of Nepal Nationality regarding issuance of bonafide Himachali or Domicile certificate who have born in Shimla District/ Himachal Pradesh, in the light of the provisions of above provisions of section 3. If on examination of the cases of the people of Nepal nationality, as mentioned by the A/D, the A/D reach on a conclusion that their cases are covered under either of the conditions specified under sub-section(1) of section 3 of the above Act then they can be considered for issuance of bonafide Himachali Certificate in accordance with the instructions of the Personnel Department on the subject.

In order to tender advice on the issue No. 3 i.e. whether a person of Nepal or other such Nationality who marries a Himachali bonafide is eligible for the grant of Bonafide Himachali Certificate , the provisions of section 5 of the above Act are relevant. Clause (c) of sub-section (1) of section 5 of above Act provides that subject to the provisions of this section and such other conditions and restrictions as may be prescribed, the Central government, may , on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitutions or of any other provision of this Act, if he/she is married to a citizen of India and is ordinarily resident in India for seven years before making an application for Registration. As such in order to arrive at a conclusion; whether a person of Nepal or other such nationality who has married to a bonafide Himachali is eligible for the grant of bonafide Himachali certificate, the A/D have to ascertain whether such person has been registered as citizen of India as per the provisions of section 5 of the said Act. Only after the registration of the person married

to a citizen of India under the provisions of section 5 of the above Act, his/her case can be considered for issuance of bonafide Himachali Certificate as per the instructions of the Personnel Department in this regard.

This has the approval of LR-cum- Pr. Secretary(Law).

Sd-/

ALR-cum-Under Secy.(Law)to the
Government of Himachal Pradesh

No. Per(AP-B)A(3)-1/2000-Vol-11

Government of Himachal Pradesh
Department of Personnel(AP-II)

From

Pr. Secretary (Personnel) to the
Government of Himachal Pradesh .

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Heads of Departments in Himachal Pradesh.
3. All Divisional Commissioners in Himachal Pradesh.
4. All the Deputy Commissioners, Himachal Pradesh .

Dated Shimla-171002, the 31th May, 2013 .

Subject:-

Certificate of bonafide Himachali- Instructions thereof.

Sir,

In continuation of this department letter of even number dated 1st August, 2009 on the subject cited above. I am to say that the matter for issuing Bonafide Himachali Certificate to children of those person who themselves fulfill the criteria of grant of Bonafide Hamachali Certificate was under consideration of the Government for some time past. It has been decided by the State Government that the Bonafide Himachali Certificate shall also granted to children of those persons who are entitled for grant of such certificate fulfilling the conditions as laid down in the letter referred to above for the purpose of admission in Various Educational Institutions/ Engineering College/Medical Colleges and for grant of scholarship etc, only notwithstanding the criteria of age of children.

2. All other conditions for the grant of Bonafide Himachali Certificarte shall remain unchanged.
3. These instructions may please be brought to the notice of all concerned working under you for compliance. Any deviation of these instruction would be construed seriously.

Yours faithfully,

Sd/-

Under Secretary (Personnel) to the
Government of Himachal Pradesh.

संख्यारैव0डी (एफ) 6-10/2011
हिमाचल प्रदेश सरकार
राजस्व-डी विभाग।

प्रेषक

उपायुक्त सिरमौर,
जिला सिरमौर हिमाचल प्रदेश।
दिनांक शिमला-171002

8.7.2011.

विषय:- हिमाचली बोनाफाईड प्रमाण पत्र जारी किये जाने हेतु मार्ग दर्शन दिये जाने के बारे।

महोदय,

उपरोक्त विषय पर मुझे आपके पत्र संख्या विविध-10(17) 10-62350 दिनांक 24. 6.2011 के सन्दर्भ में मुझे यह कहने का निदेश हुआ है कि निर्धारित नियमों व शर्तों के आधार पर जिन व्यक्तियों को अधिकृत अधिकारी द्वारा हिमाचली बोनाफाईड प्रमाण पत्र उनके 20 वर्षों से अधिक समय से हिमाचल प्रदेश में निवास करने के आधार पर जारी किये जा चुके हैं और उनके बच्चे हिमाचल प्रदेश में ही पैदा हुये हैं तथा अपने माता- पिता के साथ हिमाचल प्रदेश में रह रहे हैं। ऐसे बच्चों को माता-पिता के 20 वर्ष से अधिक समय से हिमाचल प्रदेश के निवासी होने के आधार पर हिमाचल प्रदेश बोनाफाईड प्रमाण पत्र दिया जाना उचित होगा।

