

AS PASSED BY LOK SABHA  
ON 6TH AUGUST, 2009

**Bill No. 64-C of 2009**

THE METRO RAILWAYS (AMENDMENT) BILL, 2009

A

BILL

*further to amend the Metro Railways (Construction of Works) Act, 1978 and to amend  
the Delhi Metro Railway (Operation and Maintenance) Act, 2002.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as  
follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Metro Railways (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification  
in the Official Gazette, appoint.

Short title and  
commence-  
ment.

## CHAPTER II

## AMENDMENT TO THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978

Amendment of section 1.	<p><b>2.</b> In the Metro Railways (Construction of Works) Act, 1978 (hereafter in this Chapter referred to as the Metro Railways Act), in section 1, in sub-section (3), for the portion beginning with the words “such other metropolitan city” and ending with the words “to that city accordingly”, the following shall be substituted, namely:—</p> <p>“the National Capital Region, such other metropolitan city and metropolitan area, after consultation with the State Government, and with effect from such date as may be specified in that notification and thereupon the provisions of this Act shall apply to the National Capital Region, such metropolitan city or metropolitan area accordingly.”.</p>	33 of 1978. 5 10
Substitution of words "metropolitan city" by words "metropolitan city, metropolitan area and National Capital Region".	<p><b>3.</b> In the Metro Railways Act, for the words “metropolitan city” occurring in clause (h) of sub-section (1) of section 2, clause (c) of sub-section (1) of section 4 and clause (a) of sub-section (1) of section 32, the words “metropolitan city, metropolitan area and the National Capital Region” shall be substituted.</p>	15
Amendment of section 2.	<p><b>4.</b> In section 2 of the Metro Railways Act, in sub-section (1),—</p> <p>(i) after clause (h), the following clause shall be inserted, namely:—</p> <p>‘(ha) “metropolitan area” shall have the meaning assigned to it in clause (c) of article 243P of the Constitution;’;</p> <p>(ii) after clause (o), the following clause shall be inserted, namely:—</p> <p>‘(oa) “National Capital Region” means the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985;’.</p>	20 2 of 1985.

## CHAPTER III

## AMENDMENT TO THE DELHI METRO RAILWAY (OPERATION AND MAINTENANCE) ACT, 2002

Substitution of references to "metropolitan city of Delhi" by references to "National Capital Region and any other metropolitan area".	<p><b>5.</b> Throughout the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (hereafter in this Chapter referred to as the Delhi Metro Railway Act), for the words “metropolitan city of Delhi” wherever they occur, the words “the National Capital Region, metropolitan city and metropolitan area” shall be substituted.</p>	25 60 of 2002.
Amendment of section 1.	<p><b>6.</b> In section 1 of the Delhi Metro Railway Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—</p> <p>“(1) This Act may be called the Metro Railways (Operation and Maintenance) Act, 2002.</p> <p>(2) It extends in the first instance to the National Capital Region and the Central Government may, by notification, after consultation with the State Government, extend this Act to such other metropolitan area and metropolitan city, except the metropolitan</p>	30 35

city of Calcutta, and with effect from such date as may be specified in that notification and thereupon the provisions of this Act shall apply to that metropolitan area or metropolitan city accordingly.”.

7. In section 2 of the Delhi Metro Railway Act, in sub-section (I),—

Amendment of section 2.

5 (i) for clause (a), the following clauses shall be substituted, namely:—

‘(a) “Central Government”, in relation to technical planning and safety of metro railways, means the Ministry of the Government of India dealing with Railways;

10 (aa) “Claims Commissioner” means a Claims Commissioner appointed under section 48;’;

(ii) for clause (h), the following clauses shall be substituted, namely:—

‘(h) “metropolitan area” shall have the meaning assigned to it in clause (c) of article 243P of the Constitution;

15 (ha) “metropolitan city” means the metropolitan city of Bombay, Calcutta, Delhi or Madras;’;

(iii) after clause (k), the following clause shall be inserted, namely:—

‘(ka) “National Capital Region” means the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985;’.

2 of 1985.

20 8. In section 6 of the Delhi Metro Railway Act, in sub-section (2), after clause (b), the following clauses shall be inserted, namely:—

Amendment of section 6.

