

No. NHII/P/10/76

Dated the 19th April, 1984

To

All Secretaries of all State Govts.

(Deptts. dealing with National Highways)

Subject : Prevention of encroachments on National Highway land

I am directed to say that the problem of removal of encroachments on the National Highway land has been engaging the attention of the Government of India for some time past. The Ministry of Law, Department of Legal Affairs who were consulted in the matter have now held that the provisions in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (enclosed) are also applicable to such premises which have come to be vested with the Central Government under the National Highways Act.

2. It is therefore now settled that the Public Premises (Eviction of Unauthorised Occupants) Act can be applied for tackling the problem of removal of encroachments on National Highways which vest in the Government of India in terms of National Highways Act. It is accordingly, suggested that provisions contained in the Public Premises Act may be invoked to remove the encroachment on National Highways.

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS), ACT, 1971

(No. 40 OF 1971)

(As modified up to the 1st February, 1982)

Part I

(Part II-Subordinate Legislation)

(Published Separately)

(23rd August, 1971)

An Act to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows :—

Premises Short
title, extent and
commencement

1. (1) This Act may be called the Public (Eviction of Unauthorised Occupants) Act, 1971.

- (2) It extends to the whole of India.

- (3) It shall be deemed to have come into force on the 16th day of September, 1958 except sections 11, 19 and 20 which shall come into force at once.

2. In this Act, unless the context otherwise requires,

- (a) * * * * *
- (b) "estate officer" means an officer appointed as such by the Central Government under section 3;
- (c) "premises" means any land or any building or part of a building and includes,
- (i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and
 - (ii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e)² "Public premises" means —
- (1) any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government, and includes any such premises which have been placed by that Government, whether before or after the commencement of the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980. Under the control of the Secretariat of either House of Parliament for providing residential accommodation to any member of the staff of that secretariat;
 - (2) any premises belonging to, or taken on lease by, or on behalf of:
 - (i) any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or any company which is a subsidiary (within the meaning of that Act) of the first-mentioned company.
 - (ii) any corporation (not being a company as defined in section 3 of the Companies Act, 1956, or a local authority) established by or under a Central Act and owned or controlled by the Central Government.
 - (iii) any University established or incorporated by any Central Act.
 - (iv) any Institute incorporated by the Institute of Technology Act, 1961.
 - (v) any Board of Trustees constituted under the Major Port Trusts Act, 1963.
 - (vi) the Bhakra Management Board constituted under section 79 of the Punjab Reorganisation Act, 1966, and that Board as and when re-named as the Bhakra-Beus Management Board under sub-section (6) of section 80 of that Act; and
 - (3) relation to the Union Territory of Delhi :—
 - (i) any premises belonging to the Municipal Corporation of Delhi, or any municipal committee or modified area committee, and
 - (ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said authority;
 - (f) "rent", in relation to any public premises, means the consideration payable, periodically for the authorised occupation of the premises, and includes :—
 - (i) any charge for electricity, water or any other services in connection with the occupation of the premises.
 - (ii) any tax (by whatever name called) payable in respect of the premises, where such charge or tax is payable by the Central Government or the corporate authority;

(fa)³ Statutory authority, in relation to the public premises referred to in clause (e) of this section, means :—

¹ Clause (1) omitted by Act 61 of 1980, Section 2,

² Substituted by section 3, *ibid*, for clause (e).

³ Inserted by Act 61 of 1980, section 2,

- (i) in respect of the public premises placed under the control of the Secretariat of either House of Parliament, the Secretariat of the concerned House of Parliament.
- (ii) in respect of the public premises referred to in item (i); of sub-section (2) of that clause, the company or the subsidiary company, as the case may be referred to therein
- (iii) in respect of the public premises referred to in item (ii) of sub-clause (2) of that clause, the corporation referred to therein.
- (iv) in respect of the public premises referred to, respectively, in items (iii), (iv), (v) and (vi) of sub-clause (2) of that clause, the University, Institute or Board, as the case may be, referred to therein, and
- (v) in respect of the public premises referred to in sub-clause (3) of that clause, the corporation, committee or Authority, as the case may be, referred to in that sub-clause;
- (g) "unauthorised occupation" in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

Appointment of
estate officers

3. The Central Government may, by notification in the Official Gazette.

- (a) appoint such persons, being gazetted officers of Government or officers of equivalent rank of the¹ (Stationary authority), as it thinks fit to be estate officers for the purposes of this Act : ²

³ (Provided that no officer of the Secretariat of the Rajya Sabha shall be so appointed except after consultation with the Chairman of the Rajya Sabha and no officer of the Secretariat of the Lok Sabha shall be so appointed except after consultation with the Speaker of the Lok Sabha :

Provided further that an officer of a statutory authority shall only be appointed as an estate officer in respect of the public premises controlled by that authority; and

- (b) define the local limits within which, or the categories of public premises in respect of which, the estate officers shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the Act.

