

-3019-

No.K-14011/40/2003-MRTS/Metro
Government of India
Ministry of Urban Development
(Metro Rail Cell)

Nirman Bhawan, New Delhi
Dated: 07th September, 2009.

To
The All Chief Secretaries

Sr.

The Parliament has recently passed the Metro Railways (Amendment) Bill, 2009 which provides for extension of the Metro Railways (Construction of Works) Act, 1978 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (which after amendment is renamed as the Metro Railway (Operations and Maintenance Act, 2002) to National Capital Region, Metropolitan cities (which means Metropolitan city of Mumbai, Kolkata, Delhi or Chennai) and Metropolitan area (as defined in Article 243 P of the Constitution). The Bill has become an Act as per the notification in the Official Gazette dated 27th August, 2009. The Metro Railway (Construction of Works) Act, 1978 is already applicable to Kolkata and National Capital Territory of Delhi with provisions for extension to Mumbai and Chennai through notification while the Delhi Metro (Operation and Maintenance) Act, 2002 is currently applicable to only National Capital Territory of Delhi. The extension of these Acts to other cities/Metropolitan areas will be done through notification.

2. Safety certification of metro rail projects is of paramount importance and the Attorney General had also opined that only a Central Safety Commission can uniformly provide the same for all metro rail projects. With this amendment, there will be uniform legislative cover for all Metro projects in the country whether within one Municipal area or beyond which will provide uniformity of standards as well as safety certification by Commission of Railway Safety. As such all metro rail projects in the country would be covered under the above amended Acts. Copy of the Metro Railways (Amendment) Act, 2009 is attached for ready reference.

This issues with the approval of the Competent Authority.

Yours faithfully,


(S.K. Lohia)
Officer on Special Duty (MRTS)
Tel:23061114
FAX:23061102

Encl: As above.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं- 38] नई दिल्ली, बुधवार, अगस्त 27, 2009/भाद्र 5, 1931

No. 38] NEW DELHI, THURSDAY, AUGUST 27, 2009 / BHADRA 5, 1931

इस भाग में विन्म पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन में रूप में रखा जा सके।
Separate paging is given in this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 27th August, 2009/Bhadra 5, 1931(Saka)

The following Act of Parliament received the assent of the President on the 26th August, 2009, and is hereby published for general information:—

THE METRO RAILWAYS (AMENDMENT) ACT, 2009

No. 34 OF 2009

[26th August, 2009.]

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

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

CHAPTER I

PRELIMINARY

- (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 commencement.

CHAPTER II

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

Amendment of section 1. 2. 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 (J), 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:—

"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."

Substitution of words "metropolitan city" by words "metropolitan city, metropolitan area and National Capital Region". 3. In the Metro Railways Act, for the words "metropolitan city" occurring in clause (h) of sub-section (f) of section 2, clause (c) of sub-section (j) of section 4 and clause (a) of sub-section (j) of section 32, the words "metropolitan city, metropolitan area and the National Capital Region" shall be substituted

Amendment of section 2. 4. In section 2 of the Metro Railways Act, in sub-section (j),—

(i) after clause (h), the following clause shall be inserted, namely:—

"(ha) "metropolitan area" shall have the meaning assigned to it in clause (e) of article 243P of the Constitution";

(ii) 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."

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". 5. 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.

Amendment of section 1. 6. In section 1 of the Delhi Metro Railway Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) This Act may be called the Metro Railways (Operation and Maintenance) Act, 2002.

(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

2093

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 (1),—

Amendment of section 2.

(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;

"(aa) "Claims Commissioner" means a Claims Commissioner appointed under section 4B;

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

"(b) "metropolitan area" shall have the meaning assigned to it in clause (c) of article 243P of the Constitution;

"(ba) "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 1983

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."

9. Section 7 of the Delhi Metro Railway 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:—

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

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

Substitution of new section for section 12.

"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.

12. In section 23 of the Delhi Metro Railway Act, in sub-section (1), 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 (1), the words "a small" shall be omitted.

Amendment of section 26.

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.

396

"(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."

Amendment of section 34.

15. In section 34 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 35.

16. In section 35 of the Delhi Metro Railway Act,—
(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.

T.K. VISWANATHAN,
Secretary to the Govt. of India.