

THE PUBLIC ACCOUNTANTS' DEFAULT ACT, 1850

ARRANGEMENT OF SECTIONS

PREAMBLE

SECTIONS

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6. [*Repealed.*].

THE PUBLIC ACCOUNTANTS' DEFAULT ACT, 1850¹

ACT NO. 12 OF 1850

[22nd March, 1850.]

For avoiding loss by the default of Public Accountants.

Preamble.—For better avoidance of loss through the default of public accountants: It is enacted as follows:—

1. Public Accountants to give security.—Every public accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control, by reason of his office.

2. Amount and kind of security, and with what sureties.—In default of any Act having special reference to the office of any public accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the office), as shall be required by any rules made or to be made from time to time, by the authority by which each public accountant is appointed to his office,^{2***}.

³**[3. “Public accountant” defined.**—For the purposes of sections 1 and 2 of this Act, the expression “public accountant” means any person who as Official Assignee or Trustee, or as sarbarahkar, is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to any other person or persons, and for the purposes of sections 4 and 5 of this Act the expression shall also include any person who, by reason of any office held by him in the service of the

1. This Act has been partially extended to Berar by the Berar Laws Act, 1941 (4 of 1941) and has been declared to be in force in all the Provinces of India, except the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), s. 3.

It has been declared to be in force in the SonthalParganas by the SonthalParganas Settlement Regulation, 1872 (3 of 1872), s. 3.

It has been declared by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following other Scheduled Districts, namely:—

West Jalpaiguri, the Western Hills of Darjiling, the Darjiling Tarai and the Damson Sub-Division of the Darjiling District.	See Gazette of India,	1881, Pt. I, p. 74.
The Districts of Hazaribagh, Lohardaga (now the Ranchi District, See Calcutta Gazette, 1899, Pt. I, p. 44), and Manbhum, and Pargana Dhalbhum and the Kolhan in the District of Singbhum	Ditto	1881, Pt. I, p. 504.
Kumaon and Garhwal	Ditto	1876, Pt. I, p. 605.
The Scheduled portion of the Mirzapur District	Ditto	1879, Pt. I, p. 383.
JaunsarBawar.	Ditto	1879, Pt. I, p. 382.
The Scheduled Districts of the C.P. (now Madhya Pradesh)	Ditto	1879, Pt. I, p. 771.
The Scheduled Districts in Ganjam and Vizagapatam	Ditto and Fort St. George Gazette,	1898, Pt. I, p. 870. 1898, Pt. I, p. 666.

The Act has been extended to Union territory of Pondicherry by Act 26 of 1968, s. 3 and the Schedule.

The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955.

The Act has been amended in Orissa by Orissa Act 3 of 1969.

It has been extended, by notification under s. 5 of the last-mentioned Act, to the following Scheduled Districts, namely:—

The Tarai of the Province of Agra	See Gazette of India,	1876, Pt. I, p. 505.
Ajmer and Merwara	Ditto	1878, Pt. I, p. 380.
Coorg	Ditto	1911, Pt. I, p. 1477.

The Act has been partially repealed in the Bombay State, see the Bombay Land Revenue Code, 1879 (Bom. Act 5 of 1879), s. 2 and Schedule A; and in Assam in which it was declared to be in force by notifications under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), Gazette of India, 1878 and 1879, Pt. I, pp. 523 and 631, respectively, see the Assam Land and Revenue Regulation, 1886 (1 of 1886).

2. The words “subject to the approval of the Governor or Governor in Council of the Presidency or place” rep. by the A.O. 1937.

3. Subs., *ibid.*, for section 3.

Central Government or the Government of a ^{1***} State, is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to such Government.]

4. Prosecution of accountants and sureties.—The person or persons at the head of the office to which any public accountant belongs may proceed against any such public accountant and his sureties for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land-revenue due to Government.

5. Enactments applied to proceedings by and against accountants.—All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land-revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such public accountant.²

6. [*Validation of former rules*].—*Rep. by the Repealing Act, 1870 (14 of 1870).*

1. The word and letter “Part A” omitted by the Adaptation of Laws (No. 2) Order, 1956.

2. For the law relating to the recovery of revenue-arrears, see the Revenue Recovery Act, 1890 (1 of 180).