हस्ता/-

विशेष सचिव (राजस्व)
हिमाचल प्रदेश सरकार।

**Government of Himachal Pradesh
Department of Revenue**

No.Rev.B.(3)-1/2004-vol-1

Dated Shimla-2, the

20.12.2010

Notification

The Governor, Himachal Pradesh, is pleased to amend the following paras of the Himachal Pradesh Land Records Manual, 1992 notified vide notification No. Rev.(LR)A(58)/89 dated 3rd December, 1992, with immediate effect, as under:-

Chapter 28.

Para 28..1 shall be substituted as under:-

“28.1- The Tehsildar /Naib Tehsildar Mohal shall be the competent authority to issue SC/ST, income,backward class and bonafide/domicile Himachali Certificates within their respective jurisdiction.”

“Chapter 28.14- shall be substituted as under:-

Procedure for issuing Bonafide/Domicile Himachali Certificate.

The applicant shall submit an application for obtaining Bonafide/Domicile Himachali certificate in form-F along with a passport size photograph. The photograph shall be affixed on the certificate, to be issued on Form G, with the seal of the competent authority thereon. The certificate shall be issued on the basis of report/inquiry of patwari halqua, certificates of Pradhan Gram Panchayat/President M.C./Executive Officer Municipal Corporation concerned in accordance with the H.P. Govt. letter No. 12-7/73 SAD dated 18th August, 1972 and instructions of Govt. as per Appendix-D of this chapter further amended by instructions No. Per(AP-B)A(3)-1/2000-Vol-11 dated 1st August, 2009. A register of certificates issued under this para shall be maintained in form R-1 and a photocopy of the certificate issued shall be maintained for record.”

After para 28.19 the following new paras shall be added;-

“28.20- Cancellation of Certificate issued:- In case the issuing authority, either on a complaint or on receipt of information from any source, has reason to believe that any

certificate has been issued wrongly, he shall after making such enquiries and hearing such persons as considered necessary and affording a reasonable opportunity of being heard to the person to whom the Certificate had been issued, cancel such certificate.

28.21. Appeal:-A person aggrieved by such order may within a period of 30 days file an appeal before the Sub-Divisional Officer (C) to whom the Tehsildar/NiabTehsildar is subordinate and the Sub-Divisional Officer (C) after giving the parties an opportunity of being heard, reverse or confirm the cancellation order and such reversal or confirmation shall be final.

Provided that in case of certificates issued earlier by authorities higher than Tehsildars, the appellate authority shall be the authority to whom such issuing authority is subordinate.

By Order

**Sd/-
Principal Secretary(Personnel) to the
Government of Himachal Pradesh.**

No. Per(AP-B)A(3)-1/2000-Vol-111
Government of Himachal Pradesh
Department of Personnel(AP-II)

From

Secretary (Personnel) to the
Government of Himachal Pradesh .

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Heads of Departments in Himachal Pradesh.
3. All Divisional Commissioners in Himachal Pradesh.
4. All the Deputy Commissioners, Himachal Pradesh .

Dated Shimla-171002, the 20th November, 2009 .

Subject:- Certificate of bonafide Himachali- Instructions thereof..

Sir,

I am directed to invite a reference to this department letter No. 8-82/71-DP(Apptt.11), dated 13th August,1975(copy enclosed) on the subject cited above and to say that these instructions of the Government for Himachali Certificate are silent in the case of women resident of Himachal Pradesh, who are married to persons having their permanent home outside Himachal Pradesh.

2. This matter has been considered by the Government and it has been decided that such Himachali women who get married outside the state but after legal divorce restarts living in Himachal Pradesh, her lapsed right will get revived for the grant of Bonafide Himachali Certificate.

All other conditions for the grant of Bonafide Himachali Certificates issued vide this Department letter No. Per.(AP-B)A(3)-1/2000-11, dated 1st August,2009 shall remain unchanged.