Issue of notice to
show cause against
order of eviction

4. (1) If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall :—

- (a) specify the grounds on which the order of eviction is proposed to be made; and
- (b)⁴ require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises.
 - (i) to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than seven days from the date of issue thereof, and
 - (ii) to appear before the estate officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired.

(3) The estate officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the estate officer knows or has reasons to believe that any persons are in occupation of the public premises, then, without prejudice

¹ Substituted by section 2, *ibid.*, for "corporate authority".

² The word "and" omitted by section 3, *ibid.*

³ Added by Act 61 of 1980, section 3

⁴ Substituted by section 4, *ibid.* for clause (h).

Eviction of unauthorised occupants	<p>to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such persons by post or by delivering or tendering it to that person or in such other manner as may be prescribed.</p> <p>5. (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and 1 (any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-section (2) of section (4), the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer may make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.</p> <p>(2) If any person refuses or fails to comply with the order of eviction¹ (on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (i), whichever is later) the estate officer or any other officer duly authorised by the estate officer in his behalf² (may, after the date so specified or after the expiry of the period aforesaid, whichever, is later evict that person) from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.</p>
Power to remove unauthorised constructions, etc.	<p>3. (5 A) (1) No person shall</p> <ul style="list-style-type: none"> (a) erect or place or raise any building or other structure or fixture, (b) display or spread any goods, (c) bring or keep any cattle or other animal. <p>on, or against, or in front of, any public premises except in accordance with the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy such premises.</p> <p>(2) Where any building or other structure or fixture has been erected or any goods have been displayed or spread or any cattle or other animal has been brought on, any public premises in contravention of the provisions of sub-section (1), the estate officer may serve upon the person erecting such building or other structure or fixture or displaying or spreading such goods or bringing such cattle or other animal on the public premises, a notice requiring him either to remove, or to show cause why he shall not remove, such building, other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises within such period, not being less than seven days, as he may specify in the notice; and on the omission or refusal of such person either to show cause, or to remove such building or other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises, or, where the cause shown is not in the opinion of the estate officer, sufficient, the estate officer may remove the building or other structure, or, as the case may be, such goods or cattle or other animal from the public premises and recover the cost of such removal from the person aforesaid as an arrear of land revenue.</p>
Order of demolition of unauthorised construction	<p>5B. (1) Where the erection of any building or execution of any work has been commenced, or is being carried on or has been completed, on any public premises by any person in occupation of such public premises under an authority (whether by way of grant or any other mode of transfer), and such erection of building or execution of work is in contravention of, or not authorised by, such authority, then, the estate</p>

¹ Substituted by section 5, *ibid*, for certain words.

² Substituted by Act 61 of 1980, section 5, for certain words.

officer may, in addition to any other action that may be taken under this Act or in accordance with the terms of the authority aforesaid make an order, for reasons to be recorded therein, directing that such erection or work shall be demolished by the person at whose instance the erection or such period, as may be specified in the order, not being less than seven days, or work has been commenced, or is being carried on, or has been completed, within more than fifteen days, from the date of publication of the order under sub-section (3):

Provided that no order under this sub-section shall be made unless the person concerned has been given, by means of a notice served in the prescribed manner, a reasonable opportunity of showing cause why such order should not be made

- (2) Where the erection or work has not been completed, the estate officer may, by the same order, or by a separate order, whether made at the time of the issue of the notice under the provision to sub-section (1) or at any other time, direct the person at whose instance the erection or work has been commenced, or is being carried on, to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made may be preferred under section 9.
- (3) The estate officer shall cause every order made under sub-section (1), or as the same may be, under sub-section (2), to be affixed on the outer door or some other conspicuous part, of the public premises.
- (4) Where no appeal has been preferred against the order of demolition made by the estate officer under sub-section (1) or where an order of demolition made by the estate officer under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the appellate officer on appeal, and, on the failure of the person to comply with the order within such period, the estate officer or any other officer duly authorised by the estate officer in this behalf, may cause the erection or work to which the order relates to be demolished.
- (5) Where an erection or work has been demolished, the estate officer may, by order, require the person concerned to pay the expenses of such demolition within such time, and in such number of instalments, as may be specified in the order.)

Disposal of property left
on public premises by
unauthorised occupants

6. (1) Where any persons have been evicted from any public premises under section 5, ¹(or where any building or other work has been demolished under section 5B) the estate officer may, after giving fourteen days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

- ²(1A) Where any goods, materials, cattle or other animal have been removed from any public premises under section 5A, the estate officer may, after giving fourteen days' notice to the persons owning such goods, materials, cattle or other animal and after publishing the notice in at least one newspaper having circulation in the locality, dispose of, by public auction, such goods, materials, cattle or other animal.

