

DELHI DEVELOPMENT AUTHORITY (DISPOSAL OF DEVELOPED NAZUL LAND) RULES, 1981

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DELHI DEVELOPMENT AUTHORITY (DISPOSAL OF DEVELOPED NAZUL LAND) RULES, 1981

In exercise of the powers conferred by clause (/) of sub-section (2) of section 56, read with sub-section (3) of section 22 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby makes the following rules providing for the manner of dealing with Nazul land developed by or under the control and supervision of the Delhi Development Authority, namely:

CHAPTER 1

CHAPTER

1. Short title and commencement :-

- (1) These rules may be called the Delhi Development Authority (Disposal of Developed Nazul Land) Rules, 1981.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "Act" means the Delhi Development Act, 1957, (61 of 1957);
- (b) "Administrator" means the Administrator of the Union Territory of Delhi;
- (c) "Authority" means Delhi Development Authority constituted under section 3 of the Act;

(d) "Family", in relation to a person means the individual, the wife or husband, as the case may be, of such individual and their unmarried and minor children

(e) "Industrialist" means an industrialist or manufacturer and includes a person who intends to engage in an industry, of manufacturing process

(f) "Land Allotment Advisory Committee" means the Land Allotment Advisory Committee constituted by the Authority for carrying out the purposes of these rules

(g) "Low income group" means the group of persons the total annual income of the family of everyone of whom does not exceed seven thousand two hundred

(h) "Middle income group" means the group of persons the total annual income of the family of everyone of whom exceeds seven thousand two hundred rupees or such amount notified, from time to time, under clause (g) but does not exceed eighteen thousands rupees or such higher or smaller amount as the Central Government may determine, from time to time, by notification having regard to the varying inflationary trends and economic factors;

(i) "Nazul land" means the land placed at the disposal of the Authority and developed by or under the control and supervision of the Authority under section 22 of the Act

(j) "Notification" means a notification published in the Official Gazette

(k) "Plan means the Master Plan or the Zonal Development Plan for a Zone, referred to in sections 7, 8, 9 and 11 A of the Act

(l) "Pre-determined rates" means the rates of premium chargeable from different categories of persons and determined by notification from time to time, by the Central Government, having regard to

(a) cost of acquisition,

(b) development charges, and

(c) concessional charges for use and occupation:

(i) for developed residential plots, at the rate of Rs. 3.60 per square metre for the first 167 square metres or part thereof; Rs.

4.80 per square metre for the next 167 square metres or part thereof; Rs. 6 per square metre for the next 167 square per metres or part thereof; Rs. 7.20 per square metre for the next 167 square metres or part thereof; Rs. 8.40 per square metre for the next 167 square or part thereof, and Rs. 9.60 per square metre thereafter;

(ii) for developed industrial plots, at the rate of Rs. 3.60 per square metre for the first 0.81 hectares or part thereof; Rs. 4.80 per square metre for the next 0.81 hectares or part thereof; Rs. 6 per square metre for the next 0.81 hectares or part thereof; Rs. 7.20 per square metre for the next 0.81 hectares or part thereof; Rs. 8.40 per square metre for the next 0.81 hectares or part thereof; and Rs.9.60 per square metre thereafter.

Provided that the pre-determined rates at which allotment is made to persons belonging to middle income group may be higher than the rates of premium fixed for plots allotted to persons in the low income group;

Provided further that in fixing the pre-determined rates of premium, the Central Government may fix a higher rate of premium for plots situated on main roads, corners of two roads, or at other advantage positions than the rates of premium fixed for plots situated far away from the main roads;

(m) "Slum Areas Act" means the Slum Areas(Improvement and Clearance) Act, 1956 (96 of 1956)

(n) "Vice-Chairman" means the Vice-Chairman, or the Authority appointed under section 3 of the Act

(o) all other words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER 2

Disposal of Nazul land

3. Purposes for which Nazul land may be allotted :-

Authority may allot Nazul land for public utilities, community facilities, open spaces, parks, playgrounds, residential purposes, industrial and commercial uses and such other purposes as may be specified from time to time by the Central Government by notification.

