

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

Notification

Jammu, the th 11th..... October, 2022

S. O. 504.. Whereas, section 427 of the Jammu and Kashmir Municipal Corporation Act, 2000 provides as under:-

“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 omission as it may deem to be necessary and expedient.”

WHEREAS, section 38 of the Municipal Corporation Act, 2000 provides for discharge of functions of the Mayor by Deputy Mayor, which reads as under:-

*“38. Discharge of functions of the Mayor by Deputy Mayor.-
(1) When the office of the Mayor is vacant , the Deputy Mayor shall act as Mayor until a new Mayor is elected.*

(2) When the Mayor is absent from duty on account of illness or any other cause, the Deputy Mayor, shall act as Mayor during his absence.”

WHEREAS, section 39 of the Municipal Corporation Act, 2000 provides for Resignation of Mayor and Deputy Mayor, which reads as under:-

“39. Resignation of Mayor and Deputy Mayor.- (1) The Mayor may, by writing under his hand addressed to the Deputy Mayor, resign his office;



(2) The Deputy Mayor may, by writing under his hand addressed to the Mayor resign his office.

(3) A resignation under sub -section (1) or Sub section (2) shall take effect from the date of its acceptance by the Mayor or Deputy Mayor, as the case may be."

AND WHEREAS, a difficulty has arisen in giving effect to section 39 of the Act as both Mayor and Deputy Mayor of Jammu Municipal Corporation have tendered resignation simultaneously leading to administrative difficulties thereby hampering smooth functioning of the Corporation 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) Second Order, 2022.

(2) It shall be deemed to have come into force with immediate effect 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 38 & 39 of the Jammu and Kashmir Municipal Corporation Act, 2000 have been removed in the following manner, namely;-

a. In section 38, after sub section (2) following proviso shall be added; namely:-

"Provided that when the office of Deputy Mayor is also vacant, the function of the mayor shall be performed by the Commissioner of the Corporation for a period not exceeding one month and within that period the elections to the Offices of Mayor and/or Deputy Mayor as the case may be shall be held."



b. In section 39, after sub section (3) following proviso shall be added; namely:-

“Provided that in case both Mayor and Deputy Mayor resign simultaneously, the resignation(s) so tendered shall be addressed/ submitted to Commissioner of the Corporation who shall be the authority to accept the resignations”.

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-LSG0JMC/41/2022(C.No 7036465)

Dated 11.10.2022

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. Commissioner, Municipal Corporation, Jammu.
7. Private Secretary to Chief Secretary, J&K.
8. Private Secretary to Principal Secretary to the Government, Housing and Urban Development Department.
9. Incharge Website, Housing and Urban Development Department.
10. Stock file.


11.10.2022

(Thannaji Bhat)

Under Secretary to the Government
Housing and Urban Development Department