

TO BE INTRODUCED IN LOK SABHA

Bill No. 17 of 2009

THE METRO RAILWAYS (AMENDMENT) BILL, 2009

A

BILL

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

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

CHAPTER I

PRELIMINARY

- 1.** (1) This Act may be called the Metro Railways (Amendment) Act, 2009.
- (2) It shall come into force at once.

Short title and
commencement.

CHAPTER II

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". | 2. Throughout the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (hereinafter referred to as the principal Act), unless otherwise expressly provided in this Act, for the words "metropolitan city of Delhi", wherever they occur, the words "National Capital Region" shall be substituted. | 60 of 2002. |
| Amendment of section 1. | 3. In section 1 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:— “(1) This Act may be called the National Capital Region Metro Railway (Operation and Maintenance) Act, 2002. (2) It extends to the National Capital Region.”. | 60 of 2002. |
| Amendment of section 2. | 4. In section 2 of the principal Act, in sub-section (1),— (i) clause (h) shall be omitted; (ii) 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. |
| Amendment of section 6. | 5. In section 6 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:— “(ba) developing any metro railway land for commercial use;”. | |
| Insertion of new section 6A. | 6. After section 6 of the principal Act, the following section shall be inserted, namely:— “6A. (1) The metro railway administration may, for the purpose of facilitating carriage of passengers by integrated transport service, provide for any other mode of transport. (2) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to the carriage of passengers by such other mode of transport referred to in sub-section (1).”. | |
| Power to provide other transport services. | | |
| Amendment of section 7. | 7. Section 7 of the principal Act, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:— “(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. |
| Substitution of new section for section 12. | 8. For section 12 of the principal Act, the following section shall be substituted, namely:— | |
| Annual report. | “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.”. | |

| | | |
|--|--|--------------------------|
| | 9. In section 13 of the principal Act, for the words “annual report of the Commissioner”, the words “annual report of the Chief Commissioner of Railway Safety” shall be substituted. | Amendment of section 13. |
| | 10. In section 23 of the principal Act, in sub-section (1), for the words “Hindi and English a table of fare chargeable for travelling from the station”, the words “Hindi, English and official language of the State in which such station is located, a table of fare chargeable for travelling from that station” shall be substituted. | Amendment of section 23. |
| | 11. In section 26 of the principal Act, in sub-section (1), the words “a small” shall be omitted. | Amendment of section 26. |
| | 12. In section 34 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:— “(4) One member each shall be nominated by the Central Government and the State Government respectively: Provided that a person who is or has been an Additional Secretary to the Government of India or holds or has held any equivalent post in the Central Government or the State Government shall be qualified to be nominated.” | Amendment of section 34. |
| | 13. In section 38 of the principal 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 38. |
| 1 of 1872. | 14. In section 41 of the principal Act, in sub-section (2), for the words and figures “purposes of section 195”, the words and figures “purposes of section 121 of the Indian Evidence Act, 1872 and section 195” shall be substituted. | Amendment of section 41. |
| | 15. In section 85 of the principal Act,— (i) for the words “Government of the National Capital Territory of Delhi”, at both the places where they occur, the words “State Government” shall be substituted; (ii) in sub-section (2), for the words “Delhi Gazette”, the words “Official Gazette” shall be substituted. | Amendment of section 85. |
| CHAPTER III | | |
| AMENDMENT TO THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978 | | |
| 33 of 1978. | 16. In the Metro Railways (Construction of Works) Act, 1978 (hereinafter referred to as the principal Act), in section 1, in sub-section (3), after the words “apply to” at both the places where they occur, the words “the National Capital Region” shall be inserted. | Amendment of section 1. |
| | 17. In section 2 of the principal Act, in sub-section (1), after clause (o), the following clause shall be inserted, namely:— “(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;’. | Amendment of section 2. |
| 2 of 1985. | | |

STATEMENT OF OBJECTS AND REASONS

The Central Government has approved the extension of Delhi Metro to NOIDA (Uttar Pradesh) and Gurgaon (Haryana). The construction work has already begun to connect these places by Metro Rail. The construction of Metro Rail to NOIDA and Gurgaon are being executed by the Delhi Metro Rail Corporation. However, there is no legal cover for these extensions at present. In view of the Commonwealth Games being held in October, 2010, these extensions are required to be completed before that period. In fact, extension to NOIDA is scheduled to be completed by June, 2009. Therefore, it is necessary to provide a legal cover for these extensions by suitable amendment in the existing legislations.

