THE REVENUE RECOVERY ACT, 1890

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THE SCHEDULE.

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THE REVENUE RECOVERY ACT, 1890

ACT NO. 1 OF 1890[1]

[14*th 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 India except [3][*the State of Jammu and Kashmir];] [4]***

[5]* * * * *

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

(*1*) "district" includes a presidency-town;

(*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.

STATE AMENDMENT

Uttar Pradesh

Amendment of Section 2 of Act 1 of 1890.—For clause (2) of section 2 of the Revenue Recovery Act, 1890 (to be hereinafter called the principal Act) the following shall be substituted, namely :

"(2) 'Collector' means the chief officer in charge of the revenue administration of a district and includes any Assistant Collector empowered by such officer to perform the functions of Collector under this Act; and".

[*Vide* Uttar Pradesh Act 11 of 1965, s. 2]

3. Recovery of public demands by enforcement of processes 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.

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1. This Act has been modified in its application to the Benares Family Domains, *see* s.15 of the Benares Family Domains Act, 1904 (U.P. Act 3 of 1904).

   The Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and the Schedule (w.e.f. 1-8-1965), extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and the First Schedule (w.e.f. 1-7-1965), to the Union territory of Lakshadweep by Reg. 8 of 1965, s. 3 and the Schedule (w.e.f. 1-10-1967) and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and the Schedule.

   The Act has been amended in Assam by the Assam Act 16 of 1971.

2. Subs. by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1947 (G.G.O. 31, dated the 10th December, 1947) (Gazette of India, 1947, Extraordinary, p. 1333), for sub-section (*2*).

3. Subs. by Act 33 of 1950, s. 2 and the Schedule, for "Part B States".

4. The word "and" rep. by Act 10 of 1914, s. 3 and the Second Schedule.

5. Sub-section (*3*) rep. by s. 3 and the Second Schedule, *ibid*.

(*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.

STATE AMENDMENTS

Assam

Insertion of new section.—After Section 3 of the principal Act, the following shall be inserted as section 3A, namely:—

"3A.—Certificate Officers to perform the functions of Collector in respect of certificates received.—Notwithstanding anything to the contrary contained in this Act, when any certificate is received under this Act, by the Collector of a District, any certificate officer in the district may exercise all the powers and perform all the duties and functions of such Collector under this Act, in respect of such certificate.

Explanation—In this section 'Certificate Officer' has the same meaning as in the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)."

[*Vide* Assam Act 16 of 1971, s. 2]

Uttarakhand

Amendment of section 3 of the Act No. 1 of 1890.—In section 3 of the Revenue Recovery Act, 1890, hereinafter referred to as the of principal Act, for Sub-section (3) the following sub-sections shall be substituted, namely:-

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

(3-a) The costs of the recovery under sub-section (3) shall be such as may be specified by the State Government by notification but the amount of such costs shall not exceed ten per cent of the amount stated in the certificate."

[*Vide* Uttarakhand Act 28 of 2013, s. 2]

Uttar Pradesh

Amendment of section 3 of Act 1 of 1870.—For sub-section (2) of section 3 of the principal Act, the following shall be substituted, namely :

"(2) The certificate shall be signed by the Collected making it, and save as otherwise provided by this Act, shall be conclusive proof of the matters therein stated".

[*Vide* Uttar Pradesh Act 11 of 1965, s. 3]

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

1. Ins. by Act 4 of 1914, s. 2 and the Schedule, Part I.

*. Now applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh by the Notification of Government of India, M/o Home Affairs vide No. S.O. 3912 (E), dated 30th October, 2019 (w.e.f. 31-10-2019).

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.

[1][(*4*) This section shall apply if under this Act as in force as part of the law of [2][Pakistan or] Burma, or under any other similar Act forming part of the law of [2][Pakistan or] Burma, proceedings are taken against a person in [3][Pakistan or Burma, as the case may be,] for the recovery of an amount stated in a certificate made by a Collector in [4][any State to which this Act extends].]

STATE AMENDMENT

Uttarakhand

Amendment of section 4.—In section 4 of the principal Act,-

(a) In sub-section (I)-

(I) for the words "pays the same" the words "pays the same together with the costs referred to in sub-section (3-a) of the said section" shall be substituted;

(II) For the words "repayment of the amount" the words "repayment of the amount stated in the certificate" shall be substituted;

(b) After sub-section (4) the following sub-section shall be added, namely:-

"(5) where a suit instituted under sub-section (2) is decreed, wholly or partly, the court shall also direct that the defaulter shall be repaid the proportionate costs paid by him under sub-section (1)."

[*Vide* Uttarakhand Act 28 of 2013, s. 3]

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 of any public officer other than a Collector or by 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 had 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.

STATE AMENDMENT

Uttarakhand

Amendment of section 5.—In section 5 of the principal Act, for sub-section (3) the following sub-sections shall be substituted, namely:-

"(3) The Collector shall, on receipt of the certificate under sub-section (1), proceed to recover the amount stated therein, together with the costs of the recovery as if the amount stated in the certificate were payable to himself and such costs were also an arrear of land revenue.