4. Persons to whom Nazul land may be allotted :-

The Authority may, in conformity with the plans, and subject to the other provisions of these rules, allot Nazul land to individuals, body of persons, public and private institutions, co-operative house building societies, other co-operative societies of individuals, co-operative societies of industrialists and to the departments of the Central Government, State Governments and the Union territories.

5. Rules of premium for allotment of Nazul land to certain public institutions :-

The Authority may allot Nazul land to schools, colleges, universities, hospitals, other social or charitable institutions, religious, political, semi-political organisations and local bodies for remunerative, semi-remunerative or unremunerative purposes at the premia and ground rent in force immediately before the coming into force of these rules, or at such rates as the Central Government may determine from time to time.

6. Allotment of Nazul land at pre-determined rates :-

Subject to the other provisions of these rules the Authority shall allot Nazul land at the predetermined rates in the following cases namely:

(i) to individuals whose land has been acquired for planned development of Delhi after the 1st day of January, 1961 and which forms part of Nazul land: Provided that if an individual is to be allotted a residential plot, the size of such plot may be determined by the Administrator after taking into consideration the area and the value of the land acquired from him and the location and the value of the plot to be allotted;

(ii) to individuals in the low income group or the middle income group, other than specified in clause (i)

(a) who are tenants in a building in any area in respect of which a slum clearance order is made under the Slum Areas Act;

(b) who, in any slum area or the other congested area, own any plot of land measuring less than 67 square metres or own any building in any slum area or other congested area;

(iii) to individuals, other than those specified in clauses (i) and (a) who are in the low income group or the middle income group, by draw of lots to be conducted under the supervision of the Land Allotment Advisory Committee;

(iv) to individuals belonging to Scheduled Castes and Scheduled Tribes or who are widows of defence personnel killed in action, or ex-servicemen, physically handicapped individuals subject to the provisions of rule 13;

(v) to industrialists or owners and occupiers of warehouses who are required to shift their industries and warehouses from non-conforming areas to conforming areas under the Master Plan, or whose land is acquired or is proposed to be acquired under the Act;

Provided that the size of such industrial plot shall be determined with reference to the requirement of the industry or warehouses set up or to be set up in accordance with the plants and such industrialists and owners of warehouses have the capacity to establish and run such industries or warehouses and on the conditions that the land allotted at pre-determined rates shall not, in any case, exceed the size of the land which has been, if any, acquired from such industrialist or owners and occupiers of warehouses and which form part of Nazul land;

Provided further that in making such allotment, the Authority shall be advised by the Land Allotment, Advisory Committee;

(vi) to co-operative group housing societies, co-operative housing societies, consumer co-operative societies and co-operative societies of industrialists on "first come, first served basis":

7. Allotment of land to certain licensed industrialists :-

Where an industrialist who holds an import or manufacturing licence under any law for the time being in force for setting up a new industry and who is not entitled to the allotment of Nazul land on pre-determined rates under clause (v) of rule 6, applies for allotment of Nazul land for the purpose of his licence, and such industrialist may be allotted by the Authority, Nazul land for the purposes on a premium to be fixed by the Chairman, in consultation with the Finance and Accounts Member of the Authority, having regard to the prevailing market price of the land.

8. Manner of allotment :-

Save as otherwise provided in rules 5, 6 and 7, allotment of Nazul land for a residential purpose, an industrial purpose, a commercial purpose or any other purpose shall be made on payment of such premium as may be determined either by auction or by tender in accordance with the provisions of these rules.

9. Allotment to owners in slum clearance areas :-

Where a person who owns and resides in any building in any area in respect of which a slum clearance order is made under the Slum Areas Act, or whose land is acquired under that Act, applies for allotment of Nazul land for a residential purpose in lieu of his land cleared of building in accordance with the slum clearance order, or acquired under that Act, he may, subject to the minimum size of the plot of Land being 67 square metres, allotted Nazul land for that purpose not exceeding 111.48 square metres without any charge: Provided that such person

- (a) belongs to a low income group or middle income group;
- (b) accepts the allotment without the compensation payable under the said Act;
- (c) does not claim to re-develop the land cleared of such building in accordance with the slum clearance order;
- (d) has given up a possession of such land or the land which has been acquired, to the competent authority under the said Act; and
- (e) where the size of his land as aforesaid is less than 67 square metres, agrees to pay for the extra land at the pre-determined rates applicable to a person in the low income group or the middle income group to which he belongs.