- (1B) Notwithstanding anything contained in sub-sections (1) and (1A), the

¹ Inserted by Act 61 of 1980, section 7.

² Inserted by Act 61 of 1980, section 7.

giving or publication of any notice referred to therein shall not be necessary in respect of any property which is subject to speedy and natural decay, and the estate officer may, after recording such evidence as he may think fit, cause such property to be sold or otherwise disposed of in such manner as he may think fit.

- (2) Where any property is sold under sub-section (1), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, if any, due to the Central Government or the ¹(statutory authority) on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the estate officer to be entitled to the same :

Provided that where the estate officer is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

Power to require payment of rent or damages in respect of public premises

7. (2A) The expression "costs", referred to in sub-section (2), shall include the cost of removable recoverable under section 5A and the cost of demolition recoverable under section 5B]
7. (1) Where any person is in arrears of rent payable in respect of any public premises, the estate officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been, in unauthorised occupation of any public premises, the estate officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

- ²(2A) While making an order under sub-section (1) or sub-section (2), the estate officer may direct that the arrears of rent or, as the case may be, damages shall be payable together with simple interest at such rate as may be prescribed, not being a rate exceeding the current rate of interest within the meaning of the Interest Act, 1978.)

- (3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the estate officer.

Power of estate officers
5 of 1908

8. An estate officer shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely :—
- summoning and enforcing the attendance of any person and examining him on oath;
 - requiring the discovery and production of documents;
 - any other matter which may be prescribed.

Appeals

9. (1) An appeal shall lie from every order of the estate officer made in respect of any public premises under ³(section 5 or section 5B) or section 7 to an appellate officer who shall be the district judge of the district in which the public premises are situated or such other judicial

¹ Substituted by section 2, *ibid*, for "corporate authority".

² Inserted by section 8, *ibid*.

³ Substituted by Act 61 of 1980, section 9, for "section 5"

officer in that district of not less than ten years' standing as the district judge may designate in this behalf

(2) An appeal under sub-section (1) shall be preferred, —

- (a) in the case of an appeal from an order under section 5, ¹ (within twelve days) from the date of publication of the order under sub-section (1) of that section; and
- (b) in the case of an appeal from an order ² (under 5B or section 7, within twelve days) from the date on which the order is communicated to the appellant;

Provided that the appellate officer may entertain the appeal after the expiry of the ² (said period), if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the estate officer may stay the enforcement of that order for such period and on such conditions as he deems fit :

3(Provided that where the construction or erection of any building or other structure or fixture or execution of any other work was not completed on the day on which an order was made under section 5B for the demolition or removal of such building or other structure or fixture, the appellate officer shall not make any order for the stay of enforcement of such order, unless such security, as may be sufficient in the opinion of the appellate officer, has been given by the appellant for not proceeding with such construction, erection or work pending the disposal of the appeal).

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the appellate officer.

(6) For the purpose of this section, a presidency town shall be deemed to be a district and the chief judge or the principal judge of the city civil court therein shall be deemed to be the district judge of the district.

Finality of orders

10. Save as otherwise expressly provided in this Act, every order made by an estate officer or appellate officer under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Offences and penalty

11. (1) If any person who has been evicted from any public premises under this Act again occupies the premises without authority for such occupation, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.
- (2) Any magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.
12. If the estate officer has reason to believe that any persons are in unauthorised occupation of any public premises, the estate officer or any other officer authorised by him in this behalf may require those persons or any other person to furnish information relating to the names and other

1 Substituted by section 9, *ibid*, for "within fifteen days".

2 Substituted by section 9, *ibid*, for certain words.

3 Added by section 9, *ibid*.

particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

13. (1) Where any person against whom any proceeding for the determination of arrears or rent or for the assessment of damages³ (or for the determination of the amount payable by way of interest on such arrears of rent or damages) is to be taken or during the pendency thereof, the proceeding has been taken dies before the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

¹(1A) Where any person from whom any cost of removal of any building or other structure or fixture, or, as the case may be, any goods, cattle or other animal is to be recovered under sub-section (2) of section 5A, or any expenses of demolition are to be recovered under sub-section (5) of section 5B, dies before any proceeding is taken for the recovery of such cost or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

- (2) Any amount due to the Central Government or the ² (statutory authority) from any person whether by way of arrears of ³ (rent or damages or costs of removal referred to in section 5A or expenses of demolition referred to in section 5B or interest referred to in sub-section (2A) of section 7 or any other cost) shall, after the death of the person, be payable by his heirs or legal representatives but their liability shall be limited to the extent of the assets of the deceased in their hands.

Recovery of rent, etc.,
as an arrear of land
revenue

14. If any person refuses or fails to pay ⁴(the expenses of demolition payable under sub-section (5) of section 5 B or) the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) 2 (or the interest determined under sub-section (2A) of that section or the costs awarded to the Central Government or the ⁵(statutory authority) under sub-section (5) of section 9 or any ⁵ (portion of such rent, damages, expenses, interest) or costs within the time, if any, specified therefor in the order relating thereto, the estate officer may issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue.

