

GOVERNMENT OF JAMMU AND KASHMIR
Housing and Urban Development Department
Civil Secretariat, J&K, Jammu.

Notification
Jammu, the 24th January, 2023.

S. O. 46 Whereas, section 427 of the Jammu and Kashmir Municipal Act, 2000, provides as follows:

"427. Power to remove difficulties:- *If any difficulty arises in giving effect to the provisions of this Act or by reasons of anything contained in this Act to any other enactment for the time being in force, the Government may, as occasion requires, by order direct that this Act shall during such period as may be specified in the order but not extending beyond the expiry of two years from the commencement orders have effect subject to such adaptations whether by way of modification, addition or omissions as it may deem to be necessary and expedient".*

WHEREAS, sub- section (1) of section 45 of the Municipal Corporation Act, 2000 provides for appointment of the Commissioner of the Municipal Corporation which reads as under:

"45. Appointment of Commissioner:- *(1) The Government shall, by notification, in the Government Gazette, appoint a Class 1 Officer of the Government having a service of not less than fifteen years, as the Commissioner of the Corporation".*

AND WHEREAS, vide notification S.O 271 of 2022 dated 03.06.2022, the difficulty in giving effect to sub-section (1) of section 45 of the Act was removed by insertion of a suitable proviso, which was deemed to come into force w.e.f. 01.01.2021 for a period of two years or till it is revoked.

AND WHEREAS, the period of the said S.O. Notification has expired by efflux of time on 01.01.2023 and a difficulty has again arisen in giving effect to sub-section (1) of section 45 of the Act, as the stipulation of having service of 15 years of experience as envisaged therein will lead to administrative difficulties resulting in affecting smooth functioning of the Corporations and providing better services to public at large.

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Now therefore, in exercise of powers conferred under Section 427 of the Jammu Kashmir Municipal Corporation Act, 2000, the Government hereby makes the following order, namely:-

1. Short title and commencement: - (1) This order may be called the Jammu and Kashmir Municipal Corporation (Removal of Difficulties) Order, 2023.

(2) It shall deemed to have come into force w.e.f 01.01.2023 and shall remain in force for a period of two years or till it is revoked by the Government, whichever is earlier.

2. Removal of Difficulties:- The difficulties arising in giving effect to the provisions of section 45 of the Jammu and Kashmir Municipal Corporation Act, 2000 have been removed in the following manner namely:-

In section 45, after sub- section (1), following proviso shall be inserted namely:-

"Provided that notwithstanding anything contained in subsection (1), the Government may appoint any suitable officer as Commissioner of the Corporation, irrespective of his service experience, for the smooth functioning of the Corporations".

By order of the Government of Jammu and Kashmir.

Sd/-

(Dheeraj Gupta) IAS

Principal Secretary to the Government

Housing and Urban Development Department

No. HUD- LSG0SMC/89/2021(C No.97681)

Dated: 24.01.2023

Copy to the:

1. All Financial Commissioners.
2. All Principal Secretaries to the Government.
3. All Commissioners/Secretaries to the Government
4. Divisional Commissioner, Jammu/Kashmir
5. All Secretaries to the Government.
6. Municipal Commissioner(s), JMC/SMC
7. Special Secretary to Chief Secretary, J&K.
8. Deputy Commissioner, Jammu/Srinagar with the request to affix this notification in his/ her office.
9. General Manager, Government Press, Jammu/Srinagar for publication in the Gazette Notification.

10. Private Secretary to Advisor (B) to Lieutenant Governor.
11. Private Secretary to Chief Secretary, J&K.
12. Private Secretary to Principal Secretary to Government, Housing and Urban Development Department.
13. Website In-charge, General Administration Department.
14. Website Incharge, Housing and Urban Development Department.
15. S.O file (w.2.c.c s)


(Rakesh Kumar)JKAS

Additional Secretary to the Government,
Housing and Urban Development Department