

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARAIT,
MUZAFFARABAD.

Dated the 23rd October, 1985.

No. 2174-76/LD/Leg (A)/85, The following Act approved by the Azad Jammu and Kashmir Legislative Assembly at its meeting held on 5" October, 1985 and assented by the President on 21st October, 1985, is hereby published for general information:-

(ACT IX OF 1985)

AN

ACT

to provide for law relating to the recovery of amounts advanced or payments made irregularly by the Local Government, World Food Programme Fund, Rural Development Programme and Peoples Works Programme Departments.

WHEREAS it is expedient to provide for law relating to the recovery of amounts and advances or payments made irregularly by the Local Government, World Food Programme Fund Rural Development Programme and Peoples Works Programme Departments in the hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, Extent_Commencement.- (1) This Act may be called the Incomplete Projects (Recovery of Payments) Act, 1985.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once and shall be deemed to have taken effect on and from the 5" day of Oct, 1985.

2. Recovery of amounts etc.- (1) Notwithstanding anything contained in any other law for the time being in force on in any agreement or other instrument, if on the scrutiny of record and after such inquiry as it may consider necessary, the Government is satisfied that any amount advanced or payment made to any person out of People Works Programme, Local Government, World Food Programme Fund and Rural Development Programme was made for the completion of a sanctioned scheme which was not completed the Government or an officer authorised by it in this behalf, by notice in writing require such person or persons to complete the scheme or to refund the amount of such payment to the Government, within such time as may be specified in the notice.

(2) If any Scheme is not completed and the amount not refunded within the period specified in the notice issued under sub-section (1) shall, without prejudice to any other mode of recovery under any law, be recoverable as an arrear of land revenue.

Punishment.- Whoever contravenes any of the provisions of this Act or orders issued thereunder shall be punishable with imprisonment for a term which may extend to seven years or with fine, which in case of default in the repayment of amount shall not be less than the amount outstanding against him.

Cognizance of offence.- (1) Offences under this Act shall be cognizable, non-bailable, and triable by a Magistrate of the First Class with Section 30 Powers.

(2) The officer authorised under sub-section (1) Section 2, shall lodge a complaint in writing for prosecution of such defaulters.

Savings.- Notwithstanding any judgment, decree or Order of any Court including High Court, every thing done, all actions taken, notifications issued, Orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Incomplete Projects (Recovery of Payments) Ordinance, 1978 (Ordinance XLIII of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act..

Repeal.- The Incomplete Projects (Recovery of Payments) Ordinance, 1985 (Ordinance CLIV of 1985) is hereby repealed.

Sd/-
(Syed Atta Mohy-du-Din Qadri)
Deputy Secretary, Law.