2. The Metro Railways (Construction of Works) Act, 1978 provides for construction of Metro Railway in the National Capital Territory of Delhi. It is, therefore, proposed to amend the said Act so as to extend the provisions of the Act to National Capital Region and for that purpose to substitute the term "National Capital Territory of Delhi" by the term "National Capital Region".

3. The Delhi Metro (Operation and Maintenance) Act, 2002 provides for operation and maintenance of Metro Railway in Delhi. However, in view of extension of Metro Railway to National Capital Region and for development, construction, operation and maintenance of Metro Railway in that region, it is necessary to amend the Delhi Metro (Operation and Maintenance) Act, 2002. Accordingly, it is proposed to provide for the following matters, namely:—

(i) substitute the term "National Capital Territory of Delhi" by the term "National Capital Region";

(ii) define "National Capital Region" to have the meaning assigned to it in the National Capital Region Planning Board Act, 1985;

(iii) empower the Metro Railway Administration to provide for other transport services for the purpose of facilitating the carriage of passengers or to provide integrated transport service;

(iv) place the Commissioners of Metro Railway Safety under the administrative control of the Chief Commissioner of Railway Safety; and

(v) for deeming the Commissioner as a civil court for the purposes of section 121 of the Indian Evidence Act, 1872.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

S. JAIPAL REDDY.

The 16th February, 2009.

ANNEXURE

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

60 OF 2002

An Act to provide for the operation and maintenance and to regulate the working of the metro railway in the metropolitan city of Delhi and for matters connected therewith and incidental thereto.

* * * * *

CHAPTER I

PRELIMINARY

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

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

* * * * *

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

* * * * *

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

* * * * *

CHAPTER II

GOVERNMENT METRO RAILWAY ADMINISTRATION

3. (1) The Central Government may, for the purpose of efficient administration of a Government metro railway, in the metropolitan city of Delhi, by notification, constitute such railways as it may deem fit. Constitution of Government metro railway.

* * * * *

CHAPTER III

FUNCTIONS AND POWERS OF THE METRO RAILWAY ADMINISTRATION

5. The functions of a metro railway administration shall be— Functions of metro railway administration.

(a) to maintain and operate metro railway, for public carriage of passengers, constructed in, upon, across, under or over any land, building, street, road or passage in the metropolitan city of Delhi; and

(b) to engage in any such other activities or perform such other functions as may be considered necessary for the purpose of the operation and maintenance of the metro railway in the metropolitan city of Delhi.

* * * * *

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.

* * * * *

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

CHAPTER V

OPENING OF METRO RAILWAY

Sanction of Central Government to the opening of metro railway. **14.** The metro railway in the metropolitan city of Delhi shall not be opened for the public carriage of passengers except with the previous sanction of the Central Government.

* * * * *

CHAPTER VI

WORKING OF THE METRO RAILWAY

Exhibition of fare tables at station and supply of tickets. **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.

* * * * *

Carriage of goods. **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.

* * * * *

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

(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.

* * * * *

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.

* * * * *

41. (1) * * * * *

Powers of Commissioner in relation to inquiries. (2) The Commissioner while conducting an inquiry under this Chapter shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

* * * * *

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. Place of trial.

(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.

* * * * *

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

33 OF 1978

* * * * *

CHAPTER I

PRELIMINARY

1. (1) * * * * * Short title, commencement and application.

(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.

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

* * * * *

LOK SABHA

A

BILL

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

(Shri S. Jaipal Reddy, Minister of Urban Development)

GMGIPMRND—808LS(S5)—18.02.2009.