10. Allotment to tenants in slum areas :-

Where an individual who is a tenant in a building in any area in respect of which a slum clearance order is made under the Slum Areas Act, applies for allotment of Nazul land for a residential purpose, he may be allotted a plot of 67 square metres of Nazul land for that purpose on pre-determined rates; Provided that such individual

- (a) belongs to a low income group or a middle income group;
- (b) has given possession of the building occupied by him to the competent authority under the Slum Areas Act;
- (c) does not choose to shift to any house in any slum clearance scheme
- (d) does not choose to be replaced in occupation of that building under the Slum Areas Act;

11. Allotment to owners of dangerous building in slum areas :-

Where an individual who owns in any slum area or any other congested area, a plot of land measuring less than 67 square metres, or a house which is declared to be unfit for human habitation under the provisions of the Slum Areas Act, or any other law, is not permitted to re-build or re-develop under the Slum Areas Act or under any other law, applies for allotment of Nazul land for a residential purpose, he may be allotted a plot of land for that purpose not exceeding 67 square metres at predetermined rates: Provided that he surrenders his land in the slum area or congested locality.

12. Priority of allotment for residential purposes :-

Subject to the availability of land for allotment for residential purposes, among the individuals referred to in clauses (i) to (ii) of rule 6, the individuals referred to in clause (i) shall be preferred to the individuals referred to in clause (ii) and those in clause (ii) shall be preferred to those in Clause (iii).

13. Reservation for Scheduled Castes, Scheduled Tribes and others :-

(1) The Authority shall, with the previous permission of the Central Government, reserve such percentage of Nazul land available for allotment for residential purposes at any given time, to individuals in the low income group or the middle income group, who are members of the Scheduled Castes and Scheduled Tribes, widows of defence personnel killed in action, ex-servicemen, physically handicapped individuals or such other category of individuals as may be specified in the permission.

(2) Plots measuring not more than 111.48 square metres shall be allotted for residential purposes at pre-determined rates, to the individuals referred to in sub-rule (1), and where the number of such individuals exceeds the number of plots reserved for each category of persons under sub-rule (1), the allotment shall be made by draw of lots under the supervision of the Land Allotment Advisory Committee.

14. Reservation not to affect right to general allotment :-

Notwithstanding the reservation of Nazul land made in rule 13, where any such individual as is referred to in that rule, fails to get an allotment of a plot of land in the Nazul land so reserved, by the

draw of lots held under that rule, he or she shall be entitled to the allotment of a plot of land for residential purposes at pre-determined rates by draw of lots under clause (iii) of rule 6, in any Nazul land not reserved under the first mentioned rule; Provided that such individual belongs to the low income group or the middle income group.

15. Allotment to individuals not accepting allotment of Nazul land on certain conditions :-

Where an individual belonging to the low income group or the middle income group does not accept allotment of Nazul land for residential purposes on conditions mentioned in rule 9, 10 or 11, other than the conditions mentioned in rule 17, he shall be entitled to the allotment of Nazul land at pre-determined rates, for residential purposes

(a) under rule 13, if he is an individual referred to in that rule

(b) under clause (Hi) of rule 6, in any other case.

16. Certain persons entitled to allotment by auction :-

Subject to the other provisions of these rules, all individuals, including the following categories of individuals, shall be entitled to the allotment of Nazul land for residential purposes, by auction, namely:

(i) individuals not residing in any building owned by them in any slum area in respect of which a slum clearance order is made under the Slum Areas Act;

(ii) individuals whose land situated in any such area as is referred to in clause (i) is acquired under the Slum Areas Act and who reside elsewhere;

(iii) individuals who do not accept allotment on conditions mentioned in rules 9, 10 and 11 and who are not entitled to allotment under rule 15;

(iv) co-shares of joint ancestral land or buildings in a slum area under the Slum Areas Act whose individual share is not less than 67 square metres in such land or building.

