

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the October 22, 1979.

No. 5098/SL/79. The following Ordinance made by the President on the 21st day of October, 1979, is hereby published for general information:-

(ORDINANCE CLIII OF 1979)

AN

ORDINANCE

to provide for law relating to the recovery of amounts advanced or payments made irregularly by the Local Government and Peoples Works Programme Department

WHEREAS it is expedient to provide for law relating to the recovery of amounts and advanced or payments made irregularly to the Local Government and Peoples Works Programme Department in the manner hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the Incomplete Projects (Recovery of Payments) Ordinance, 1979.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Recovery of amounts etc.**- (1) Notwithstanding anything contained in any other law for the time being in force or 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 Peoples Works Programme and World Food

Programme Funds during the period from 1st January, 1970 to 11th August, 1977, was made for the completion of a sanctioned scheme which was not completed or because of the political affiliation of such person, the Government or an officer authorised by it in this behalf, by notice in writing require such person 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) Any amount not paid 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.

3. **Punishment.**- Whoever contravenes any of the provisions of this Ordinance 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.
4. **Cognizance of offence.**- Offences under this Ordinance shall be cognizable, non-bailable, and triable by a Magistrate of the First Class with Section 30 Powers.
5. **Savings.**- Notwithstanding any judgment, decree or Order of any Court including the High Court, every thing done, all actions taken, notifications issued, Orders or appointment made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Incomplete Projects (Recovery of Payments) Ordinance, 1979 (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 Ordinance.

(Brigadier Mohammad Hayat)
President
Azad Jammu & Kashmir

Sd/- (Khalil Ahmed Qureshi)
Secretary Law