3. These instructions may kindly be brought to the notice of all concerned working under you for strict compliance.

Yours Faithfully,
Sd/-
Deputy Secretary(Personnel) to the
Govt. of Himachal Pradesh.

No. Per(AP-B)A(3)-1/2000-Vol-11
Government of Himachal Pradesh
Department of Personnel(AP-II)

From

Secretary (Personnel) to the
Government of Himachal Pradesh .

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Heads of Departments in Himachal Pradesh.
3. All Divisional Commissioners in Himachal Pradesh.
4. All the Deputy Commissioners, Himachal Pradesh .

Dated Shimla-171002, the 1st August, 2009 .

Subject:- Certificate of bonafide Himachali- Instructions thereof..

Sir,

In supersession of this department letters of even number dated 11.11.2004 and 3.7.2009 on the subject cited above I am directed to say that on re-consideration of the matter it has now been decided by the Government that henceforth the certificate of Bonafide Himachali shall be issued by the authorities already specified i.e. Sub-Divisional Officer (Civil)/Tehsildar/Niab-Tehsildar on the basis of certificate issued by the respective Pradhan of Gram Panchyat/ Patwari/ President of Municipal Committee and Notified area Committee/ Executive Officer / Councillors of the Municipal Corporation to the effect that the person concerned is:-

- i) Having his permanent home in H.P. or
- ii) Residing in H.P. for a period of 20 years or above; or
- iii) Having his permanent home in H.P. but living outside H.P. on account of his occupations.

2. All other conditions for the grant of Bonafide Himachali Certificate shall remain unchanged.

3- These instructions may kindly be brought to the notice of all concerned working under you for strict compliance.

Yours Faithfully,

Sd/-

Deputy Secretary(Personnel) to the
Govt. of Himachal Pradesh.

V.Important

**No. Per(AP-B)A(3)-1/2000-Vol-11
Government of Himachal Pradesh
Department of Personnel(AP-II)**

From

**Secretary (Personnel) to the
Government of Himachal Pradesh .**

To

- 1. All Administrative Secretaries to the
Government of Himachal Pradesh.**
- 2. All Heads of Departments in Himachal Pradesh.**
- 3. All Divisional Commissioners in Himachal Pradesh.**
- 4. All the Deputy Commissioners, Himachal Pradesh .**

Dated Shimla-171002, the 3rd July, 2009 .

Subject:- Certificate of bonafide Himachali- Instructions therof..

Sir,

I am directed invite a reference to this department letter of even number dated 11.11.2004 on the subject cited above and to say that the matter with regard to having a uniform policy for grant of bonafide Himachali Certificate was under active consideration of the Government for some time past. After careful consideration it has been decided by the Government that henceforth the certificate of Bonafide Himachali shall be issued by the authorities already specified i.e. Sub-Divisional Officer(Civil)/Tehsildar/Naib Tehsildar on the basis of certificate issued by the respective Pradhan of Gram Panchyat/Patwari/President of Municipal Committee and Notified area Committee/ Executive Officer/Councillors of the Municipal Corporation to effect that the person concerned is:-

- i) Having his permanent home in H.P. or**
- ii) Residing in H.P. for a period of 15 years or above or**
- iii) Having his permanent home in H.P. but living outside
H.P. on account of his occupations.**

2. All other conditions for the grant of Bonafide Himachali Certificate shall remain unchanged.

3- These instructions may kindly be brought to the notice of all concerned working under you for strict compliance.

Yours Faithfully,

Sd/-

**Deputy Secretary(Personnel) to the
Govt. of Himachal Pradesh.**

Fax message

**No. Rev-D(F)1-2/2007
Government of Himachal Pradesh
Department of Revenue.**

From

**Secretary (Revenue) to the
Government of Himachal Pradesh.**

To

**All Deputy Commissioners in
Himachal Pradesh.**

Dated Shimla-171002. 29.5.2007

Subject:- Certificate of bonafide Himachali- Instructions thereof.

