



THE REVENUE RECOVERY ACT, 1890



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THE SCHEDULE.

THE REVENUE RECOVERY ACT, 1890

¹ACT NO. I OF 1890

[14th February, 1890]

An Act to make better provision for recovering certain public demands

WHEREAS it is expedient to make better provision for recovering certain public demands; It is hereby enacted as follows:-

1. Title and extent.—(1) This Act may be called the Revenue Recovery Act, 1890.

²[(2) It extends to the whole of Pakistan].

2. Definitions. In this Act, unless there is something repugnant in the subject or context,-

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(2) “Collector” means the chief officer in charge of the land-revenue administration of a district: and

(3) “defaulter” means a person from whom an arrear of land-revenue, or a sum recoverable as an arrear of land-revenue, is due, and includes a person who is responsible as surety for the payment of any such arrear or sum.

3. Recovery of public demands by enforcement of process in other districts than those in which they become payable.—(1) Where an arrear of land-revenue, or a sum-recoverable as an arrear of land-revenue, is payable to a Collector by a defaulter being or having property in a district other than that in which the arrear accrued or the sum is payable, the Collector may send to the Collector of that other district a certificate in the form as nearly as may be of the schedule, stating—

(a) the name of the defaulter and such other particulars as may be necessary for his identification, and

(b) the amount payable by him and the account on which it is due.

¹ For Statement of Objects and Reasons, see -Gazette of India, 1887, Pt. V, p. 128; for Report of the Select Committee, see *ibid.*, 1890, Pt. V, p. 11; and for Proceedings in Council, see *ibid.*, 1887, Pt. VI, pp. 66 and 67, and *ibid.*, 1890, Pt. VI, pp. 7 and 12.

Extended to the State of Bahawalpur, see G. G. O. 2 of 1952, Art. 2.

Extended to Khairpur State, subject to certain modification, see the Khairpur (Federal Laws) (Second Extension) Order, 1953 (G. G. O. 14 of 1953).

It has also been extended to the Baluchistan States Union by G.G.O. 18 of 1953, in respect of proceedings under certain specified laws.

² The existing sub-section (2) as amended by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and 3rd Sch., the Burma Laws Act, 1898 (13 of 1898), s. 18 and Sch. V, the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and 2nd Sch. the G.G.O. 2 of 1947, Sch., has been subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

³ The original clause (1) omitted by A.O., 1949, Sch.

(2) The certificate shall be signed by the Collector making it ¹[or by any officer to whom such Collector may, by order in writing, delegate this duty,] and, save as otherwise provided by this Act, shall be conclusive proof of the matters therein stated.

(3) The Collector of the other district shall, on receiving the certificate, proceed to recover the amount stated therein as if it were an arrear of land-revenue which had accrued in his own district.

4. Remedy available to person denying liability to pay amount recovered under last foregoing section.—(1) When proceedings are taken against a person under the last foregoing section for the recovery of an amount stated in a certificate, that person may, if he denies his liability to pay the amount or any part thereof and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute a suit for the repayment of the amount or the part thereof so paid.

(2) A suit under sub-section (1) must be instituted in a Civil Court having jurisdiction in the local area in which the office of the Collector who made the certificate is situate, and the suit shall be determined in accordance with the law in force at the place where the arrear accrued or the liability for the payment of the sum arose.

(3) In the suit the plaintiff may, notwithstanding anything in the last foregoing section, but subject to the law in force at the place aforesaid, give evidence with respect to any matter stated in the certificate.

²[(4) This section shall apply if under this Act as in force as part of the law of India, or under any other similar Act forming part of the law of India, proceedings are taken against a person in India for the recovery of an amount stated in a certificate made by a Collector in Pakistan.]

5. Recovery by Collectors of sums recoverable as arrears of revenue by other public officers or by local authorities. Where any sum is recoverable as an arrear of land-revenue by any public officer other than a Collector or by any local authority, the Collector of the district in which the office of that officer or authority is situate shall, on the request of the officer or authority, proceed to recover the sum as if it were an arrear of land-revenue which has accrued in his own district, and may send a certificate of the amount to be recovered to the Collector of another district under the foregoing provisions of this Act, as if the sum were payable to himself.

6. Property liable to sale under this Act.—(1) When the Collector of a district receives a certificate under this Act, he may issue a proclamation prohibiting the transfer or charging of any immoveable property belonging to the defaulter in the district.

¹ Ins. by the Decentralization Act, 1914 (4 of 1914), s. 2 and Sch., Pt. I.

² Sub-section (4) which was previously ins. by, A.O., 1937, has been subs. by Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and 2nd Sch.