

Government of Jammu & Kashmir
Housing & Urban Development Department.
Civil Secretariat, Jammu/Srinagar.

Notification

Srinagar, the 03rd June, 2022

S.O 271 Whereas, section 427 of the Jammu and Kashmir Municipal Corporation 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, a difficulty has 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.

Now therefore, in exercise of powers conferred under section 427 of the Jammu and 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, 2022.

(2) It shall be deemed to have come into force w.e.f 01.01.2021 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 Corporation."

By order of Government of Jammu and Kashmir.

Sd/-

(Dheeraj Gupta) IAS

Principal Secretary to the Government
Housing & Urban Development Department

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

Dated: 03/06/2022

Copy to the:-

1. All Financial Commissioners.
2. All Principal Secretaries to the Government.
3. All Commissioner/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 Govt. Housing & Urban Development Department.
13. Website in-charge, General Administrative Department.
14. Website n-charge, Housing & Urban Development Department.
15. S.O file (w.2.s.c)

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03.06.2022

(Thannaji Bhat)
Under Secretary to the Government
Housing and Urban Development Department