Sir,

I am directed invite your attention to letter No. Per(AP-B)A(3)1/2000-loose dated 9.5.2007 received from Deputy Secy.(Personnel) to the Govt. of H.P. addressed to all Deputy Commissioners, in H.P. and copy thereof endorsed to this department along with others on the subject cited above and to request you that the suitable instructions may kindly be issued to Tehsildar / Naib Tehsildar and Sub divisional officer (civil) that the Bonafide Himachali certificate may be issued only by the authorities empowered to issue such certificates. Action taken in this behalf be intimated to this Department as well as to the quarter concerned.

Yours Faithfully,

Sd/-

**Deputy Secretary(Revenue)
to the Govt. of Himachal Pradesh.**

**No. Per(AP-B)A(3)-1/2000 loose
Government of Himachal Pradesh
Department of Personnel(AP-II)**

From

**Secretary (Personnel) to the
Government of Himachal Pradesh .**

To

**All the Deputy Commissioners Sirmour at Nahau
Himachal Pradesh .**

Dated Shimla-2, the 9th May, 2007 .

**Subject:-
Sir,**

Certificate of Bonafide Himachali- Instructions thereof .

I am directed to invite a reference to this Department letters No. 8-82/71-DP (Apptt.II) dated 17.9.1983, 6.9.1991, 15.1.1992 (appearing as Annexure 4.5,4.6 and 4.7 of the Handbook on Personnel Matters Vol-I(2nd Edition) and letter of even number dated 11th November, 2004 on the subject cited above. As per these instructions Niab- tehsildar /Tehsildar and Sub- Divisional Officers (Civil) of the area have been empowered to issue Certificate of Bonafide Himachali on the basis of certificates issued by the respective Pradhan of Gram Panchyat/Patwari/President of the Municipal Committee and Notified Area Committee/ Executive officer of the Municipal Corporation . It has come to the notice of the Government that the Bonafide Himachali Certificate is not being issued by these authorities and instead the same is being issued under the signature and seal of Executive Magistrate which is not proper and being objected to by some authorities. It is, therefore, requested that necessary instructions may be issued to all concerned that the Bonafide Himachali certificate may be issued only by the authorities empowered to issue such certificates under proper signature and seal.

Please acknowledge receipt.

Yours Faithfully,

Sd/-

**Deputy Secretary(Personnel) to the
Govt. of Himachal Pradesh.**

No.Per.(AP-B)A(3)-1-2000

From,

**Principal Secretary (Personnel) to the
Government of Himachal Pradesh.**

To

- 1. All the Administrative Secretaries to the
Government of Himachal Pradesh.**
 - 2. All the Heads of the Departments in
Himachal Pradesh.**
 - 3. All the Deputy Commissioners in
Himachal Pradesh.**
- Dated Shimla-171002 the 11th November 2004.**

Subject:-

Certificates of Bonafide Himachali instructions thereof.

Sir,

I am directed to invite a reference to this department letter No.8-82/71-DP(Apptt.11 dated 17.8.1983. 6.9.1991 and 15-1-1992 (appearing as Annexure 4.5. 4.6 and 4.7 (Pages 139-42) of the hand book on Personnel Matters Vol-1(edition) on the subject cited above and to say that the matter with regard to revision of residing criteria in the state for grant of Bonafide Himachali Certificate was under consideration of the Government after careful consideration it has been decided by the Government that henceforth the of Bonafide Himachali shall be issued by the authorities already specified there on the basis of Panchayat/Patwari/President of Municipal Committee and Notified area Committee/Executive Officer/Councillors of Municipal Corporation to the effect that the person concerned is:-

- 1) Having his permanent home in H.P. or**
 - 11) A Govt. Employee residing in H.P. for a period of 20 years or above or in**
 - 111) Residing H.P. for a period of 25 years or above or**
 - 1V) Having his permanent home in Himachal Pradesh but having**
- 2. All other conditions for the grant of Bonafide Himachali Certificate shall
Remain unchanged.**
 - 3. These instructions may kindly be brought to the notice of all concerned
working under you for strict compliance.**

**Yours Faithfully,
Sd/-**

**Deputy Secretary (Personnel) to the
Government of Himachal Pradesh.**

No.8-82/71-DP(Apptt.11)

**Government of Himachal Pradesh
Department of Personnel (AP11)**

From

**Sh. U.N.Sharma,
Chief Secretary to the
Government of Himachal Pradesh.**

To

**All the Administrative Secretaries to the
Government of Himachal Pradesh.**

Dated: Shimla-2, the 13 August, 1975.