(3-a) The costs of the recovery under sub-section (3) shall be such as may be specified by the State Government by notification but the amount of such costs shall not exceed ten per cent of the amount stated in the certificate."

[*Vide* Uttarakhand Act 28 of 2013, s. 4]

1. Ins. by the A.O.1937.
2. Ins. by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1941 (G.G.O. 31, dated the 10th December, 1947), (Gazette of India, 1947, Extraordinary, p. 1333).
3. Subs., *ibid*., for "Burma".
4. Subs. by Act 33 of 1950, s. 2 and the Schedule for "a Part A State or a Part C State".

Haryana

Substitution of section 5 of Central Act 1 of 1890.— For Section 5 of the Revenue Recovery Act, 1890, the following sections shall be substituted, namely :—

"5. Recovery by Collectors of sums recoverable as arrears of revenue on the certificates of public officers and local authorities.—(1) Where any sum is recoverable as an arrear of land revenue by any public officer other than a Collector or by any local authority, such officer or authority may send to the Collector of the district in which the office of that officer or authority is situate or of any other district in the State of Haryana where the defaulter is or has property, a certificate in such form as may be prescribed by rules made in this behalf.

(2) Save as otherwise provided in this Act, the certificate shall be conclusive of matters therein stated.

(3) The Collector shall, on receipt of the certificate under sub-section (1), proceed to recover the amount stated therein as if the sum were payable to himself.

(4) The provisions of section 4 shall have effect in relation to such certificate as if it were a certificate sent under sub -section (1) of section 3.

5-A. Certificates in respect of sums recoverable as arrears of revenue by either public officers, or local authority from defaulters being or having property outside the State of Haryana.—Where any sum is recoverable as an arrear of land revenue by any public officer other than a Collector or by any local authority, and the defaulter is or has property in a district outside the State of Haryana, the Collector of the district in which the office of that officer or authority is situate may, on the request of the officer or authority, send a certificate of the amount to be recovered, to the Collector of the district where the defaulter is or has property under the foregoing provisions of this Act, as if the sum were payable to himself.",

[*Vide* Haryana Act 12 of 2003, s. 2]

Uttar Pradesh

Amendment of section 5.—For section 5 of the Principal Act, the following shall be substituted, namely ;

"**5. Recovery by Collectors of sums recoverable as arrears of revenue on the certificates of public officers and local authorities**.—(1) Where any sum is recoverable as an arrear of land revenue by any public officer other than a Collector or by any local authority, such officer or authority may sent to the Collector of the district in which the office of that district in which the office of that officer or authority is situate or of any other district in Uttar Pradesh where the defaulter is or has property, a certificate in such form as may be prescribed by rules made in this behalf.

(2) Save as otherwise provided by this Act, the certificate shall be conclusive proof of the matters therein stated.

(3) The Collector shall, on receipt of the certificate under sub-section (1), proceed to recover the amount stated therein as if the sum were payable to himself.

(4) The provisions of section 4 shall have effect in relation to such certificate as of it were a certificate sent under sub-section (1) of section 3."

[*Vide* Uttar Pradesh Act 11 of 1965, s. 4]

Uttar Pradesh

After section 5 of the principal Act substituted above, the following shall be added as a new section, namely :

"**5-A Certificate in respect of sums recoverable as arrears of revenue by either public officers or local authorities from defaulters being or having property outside Uttar Pradesh**.—Where any sum is recoverable as an arrear of land revenue by any public officer other than a Collector or by any local

authority, and the defaulter is or has property in a district outside Uttar Pradesh, the Collector of the district in which the office of that officer or authority is situate may on the request of the officer or authority send a certificate of the amount to be recovered to the Collector of the district where the defaulter is or has property under the foregoing provisions of this Act, as if the gum were payable to himself."

[*Vide* Uttar Pradesh Act 11 of 1965, s. 5]

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 immovable property belonging to the defaulter in the district.

(*2*) The Collector may at any time, by order in writing, withdraw the proclamation, and it shall be deemed to be withdrawn when either the amount stated in the certificate has been recovered or the property has been sold for the recovery of that amount.

(*3*) Any private alienation of the property or of any interest of the defaulter therein, whether by sale, gift, mortgage or otherwise, made after the issue of the proclamation and before the withdrawal thereof, shall be void as [1][against the [2][Government]] and any person who may purchase the property at a sale held for the recovery of the amount stated in the certificate.

(*4*) Subject to the foregoing provisions of this section, when proceedings are taken against any immovable property under this Act for the recovery of an amount stated in a certificate, the interest of the defaulter alone therein shall be so proceeded against, and no incumbrances created, grants made or contracts entered into by him in [3]good faith shall be rendered invalid by reason only of proceedings being taken against those interests.

(*5*) A proclamation under this section shall be made by beat of drum or other customary method and by the posting of a copy thereof on a conspicuous place in or near the property to which it relates.

