

IndiaCode

The Metro Railways (Construction of Works) Act, 1978

(ACT NO. 30 OF 1978)

[*As on the* 10*th September*, 2026]

LIST OF AMENDING ACTS

1. The Metro Railways (Construction of Works) Amendment Act, 1982 (41 of 1982).
2. The Metro Railways (Construction of Works) Amendment Act, 1987 (42 of 1987).
3. The Metro Railways (Amendment) Act, 2009 (34 of 2009).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978

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THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978

ACT NO. 33 OF 1978

[21*st August,* 1978.]

An Act to provide for the construction of works relating to metro railways in the metropolitan cities and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

1. Short title, commencement and application.—(*1*) This Act may be called the Metro Railways (Construction of Works) Act, 1978.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

(*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 [2][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.]

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

(*a*) "Advisory Board" means the Advisory Board constituted under section 4;

(*b*) [3]["appellate authority"] means the appellate authority appointed under section 16;

(*c*) "building" means a house, outhouse, stable, latrine, urinal, shed, hut or wall or any other structure or erection, whether of masonry bricks, wood, mud, metal or any other material or any part of a building, but does not include a plant or machinery installed in a building or any part thereof or any portable shelter;

(*d*) "commissioner" means a commissioner of metro railway appointed under section 27;

[4][(*e*) "competent authority" means the competent authority appointed under section 16;]

(*f*) "development" with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land or planting of any tree on land and includes redevelopment;

(*g*) "land" includes any right or interest in land;

(*h*) "metro alignment", in relation to any [5][metropolitan city, metropolitan area and the National Capital Region] means such alignment of the metro railway as is specified in the Schedule under that city and includes the metro railway;

[6][(*ha*) "metropolitan area" shall have the meaning assigned to it in clause (*c*) of article 243P of the Constitution;]

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1. 1st February, 1979, *vide* notification No. S.O. 412(*E*), dated 20th January, 1979, *see* Gazette of India, Extraordinary, Part II, sec. 3 (*ii*).
2. Subs. by Act 34 of 2009, s. 2, for certain words (w.e.f. 7-9-2009).
3. Subs. by Act 41 of 1982, s. 2, for "arbitrator" (w.e.f. 15-5-1983).
4. Subs. by s. 3, *ibid*., for clause (*e*) (w.e.f. 15-5-1983).
5. Subs by Act 34 of 2009, s. 3, for "metropolitan city" (w.e.f. 7-9-2009).
6. Ins. by s. 4, *ibid*. (w.e.f. 7-9-2009).

(*i*) "metro railway" means a metro railway or any portion thereof for the public carriage of passengers, animals or goods and includes,—

(*a*) all land within the boundary marks indicating the limits of the land appurtenant to a metro railway,

(*b*) all lines of rails, sidings, yards or branches worked over for the purposes of, or in connection with, a metro railway,

(*c*) all stations, offices, ventilation shafts and ducts, warehouses, workshops, manufactories, fixed plants and machineries, sheds, depots and other works constructed for the purpose of, or in connection with, a metro railway;

(*j*) "metro railway administration", in relation to any metro railway, means the General Manager of that metro railway;

(*k*) "metropolitan city" means the metropolitan city of Bombay, Calcutta, Delhi or Madras;

(*l*) "metropolitan city of Bombay" means the area covered by Greater Bombay as defined in the Bombay Municipal Corporation Act, 1888 (Bombay Act III 1888);

(*m*) "metropolitan city of Calcutta" means the area described under the heading "l. Calcutta Metropolitan District" in the Schedule to the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965 (West Bengal Act XIV of 1965);

(*n*) "metropolitan city of Delhi" means the entire area of the Union territory of Delhi;

(*o*) "metropolitan city of Madras" means the area covered by the City of Madras as defined in the Madras City Municipal Act, 1919 (Madras Act IV of 1919);

[1][(*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 (2 of 1985);]

(*p*) "prescribed" means prescribed by rules made under this Act;

(*q*) "rolling stock" includes locomotives, engines, carriages (whether powered or not), wagons, trollies and vehicles of all kinds moving or intended to move on rails;

(*r*) "to erect", in relation to any building, includes—

(*i*) any material alteration or enlargement of such building,

(*ii*) conversion, by structural alteration, into a place for human habitation of such building not originally constructed for human habitation,

(*iii*) conversion into more than one place for human habitation of such building originally constructed as one such place,

(*iv*) conversion of two or more places of human habitation in such building into a greater number of such places,

(*v*) such alteration of such building as would alter the drainage or sanitary arrangements therein or would materially affect its security, and

(*vi*) the addition of any rooms in such building.