Subject: Definition of Bonafide Himachali clarification regarding.

Sir,

I am directed to say that the Government have received references from some departments seeking clarification on the following points relating to the definition of Bonafide Himachali prescribed vide this Government Memo No.12-7/63-SAD, dated the 18th August,1972:-

1) Whether female residents of places outside H.P. Who have married bonafide residents of Himachal Pradesh, can be treated as permanent residents of H.P.for the grant of Bonafide Certificates of Himachal Pradesh.

2) Whether female residents from outside H.P. when married to permanent employees of H.P. be considered eligible for the grant of such certificates on careful consideration of the matter the Government have decided that:-

i) the female residents of places outside H.P. When married to persons entitled to the grant of Bonafide Certificates of H.P. shall be eligible for the issue of such Certificates, whereas female residents of H.P. when married to persons having their permanent home outside H.P. shall be ineligible for the issue of such certificates, and

ii) since the employees of H.P. whether permanent or temporary, are not automatically entitled to the issue of Bonafide Certificates of Himachal Pradesh unless they satisfy the precise per- requisites prescribed for the issue of the said certificates, their wives may be considered eligible only if they or their husband fulfill the pre- requisites.

3) The above decision of the Government may kindly be brought to the notice of all concerned for necessary action.

Yours Faithfully,

Sd/-

Chief Secretary to the
Government of Himachal Pradesh.

हिमाचल प्रदेश सरकार कार्मिक विभाग के पत्र संख्या:8-82/71(नि.-)–वाल–चार दिनांक 6.9.1991 जो उपायुक्त षिमला को प्रेषित है की प्रतिलिपि।

[Referred to in para 4.3 (b)]

विषय: बोनाफाईड हिमाचली प्रमाण पत्रों को तसदीक करने बारे अनुदेश।

उपरोक्त विषय पर इस विभाग के समसंख्यक पत्र दिनांक 17-9-1983 का क्रम जारी रखते हुए मुझे यह कहने का निदेश हुआ है कि षिमला नगर निगम क्षेत्र के निवासियों को बोनाफाईड प्रमाण पत्र जारी करने तथा तसदीक करने की वर्तमान पद्धति के सरलीकरण का विषय सरकार के विचाराधीन था। अब सरकार ने यह निर्णय लिया है कि षिमला नगर निगम क्षेत्र में रहने वाले व्यक्तियों के मामले में प्रार्थना पत्र तसदीक बैरिफाई करने का अधिकारी षिमला नगर निगम के कार्यकारी अधिकारी के अतिरिक्त सम्बन्धित बोर्ड के नगर निगम पार्षद को भी प्राप्त हो सकता है। अन्य अवस्था में जब तसदीक करना मुष्किल होता है, सबूतों के साथ साथ निगम पार्षद द्वारा तसदीकी किए कागजात के आधार पर हिमाचली प्रमाण पत्र जारी किया जा सकता है। बोनाफाईड हिमाचल प्रमाण पत्र उन्ही अधिकारियों द्वारा जारी किये जायेंगे जिन्हें इस विभाग के उपरोक्त पत्र में शक्तियां दी गई हैं।

..... अनुबन्ध 4.7

हिमाचल प्रदेश सरकार कार्मिक विभाग के पत्र संख्या 8-82/71(नि.11) वाल-चार दिनांक 15.1.1992 जो सभी सचिवों, विभागाध्यक्षों, जिलाधीषों, मण्डलायुक्तों को सम्बोधित है की प्रतिलिपि।

[Referred to in para 4.3 (b)]