Bar of
jurisdiction

⁶(15. No court shall have jurisdiction to entertain any suit or proceeding in respect of

- (a) the eviction of any person who is in unauthorised occupation of any public premises, or
- (b) the removal of any building, structure or fixture or goods, cattle or other animal from any public premises under section 5A, or
- (c) the demolition of any building or other structure made, or ordered to be made, under section 5B, or
- (d) the arrears of rent payable under sub-section (1) of section 7 or damages payable under sub-section (2), or interest payable under sub-section (2A), of that section, or
- (e) the recovery of:—
 - (i) costs of removal of any building, structure or fixture or goods, cattle or other animal under section 5A, or
 - (ii) expenses of demolition under section 5B, or

1 Inserted by Act 61 of 1980, section 10.

2 Substituted by section 2, *ibid.*, for "corporate authority".

3 Substituted by section 10, *ibid.*, for "rent or damages or costs"

4 Inserted by section 11, *ibid.*

5 Substituted by section 11, *ibid.*, for "portion of such rent, damages."

6 Substituted by section 12, *ibid.*, for section 15.

		(iii) costs awarded to the Central Government or statutory authority under sub-section (5) of section 9, or
		(iv) any portion of such rent, damages, costs of removal, expenses of demolition or costs awarded to the Central Government or the statutory authority.
Protection of action taken in good faith	16.	No suit, prosecution or other legal proceeding shall lie against the Central Government or the ¹ statutory authority appellate officer or the estate officer in respect of anything which is in good faith done or to be done in pursuance of this Act or of any rules or orders made thereunder.
Delegation of powers	17.	The Central Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by a State Government or an officer of the State Government.
Power to make rules	18.	<p>(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—</p> <p>(a) the form of any notice required or authorised to be given under this Act and the manner in which it may be served :</p> <p>(b) the holding of inquiries under this Act</p> <p>(c) the distribution and allocation of work to estate officers and the transfer of any proceeding pending before an estate officer to another estate officer:</p> <p>(d) the procedure to be followed in taking possession of public premises:</p> <p>(e) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages.</p> <p>²(ea) the rate at which interest shall be payable on arrears of rent specified in any order made under sub-section (1) of section 7, or damages assessed under sub-section (2) of that section:</p> <p>(f) the manner in which appeals may be preferred and the procedure to be followed in appeals:</p> <p>(g) any other matter which has to be or may be prescribed.</p> <p>(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or ³(in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,) both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be: so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>
Repeal	19.	The Public Premises (Eviction of Unauthorised Occupant) Act, 1958 is hereby repealed.
32 of 1958		
32 of 1958	20.	Notwithstanding any judgement, decree or order of any court, anything done or any action taken ⁴ (including rules of orders made, notices issued, evictions ordered or effected, damages assessed, rents or damages or costs recovered and proceedings initiated) or purported to have been done or taken under the Public Premises (Eviction of Unauthorised Occupations) Act, 1958 (hereafter in this section referred to as the 1958-Act) shall be

¹ Substituted by Act 61 of 1980, section 2, for "corporate authority".

² Inserted by section 13, *ibid* for certain words

³ Inserted by section 13, *ibid*.

⁴ Substituted by section 13, *ibid*, for certain words.

deemed to be as valid and effective as if such thing or action was done or taken under the corresponding provisions of this Act which, under sub-section (3) of section 1 shall be deemed to have come into force on the 16th day of September, 1958, and accordingly :—

- (a) no suit or other legal proceeding shall be maintained or continued in any court for the refund of any rent or damages or costs recovered under the 1958-Act where such refund has been claimed merely on the ground that the said Act has been declared to be unconstitutional and void; and
- (b) no court shall enforce a decree or order directing the refund of any rent or damages or costs recovered under the 1958-Act merely on the ground that the said Act has been declared to be unconstitutional and void.

**THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED
OCCUPANTS) ACT, 1971**

(40 of 1971)

(As modified up-to-the 1st February, 1982)

ERRATA

Page I

In part II, for “Legislatian” read “Legislation”.

In section (2) (e), for “³(e)”, read “²(e)”.

In footnote 2, for “section 3”, read “section 2”.

Page 4

In section 5B (1), for “such period, as may be specified in the order, not being less than seven days or work has been commenced, or is being carried on, or has been completed, within”, read “work has been commenced, or is being carried on, or has been completed, within such period, as may be specified in the order, not being less than seven days, or”.

In section 5B (2), in lines 6-7, for “prerferred” read “preferred”.

Page 5

In section 7 (2AO, in line 2, for “a-rears” read “arrears”.