17. General restriction to allotment for residential purposes :-

Notwithstanding anything contained in these rules, no plot of Nazul

land shall be allotted for residential purposes, to an individual other than an individual referred to in clause (I) of rule 6, who or whose wife or husband or any of his or her dependent children whether minor or not, or any of his or her dependent parents or dependent minor brothers, or sisters, ordinarily residing with such individual, own in full or in part, on lease-hold or free-hold basis, any residential land or house or who has been allotted on hire purchase basis by residential land or house in the Union Territory of Dehi;

Provided that where, on the date of allotment of Nazul land,

- (a) the other land owned by or allotted to such individual is less than 67 square metres, or
- (b) the house owned by such individual is on a plot of land which measures less than 67 square metres, or
- (c) the share of such individual in any such other land or house measures less than 67 square metres, he may be allotted a plot of Nazul land in accordance with the other provision of these rules.

18. Size of plots :-

Save as otherwise provided in these rules, the maximum size of a plot allotted to an individual for a residential purpose shall be

- (i) 104 square metres in the case of an individual belonging to the low income group
- (ii) 167 square metres (but not less than 105 square metres) in the case of an individual belonging to the middle income group; and
- (iii) 500 square metres in any other case.

19. Allotment of industrial and commercial plots :-

(1) Save as otherwise provided in clause (v) of rule 6, the number and size of the plots of Nazul land for an individual or commercial purposes shall be determined from time to time; by the Authority.

(2) In making an allotment of plot for an individual or commercial purposes, the Authority shall be guided by the advice of the Land Allotment Advisory Committee.

(3) The Land Allotment Advisory Committee shall, in making its recommendations to the Authority, take into account such relevant factors as it may deem proper in the circumstances of the case.

(4) Without prejudice to the generality of the provision of sub-rule (3), the Land Allotment Advisory Committee shall consider whether the setting up of the industry or commercial establishment is required to shift from a non-conforming area to a conforming area under the plans.

20. Allotment to certain public institutions :-

(1) No allotment of Nazul land to public institution referred to in rule 5 shall be made unless,

(a) according to the, aims and objects of that public institution, (i) it directly subserves the interests of the population of the Union Territory of Delhi; (a) it is generally conducive to the planned development of the Union Territory of Delhi; (iii) it is apparent from the nature of work to be carried out by that public institution, that the same cannot, with equal efficiency, be carried out elsewhere than in that part of Union Territory.

(b) it is a society registered under the Societies Registration Act, 1860 (21 of 1860) or such institution is owned and run by the Government or any local authority, or is constituted or established under any law for the time being in force;

(c) it is of non-profit making character;

(d) it is in possession of sufficient funds to meet the cost of land and the construction of buildings for its use; and

(e) allotment to such institution is sponsored or recommended by a Department of the Delhi Administration or a Ministry of the Central Government.

21. Allotment to co-operative societies :-

Nazul land of such size, as the Authority may, from time to time, decide with the approval of the Central Government may be allotted on lease-hold basis, at pre-determined rates to such co-operative societies, registered under the Delhi Co-operative Societies Act, 1972, (35 of 1972), as are specified in clause (vi) of rule 6, subject to an undertaking given by such society that it shall use such land for its bona fide purposes or business only.

22. Vesting of lease-hold rights :-

Where Nazul land is allotted to a co-operative society, such members of the society who are allotted a plot or flat by such society shall execute a sub-lease in favour of the society in respect

of each plot or flat allotted to them. The terms and conditions of such sub-lease shall, as nearly as circumstances permit, be in accordance with Form 'A' and Form 'B' appended to these rules. In addition, such sub-lease may contain such covenants, clauses or conditions, not inconsistent with the provisions of Form 'A' and Form 'B' as may be considered necessary and advisable by the society, having regard to the nature of a particular sub-lease.