STATE AMENDMENT

Uttarakhand

Amendment of section 6.—In section 6 of the principal Act,--

(a) In sub-section (2) for the words "in the certificate" the words "in the certificate together with the costs of the recovery" shall be substituted;

(b) In sub-section (3) for the words "in the certificate" the words "in the certificate or the costs of such recovery" shall be substituted;

(c) In sub-section (4) for the words "in the certificate" the words "in a certificate or the costs of such recovery" shall be substituted.

[*Vide* Uttarakhand Act 28 of 2013, s. 5]

7. Saving of local laws relating to revenue.—Nothing in the foregoing sections shall be construed—

(*a*) to impair any security provided by, or affect the provisions of, any other enactment for the time being in force for the recovery of land-revenue or of sums recoverable as arrears of land-revenue, or

(*b*) to authorise the arrest of any person for the recovery of any tax payable to the corporation, commissioner, committee, board, council or person having authority over a municipality under any enactment for the time being in force.

1. Subs. by the A O.1937, for "against the Government".
2. Subs. by the A.O. 1948, for "Crown".
3. *See* definition in the General Clauses Act, 1897 (10 of 1897), s. 22.

8. Recovery in India of certain public demands arising beyond India.—When this Act has been applied to any local area which is under the administration of [1][the Central Government [2]***] but which is not part of [3][[4]*** India], an arrear of land-revenue accruing in that local area, or a sum recoverable as an arrear of land-revenue and payable to a Collector or other public officer or to a local authority in that local area, may be recovered under this Act in [3][[4]*** India].

[5][**9. Recovery in India of land revenues, etc., accruing in Burma.—**(*1*) The Central Government may direct[6] that an arrear of land-revenue accruing in Burma or a sum recoverable in Burma as an arrear of land-revenue and payable to a Collector or other public officer or to a local authority in Burma may be recovered under this Act in [7]*** India and thereupon such arrear or sum shall be so recoverable:

Provided that the Central Government shall not give any such direction unless it is satisfied that the remedy available under section 4 of this Act in [5]*** India to a person paying under protest in [5]*** India an arrear accruing in [5]*** India is available under Burma law in Burma to a person paying under protest in [5]*** India an arrear accruing in Burma.

(*2*) For recovering by virtue of this section any arrears of tax, penalty due under the enactments relating to income-tax or super-tax in force in Burma, the Collector shall have such additional powers as he has in the case of Indian income-tax and super-tax under the proviso to section 46(*2*) of the Income-tax Act, 1922 (11 of 1922).

[8][(*3*) Sub-sections (*1*) and (*2*) shall apply in relation to Pakistan as they apply in relation to Burma.]

10. Duty of Collectors to remit moneys collected in certain cases.—Where a Collector receives a certificate under this Act from, a Collector of another State or a Collector in [8][Pakistan or] Burma, he shall remit any sum recovered by him by virtue of that certificate to that Collector, after deducting his expenses in connection with the matter.]

STATE AMENDMENT

Uttarakhand

Amendment of section 10.—For section 10 of the principal Act, the following section shall be substituted, namely:-

> "**10. Duty of Collectors to remit moneys collected in certain cases.—**Where a Collector receives a certificate under his Act from the Collector of another district or from any other public officer or from any local authority he shall remit the sum recovered by him by virtue of the certificate to the Collector or the other public officer or the local authority after deducting the sum recovered as costs of the recovery."

[*Vide* Uttarakhand Act 28 of 2013, s. 6]

Uttar Pradesh

After section 10 of the principal Act, the following new section shall be added, namely :

"11. (1) The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

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1. Subs. by the A.O. 1937, for "the G. G. in C.".
2. The words "or the Crown Representative" omitted by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1947 (G. G. O. 31, dated the 10th December, 1947) (Gazette of India, 1947, Extraordinary, p. 1333).
3. Subs., *ibid*., for "British India".
4. The words "the Provinces of" omitted by the A.O.1950.
5. Ins. by the A. O. 1937.
6. For a direction under this section, *see* Gazette of India, 1937, Pt. I, p. 1941.
7. The word "British" omitted by the India (Adaptation of Income-tax, Profits Tax and Revenue Recovery Acts) Order, 1947 (G.G.O.31, dated the 10th December, 1947) (Gazette of India, 1947, Extraordinary, p. 1333).
8. Ins., *ibid.*

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

[*Vide* Uttar Pradesh Act 11 of 1965, s. 6]

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THE SCHEDULE

CERTIFICATE

[*See* section 3, sub-section (*1*)]

From

The Collector of

To

The Collector of

Dated the of 18

The sum of Rs. is payable on account of by, son of, resident of, who is believed (to be at) (to have property consisting of at) in your district.

Subject to the provisions of the Revenue Recovery Act, 1890, the said sum is recoverable by you as if it were an arrear of land-revenue which had accrued in your own district, and you are hereby desired so to recover it and to remit it to my office at

A.B.,

Collector of

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