“(ba) develop any metro railway land for commercial use;

(bb) provide for carriage of passengers by integrated transport services or any other mode of transport;”.

25 9. Section 7 of the Delhi Metro Railway Act shall be renumbered as sub-section (I) thereof and after sub-section (I) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment of section 7.

“(2) The Commissioner shall function under the administrative control of the Chief Commissioner of Railway Safety appointed under section 5 of the Railways Act, 1989.”.

24 of 1989. 30

10. For section 12 of the Delhi Metro Railway Act, the following section shall be substituted, namely:—

Substitution of new section for section 12.

35 “12. The Chief Commissioner of Railway Safety shall, for each financial year, prepare in such form, and within such time, as may be prescribed, an annual report giving a full account of the activities of the Commissioners during the financial year immediately preceding the financial year in which such report is prepared and forward copies thereof to the Central Government.”.

Annual report.

11. In section 13 of the Delhi Metro Railway Act, for the word "Commissioner", the words “Chief Commissioner of Railway Safety” shall be substituted.

Amendment of section 13.

40 12. In section 23 of the Delhi Metro Railway Act, in sub-section (I), for the words “Hindi and English”, the words "Hindi, English and official language of the State in which such station is located" shall be substituted.

Amendment of section 23.

13. In section 26 of the Delhi Metro Railway Act, in sub-section (I), the words “a small” shall be omitted.

Amendment of section 26.

45 14. In section 34 of the Delhi Metro Railway Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment of section 34.

“(4) The Central Government and the State Government shall nominate one member each to the Fare Fixation Committee:

Provided that a person who is or has been an Additional Secretary to the Government of India or holds or has held an equivalent post in the Central Government or the State Government shall be qualified to be nominated as a member.” 5

Amendment of section 38.

**15.** In section 38 of the Delhi Metro Railway Act, in sub-section (2), for the words “Government of the National Capital Territory of Delhi”, the words "State Government" shall be substituted.

Amendment of section 85.

**16.** In section 85 of the Delhi Metro Railway Act,— 10

(i) in sub-section (1), for the words "Government of the National Capital Territory of Delhi", the words "State Government" shall be substituted;

(ii) in sub-section (2), for the words “Government of the National Capital Territory of Delhi in the Delhi Gazette”, the words “State Government” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Central Government proposes to extend the Delhi Metro to area under the control of New Okhla Industrial Development Authority in the State of Uttar Pradesh and to Gurgaon in the State of Haryana. The construction work has already begun by the Delhi Metro Rail Corporation. In view of the Commonwealth Games being held in October, 2010, these extensions are required to be completed before that period.

2. The Metro Rail System has been approved by the Central Government for Bangalore and Chennai and the construction work has already begun at these places also. Other cities, where such system is under different stages of consideration, are Chandigarh, Hyderabad, Kochi and Mumbai. There are no statutory provisions at present which may provide a legal cover for development, construction, operation and maintenance of Metro Railways in these cities.

3. Therefore, it has become necessary to make suitable amendments in the Metro Railways (Construction of Works) Act, 1978 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002, so as to make the provisions of both these Acts applicable to the Metro Railways in the National Capital Region, Metropolitan cities and other Metropolitan areas for development, construction, operation and maintenance of Metro Railways. The provisions of the Delhi Metro (Operation and Maintenance) Act, 2002 are not being made applicable to the Metropolitan city of Kolkata because the operation and maintenance of Kolkata Metro Railway is at present being regulated in accordance with the provisions of the Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985.

4. The Bill seeks to achieve the above objects.

NEW DELHI;  
*The 30th July, 2009.*

S. JAIPAL REDDY.

ANNEXURE

EXTRACTS FROM THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978

(33 OF 1978)

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CHAPTER I

PRELIMINARY

Short title, commencement and application. **1. (1)** \* \* \* \* \*  
(3) It applies in the first instance to the metropolitan city of Calcutta, and the Central Government may, by notification in the Official Gazette, declare that this Act shall also apply to such other metropolitan city and with effect from such date as may be specified in that notification and thereupon the provisions of this Act shall apply to that city accordingly.