24. Manner of realisation of premium of price of plots :-

Save as otherwise provided in rules, 29, 36 and 40, premium or price of plots of Nazul land chargeable in accordance with the provisions of these rules shall be realised in instalments in the following manner, namely:

(a) in the case of residential plots: 25 per cent on allotment; 50 per cent at the time of handing over possession of the plots after roads have been laid and plots demarcated; and 25 per cent at the end of one year from the date of handing over possession of the plot, or on completion of service, whichever is later;

(b) in the case of industrial or commercial plots, including plots to be allotted to the owners and occupiers: 25 per cent on allotment of warehouses; 25 per cent at the time of handing over possession of the plots after roads have been laid and plots demarcated; and 50 per cent at the end of one year from the date of handing over possession of the plot, or on completion of service, whichever is later;

25. Nazul land for use of the Authority :-

With a view to enabling it to perform its functions under the Act, the Authority may, with the previous permission of the Central Government, set apart such Nazul land for its own use on such terms and conditions as may be specified in the permission.

CHAPTER 3

Allotment by Auction

26. Allotment by auction :-

Subject to the plans, such Nazul land as the Authority may decide, with the previous approval of the Central Government, may be allotted by auction in the manner provided in this Chapter.

27. Procedure for auction :-

1

(1) The authority shall publish beforehand in newspapers of

different languages having wide circulation, a public notice of not less than thirty days, giving the following details of the plots to be allotted by auction:

- (a) number of plots,
- (b) size of plots,
- (c) area and zone of plots,
- (d) time, date and place wherefrom the terms and conditions of auction and other details, including the terms and conditions required to be fulfilled and fees payable for participation in the auction can be had by the intending purchasers;
- (e) the time, date and place of action, and
- (f) such other details as the Authority may consider proper.

1. DDA v. Lala Amar Nath Educational and Human Society 1990 (3) Delhi Lawyer, 347.

28. Conduct of auction :-

- (1) The auction shall be conducted by an officer appointed by the Vice-Chairman in this behalf.
- (2) Such officer shall conduct the auction in the presence and under the supervision of a Committee consisting of not less than two senior officers of Authority, appointed by the Vice-Chairman in this behalf.

29. Sale to the highest bidder :-

The officer conducting the auction shall normally accept, subject to confirmation by the Vice-Chairman, the highest bid offered at the fall of the hammer at the auction and the person whose bid had been accepted shall pay as earnest money, a sum equivalent to 25 per cent of his bid and he shall pay the balance amount to the Authority within fifteen days of acceptance of the bid or within such period as the Vice-Chairman may specify in the public notice under rule 27 or in another public notice.

"Provided that Vice Chairman may extend the last date of payment where he is satisfied that sufficient reason exists for doing so, upto a maximum of 180 days subject to payment of interest on the balance amount of the rate of 18% per annum where the delay is thirty days or less and 25% per annum for a period exceeding 30 days."

30. Rejection of bid :-

The officer conducting the auction may, for reasons to be recorded in writing and submitted to the Vice-Chairman, reject any bid including the highest bid.

31. Withdrawal not permitted :-

No person whose bid has been accepted by the officer conducting the auction shall be entitled to withdraw his bid.

32. Forfeiture of earnest money :-

A person who fails to pay the balance amount of the bid within the period provided in rule 29 shall forfeit the earnest money and it shall be competent for the Vice-Chairman to re-auction the plot.

CHAPTER 4

Allotment by tender

33. Allotment by tender :-

Subject to plans, such Nazul land as the Authority may with the approval of the Central Government, decide from time to time, shall be allotted by tender in the manner provided in this Chapter.

34. Procedure for inviting tender :-

The Authority shall publish beforehand in newspapers of different languages having wide circulation, a public notice of not less than thirty days giving the following details of the plots to be allotted by tender:

- (a) number of plots,
- (b) size of the plots,
- (c) area and zone of the plots,
- (d) time, date and place wherefrom the terms and conditions of the tender and other details including the terms and conditions required to be fulfilled and the fees payable for participation in the tender, by the intending tenders,
- (e) the time, date and place for receipt of tenders, including the last date for receipt thereof,
- (f) the time, date and place or opening a tender, and
- (g) such other details as the Authority may consider proper.

35. Acceptance of tenders :-

The Vice-Chairman shall nominate an officer of the Authority for

receiving tenders (hereinafter in these rules referred to as the Accepting Officer) and notify his name and designation.

