



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 128] Jammu, Sat., the 9th Jan., 2016/19th Pausa, 1937. [No. 41-3

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

RAJ BHAVAN, JAMMU

Proclamation

P-1/16 of 2016.—Whereas, after the general elections held in November-December, 2014, for the purpose of constituting a new Legislative Assembly for the State of Jammu and Kashmir, the Peoples Democratic Party-Bharatiya Janata Party Coalition Government of Jammu and Kashmir was sworn in on 1st March, 2015, with Shri Mufti Mohammad Sayeed as the Chief Minister of the State ;

And, whereas, Shri Mufti Mohammad Sayeed passed away at the All India Institute of Medical Sciences, New Delhi on 7th January, 2016 ;

And, whereas, despite efforts having been made in this behalf, the ruling Coalition Government has not come up with a new leader to take up the office of Chief Minister ;

And, whereas, there is likelihood that it would take some more time before Government can be formed and, thereby, causing an interregnum for the time being ;

And, whereas, as a consequence, I, N. N. Vohra, Governor of the State of Jammu and Kashmir, am satisfied that a situation has arisen in which, for the time being, the Government of the State cannot be carried on in accordance with the provisions of the Constitution of Jammu and Kashmir (hereinafter referred to as the State Constitution).

Now, therefore, in exercise of the powers conferred by section 92 of the State Constitution and of all other powers enabling me in that behalf, and with the concurrence of the President of India, I hereby proclaim that I—

- (a) assume to myself all the functions of the Government of the State and all powers vested in or exercisable by anybody or authority (other than the powers vested in or exercisable by the High Court) in the State ; and
- (b) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this proclamation :—
 - (i) the operation of the following provisions of the State Constitution is hereby suspended, namely, sections 35 to 41 (both inclusive), so much of section 43 as relates to the allocation among the Ministers of the Business of the Government of the State, section 44, sub-section (1) of section 53, sections 54 to 60 (both inclusive), sub-section (2) of section 61 so far as it relates to clause (c) of and the first proviso to section 58 and to

section 60, sections 64, 65, 66, 67, 71 and 72, sections 74, 75 and 76, sub-sections (3) and (4) of section 77, proviso to section 78, sub-sections (1) and (2) of section 79, sections 80, 81 and 82, sub-section (2) of section 83, sections 84 to 88 (both inclusive) and so much of section 137 as relates to the laying of the report with a memorandum before the Legislature of the State ;

- (ii) the Legislative Assembly of the State shall remain under suspended animation till such time as this proclamation is revoked or varied in this regard by a subsequent proclamation ;
- (iii) in the exercise of the powers of the Legislature to make laws under or by virtue of this proclamation, I shall prepare such bills as I may deem necessary and declare in respect of any Bill so prepared that I assent thereto ;
- (iv) in the exercise of the powers of the Legislative Assembly to make grants under sub-section (1) of section 83 of the State Constitution, I shall, as often as I may deem it necessary and pending due appropriation by law, make, by notification in the official Gazette—
 - (a) grants in advance in respect of the estimated expenditure or grants in respect of supplementary or additional expenditure for the period during which this proclamation may be or is in force ;
 - (b) grants for meeting any expected demands ; and
 - (c) exceptional grants which form no part of the current service of the financial year.
- (v) any reference in the State Constitution to Acts or laws of or made by the Legislature of the State shall be construed

as including a reference to Acts or laws made by me in exercise of the powers of the Legislature of the State under this proclamation and the Jammu and Kashmir General Clauses Act, Samvat, 1977, as in force in the State shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

This Proclamation shall come into effect from the 8th January, 2016.

N. N. VOHRA,
Governor,
Jammu and Kashmir.

Place : Jammu

Dated : 9th January, 2016.

(Sd.) MOHAMMAD ASHRAF MIR,
Secretary to Government,
Department of Law, Justice and
Parliamentary Affairs.