विषय: बोनाफाईड हिमाचली प्रमाण पत्र जारी करने बारे सक्षम अधिकारी।

उपरोक्त विषय पर इस विभाग के समसंख्यक पत्र दिनांक 17.9.1983 को क्रम में रखते हुए मुझे यह कहने का निदेश हुआ है कि उक्त पत्र के पैरा 3 में बोनाफाईड हिमाचली प्रमाण पत्र जारी करने की शक्ति हल्का के तहसीलदार/उपमण्डलाधिकारी (सिबिल) को ग्राम पंचायत के प्रधान/पटवारी/नगरपालिका समिति तथा नोटिफाईड ऐरिया समिति के प्रधान तथा नगर निगम के कार्यपालक अधिकारी के प्रमाणित करने के पश्चात प्रदान की गई है। सरकार ने इस विषय पर आगे विचार किया तथा अब यह निर्णय लिया गया है कि उपरोक्त के प्रमाणित करने पर हल्का के नायब-तहसीलदार भी बोनाफाईड हिमाचली प्रमाण पत्र जारी करने के लिए सक्षम होंगे। अन्य सभी शर्तें जो उपरोक्त पत्र पर बनाई गई हैं उनके मामले में भी लागू रहेंगी।

.....141-142

15/76 दिनांक 4.9.1978 जो सभी सचिवों विभागाध्यक्षों आदि को सम्बोधित है की प्रतिलिपि

[Referred to in para 4.3 (b)]

विषय: भर्ती एवं पदोन्नति नियमों में संशोधन नागरिकता का संशोधन प्रावधान एवं हिमाचल प्रदेश, मणिपुर, त्रिपुरा लोक सेवा रोजगार (निवास की आवश्यकता) नियमावली के अर्न्तगत पात्रता प्रमाण पत्र लेने के प्रावधान को हटाना।

इस विभाग के उपरोक्त विषय नी त्मांचसक ज्ञापन दिनांक 5.4.1977 के सन्दर्भ में मुझे यह कहने का निदेश हुआ है कि भारत सरकार प्रस्ताव संख्या 115014/3एस./76-ई.एस.टी.टी.(बी) दिनांक

1.3.1977 में किये गये परिवर्तन नागरिकता के प्रावधान को नियमों में डालने के लिए यह अनुभव किया गया था कि प्रत्येक विभाग के अलग-अलग नियमों में संशोधन हेतु अलग-अलग लोक सेवा आयोग, वित्त विभाग की सहमति लेने और मन्त्रीमण्डल की स्वीकृति लेने की बजाये कार्मिक विभाग सैद्धान्तिक तौर पर यह सहमति/स्वीकृति प्राप्त कर लें। अतः लोक सेवा आयोग और वित्त विभाग के परामर्श के बाद इस विभाग के मन्त्रीमण्डल ने स्वीकृति प्राप्त कर ली है

कि अनुबन्ध "अ" में दी गई परिवर्तित नागरिकता व्यवस्था हिमाचल प्रदेश में लागू होगी तथा सभी सम्बन्धित भर्ती एवं पदौन्नति नियमों में जिनमें नागरिकता का प्रावधान है, नागरिकता का संशोधित प्रावधान डाला जाये और नियमों में संशोधन कर दिया जाये। इस संशोधन के लिए लोक सेवा आयोग और वित्त विभाग की सहमति और मन्त्रीमण्डल की स्वीकृति लेने की आवश्यकता नहीं है।

2. कुछ भर्ती एवं पदौन्नति नियमों में हिमाचल प्रदेश, मणिपुर, त्रिपुरा लोक सेवा रोजगार (निवास की आवश्यकता) नियमावली 1959 के अर्न्तगत पात्रता प्रमाण पत्र लेने की आवश्यकता का प्रावधान किया हुआ है। यह नियम 20.3.1974 तक लागू थे अतः अब भर्ती एवं पदौन्नति नियमों में उपरोक्त नियमों के अर्न्तगत पात्रता प्रमाण पत्र लेने का प्रावधान नहीं रखा जा सकता। लोक सेवा आयोग, वित्त विभाग की सहमति एवं मन्त्रीमण्डल की स्वीकृति से यह निर्णय लिया गया है कि इन नियमों के अर्न्तगत पात्रता प्रमाण पत्र लेने के प्रावधान को भर्ती एवं पदौन्नति नियमों से हटा दिया जाये। वित्त विभाग एवं लोक सेवा आयोग तथा मन्त्रीमण्डल की स्वीकृति अब इस मामले में लेने की आवश्यकता नहीं है।