36. Deposit of earnest money :-

Each tenderer shall deposit as earnest money a sum equivalent to twenty-five per cent of the premium offered by him along with his tender.

37. Receipt of tenders :-

(1) All tenders shall be sealed and addressed to the Authority and shall be received by the Accepting Officer who, on receipt of the tender, shall issue a receipt in token thereof to the person, submitting the tender and enter the name and address of tenderer in a register.

(2) All the tenders received within the time limit specified for acceptance of tenders in the notice under rule 34 shall be submitted by the Accepting Officer to the Authority.

38. Opening of tenders :-

The Accepting Officer shall cause the tenders to be opened on the date, place and time specified in this behalf in the notice under rule 34 in the presence of tenderers or their authorised representatives who choose to be present at such place.

39. Acceptance of highest tenders :-

The Accepting Officer shall, subject to confirmation by the Vice-Chairman, normally accept the highest tender subject to reserve price, if any, specified for any plot by the Authority;

Provided that the Accepting Officer may, for reasons to be recorded in writing and submitted to the Vice Chairman, reject any tender, including the highest tender.

40. Final acceptance :-

The Vice-Chairman or an officer nominated by him shall, within fifteen days of opening of tenders, communicate to the tenderer whose tender has been accepted, calling upon him to remit balance amount within such time as the Vice-Chairman or the Accepting Officer may specify.

41. Communication to other tenders :-

The Vice-Chairman, or the Accepting Officer shall, within fifteen days of the date of opening of the tenderers, communicate to all other tenderers, non-acceptance of their tenders and return the

earnest money received from them.

CHAPTER 5

Miscellaneous

42. Allottee to be lessee of the Central Government :-

(1) Save as otherwise provided in rule 44, all Nazul land allotted under these rules, whether at predetermined rates or at fixed premium under rule 7, or by auction or by tender, shall be held by the allottee as lessee of the President of India on the terms and conditions prescribed by these rules and contained in the lease deed to be executed by the allottee.

(2) Every such allottee shall be liable to pay, in addition to the premium payable in accordance with these rules, ground rent for holding the Nazul land allotted to him under these rules, at the rate of rupee one per annum per plot, for the first five years from the date of allotment:

Provided that in the case of Nazul land allotted to group housing co-operative societies, the ground rent shall be charged at the rate of rupee one per flat for the first five years from the date of allotment.

(3) The annual ground rent payable after the first five years referred to in sub-rule (2) shall be at the rate of two and half per cent of the premium originally payable.

(4) The rate of ground rent in all cases shall be subject to enhancement after a period of thirty years from the date of allotment.

43. Lease to be executed by the allottee :-

Every allottee of Nazul land shall execute a lease-deed in accordance with Form 'C' appended to these rules. In addition, a lease-deed may contain such other covenants, clauses or conditions not inconsistent with the provisions of Form 'C' as may be considered necessary in the circumstances of each case.

44. Temporary allotment of Nazul land :-

The Authority may, subject to these rules and in such cases as it deem fit, allot land for temporary periods on a licence basis, in accordance with the terms and conditions of the licence-deed contained in Form 'D' appended to these rules. In addition, such licence-deed may contain such other covenants, clauses or

conditions, not inconsistent with the provisions of Form 'D', as may be considered advisable and necessary by the Authority, in the circumstances of a case.

45. . :-

""[The Directions of the Central Government to be supplementary to rules.

(1) The directions given, from time to time, by the Central Government under subsection (3) of section 22 of the Act, shall be supplementary to, but not in derogation of the provisions of these rules, for dealing with the Nazul Land]"

(2) In particular and without prejudice to the generality of the foregoing provisions, such directions may be given

(a) for removing any doubt or dispute or difficulty arising in giving effect to the provisions of these rules, or

(b) for dispensing with, or relaxing the requirement of any rule to such extent and subject to such exceptions and conditions as may be specified in the direction, in any particular case where the Central Government, for reasons to be recorded by it, is satisfied that the operation of any rule in that case causes undue hardship having regard to the objects of the Act.