Definitions. **2. (1)** In this Act, unless the context otherwise requires,—  
\* \* \* \* \*  
(h) “metro alignment”, in relation to any metropolitan city, means such alignment of the metro railway as is specified in the Schedule under that city and includes the metro railway;

Constitution of Advisory Board. **4. (1)** The Central Government may constitute an Advisory Board for every metro railway for the purpose of assisting or advising that Government on—  
\* \* \* \* \*  
(c) such other matters as may be referred to it for carrying out the purposes of this Act and in particular for the purpose of ensuring that the functions of the metro railway administration are exercised with due regard to the circumstances or conditions prevailing in, and requirements of, the metropolitan city.

Power to alter the entries in the Schedule. **32. (1)** The Central Government may, by notification in the Official Gazette,—  
(a) add to the Schedule the metro alignment in respect of a metropolitan city to which this Act is made applicable under sub-section (3) of section 1;

EXTRACTS FROM THE DELHI METRO RAILWAY (OPERATION AND MAINTENANCE) ACT, 2002

(60 OF 2002)

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CHAPTER I

PRELIMINARY

Short title, extent and commencement. **1. (1)** This Act may be called the Delhi Metro Railway (Operation and Maintenance) Act, 2002.

(2) It extends to the National Capital Territory of Delhi.  
\* \* \* \* \*

Definitions. **2. (1)** In this Act, unless the context otherwise requires,—

(a) "Claims Commissioner" means a Claims Commissioner appointed under section 48;

\* \* \* \* \*

(h) "metropolitan city of Delhi" means the area of the National Capital Territory of Delhi;

\* \* \* \* \*

**6. (1)** \* \* \* \* \* Powers of metro railway administration.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power to—

\* \* \* \* \*

#### CHAPTER IV

##### COMMISSIONER OF METRO RAILWAY SAFETY

**7.** The Central Government may appoint one or more Commissioners of Metro Railway Safety. Appointment of Commissioner of Metro Railway Safety.

\* \* \* \* \*

**12.** The Commissioner shall prepare, in such form and in such time, for each financial year, as may be prescribed, an annual report giving a full account of his activities during the previous financial year and forward copy thereof to the Central Government. Annual report of Commissioner.

**13.** The Central Government shall cause the annual report of the Commissioner to be laid after its receipt before each House of Parliament. Annual report to be laid before Parliament.

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#### CHAPTER VI

##### WORKING OF THE METRO RAILWAY

**23. (1)** The metro railway administration shall cause to be pasted in a conspicuous and accessible place at every station in Hindi and English a table of the fare chargeable for travelling from the station to every place for which tickets are issued to passengers. Exhibition of fare tables at station and supply of tickets.

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**26. (1)** No person shall, while travelling in the metro railway, carry with him any goods other than a small baggage containing personal belongings not exceeding such volume and weight as may be prescribed. Carriage of goods.

\* \* \* \* \*

**34. (1)** \* \* \* \* \* Constitution of Fare Fixation Committee.

(4) One member each shall be nominated by the Central Government and the Government of the National Capital Territory of Delhi respectively:

Provided that a person who is or has been an Additional Secretary to the Government of India or holds any equivalent post in the Central Government shall be qualified to be nominated by the said Government.

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## CHAPTER VIII

## ACCIDENTS

Notice of  
metro railway  
accident.

**38. (1)** \* \* \* \* \*

(2) The metro railway administration, within whose jurisdiction the accident occurs, shall, without delay, give notice of the accident to the Government of the National Capital Territory of Delhi and the Commissioner having jurisdiction over the place of the accident.

\* \* \* \* \*

Place of trial.

**85. (1)** Any person committing an offence under this Act, or any rule or regulation made thereunder, shall be triable for such offence in any place in which he may be, or which the Government of the National Capital Territory of Delhi may notify in this behalf, as well as any other place in which he is liable to be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published by the Government of the National Capital Territory of Delhi in the Delhi Gazette and a copy thereof shall be exhibited for the information of the public in some conspicuous place at such metro railway stations as that Government may direct.

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LOK SABHA

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**BILL**

further to amend the Metro Railways (Construction of Works) Act, 1978 and to amend  
the Delhi Metro Railway (Operation and Maintenance) Act, 2002.

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*(As passed by Lok Sabha)*