



THE PUBLIC ACCOUNTANTS' DEFAULT ACT, 1850



CONTENTS

SECTIONS:

1. Public Accountants to give security.
2. Amount and kind of security, and with what sureties.
3. Public accountant defined.
4. Prosecution of accountants and sureties.
5. Enactments applied to proceedings by and against accountants.
6. Validation of former rules.

¹[THE PUBLIC ACCOUNTANTS' DEFAULT ACT, 1850]

ACT No. XII 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 ²rules made or to be made from time to time, by the authority by which each public accountant is appointed to his office,³ * * * .

⁴[**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 ⁵[Pakistan] is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to the⁶[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.

¹Short title given by the Short Titles Act, 1897 (14 of 1897).

This Act has been declared to be in force in all the Provinces and the Capital of the Federation, except the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), 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:—

The Districts of Thar and Parkar, and the Upper Sind Frontier—see Gazette of India, 1880, Pt. I, p. 672.

It has been extended, by notification under s. 5 of the last-mentioned Act, to the Scheduled Districts of the Punjab (some of the Districts now form part of the N.W.F.P.), see Gazette of India, 1883, Pt. I, p. 505.

The Act has been applied to Baluchistan by the Baluchistan Laws Regulation, 1913 (II of 1913), s. 3, as amended by Regulation I of 1945.

It has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and also applied in the Federated Areas of Baluchistan see Gazette of India, 1937, Pt. I, p. 1499.

²For rules made by the Govt. of Bombay, see Sind Official Gazette, 1896, Pt. I, pp. 198, 228, 244, 262 and 276.

³The words “subject to the approval of the Governor or G. in C. of the Presidency or place” rep. by A. O., 1937.

⁴Subs. *ibid.*, for the original section 3.

⁵Subs. by F. A. O., 1975, Art. 2 and Sch. for “the [State]”. The words in crotchets were first subs. by A.O., 1949 and then amended by A.O., 1961, to read as above.

⁶Subs. by A. O., 1961, Art. 2, for “Crown” (with effect from the 23rd March, 1956).

15. 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 accountant².

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

¹This section has been amended in its application to the Province of West Pakistan (except the Capital of the Federation) by West Pakistan Act 16 of 1957, s(3) and III Sch. (with effect from the 14th October, 1955).

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