(*2*) All other words and expressions used herein and not defined but defined in the Indian Railways Act, 1890 (9 of 1890), shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

METRO RAILWAY ADMINISTRATION

3. General Manager.—The Central Government may, for the purposes of this Act, appoint a General Manager for every metro railway.

1. Ins. by Act 34 of 2009, s. 4 (w.e.f. 7-9-2009).

4. Constitution of Advisory Board.—(*1*) The Central Government may constitute an Advisory Board, for every metro railway for the purpose of assisting or advising that Government on—

(*a*) the formulation and co-ordination of plans for the development of metro railway and its expansion;

(*b*) the financing and execution of any project for the construction of the metro railway;

(*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 [1][metropolitan city, metropolitan area and the National Capital Region].

(*2*) The Advisory Board shall consist of such number of members (being officers of the Government) not exceeding nine as may be appointed to it by the Central Government.

(*3*) The Central Government shall appoint one of the members of the Advisory Board as its Chairman.

(*4*) The Central Government shall publish in the Official Gazette the names of all the members of the Advisory Board and the Chairman thereof.

(*5*) The Advisory Board shall meet at such times and places and shall observe such procedure in regard to the transaction of its business as may be prescribed.

(*6*) The members of the Advisory Board shall hold office for such term as may be prescribed.

5. Committees.—(*1*) The Advisory Board may constitute as many committees as it deems necessary consisting wholly of members of such Board or wholly of other persons or partly of members of the Board and partly of other persons for such purposes as it may think fit.

(*2*) Every committee constituted under sub-section (*1*) shall meet at such times and places and shall observe such procedure in regard to the transaction of its business as may be prescribed.

(*3*) There shall be paid to the members of the committee who are not members of the Advisory Board, such fees and allowances for attendance at the meetings of the committee and such travelling allowances as may be prescribed.

CHAPTER III

ACQUISITION

6. Power to acquire land, etc.—Where it appears to a metro railway administration that for the construction of any metro railway or any other work connected therewith—

(*a*) any land, building, street, road or passage, or

(*b*) any right of user, or any right in the nature of easement, therein,

is required for such construction or work, it shall apply to the Central Government in such form as may be prescribed for acquiring such land, building, street, road or passage or such right of user or easement.

7. Publication of notification for acquisition.—(*1*) On receipt of an application under section 6, the Central Government, after being satisfied that the requirement mentioned therein is for a public purpose may, by notification in the Official Gazette, declare its intention to acquire the land, building, street, road or passage, or the right of user, or the right in the nature of easement, therein referred to in the application.

(*2*) Every notification under sub-section (*1*) shall give a brief description of the land, building, street, road or passage.

1. Subs. by Act 34 of 2009, s. 3, for "metropolitan city" (w.e.f. 7-9-2009).

(*3*) The competent authority shall cause the substance of the notification to be published in such places and in such manner as may be prescribed.

8. Power to enter for survey, etc.—On the issue of a notification under sub-section (*1*) of section 7, it shall be lawful for the metro railway administration or any officer or other employee of the metro railway—

(*a*) to enter upon and survey and take level of the land, building, street, road or passage specified in the notification;

(*b*) to dig or bore into the sub-soil;

(*c*) to set out the intended work;

(*d*) to mark such levels, boundaries or lines by placing marks and cutting trenches;

(*e*) to do all other acts necessary to ascertain whether the metro railway can be laid upon or under the land, building, street, road or passage, as the ease may be:

Provided that while exercising any power under this section the metro railway administration or such officer or other employee shall cause as little damage or injury as possible to such land, building, street, road or passage, as the case may be.

9. Hearing of objection.—(*1*) Any person interested in the land, building, street, road or passage may, within twenty-one days from the [1][date of publication under sub-section (*3*) of section 7 of the substance of the notification under sub-section (*1*) of that section] object to the construction of the metro railway or any other work connected therewith upon or under the land, building, street, road or passage, as the case may be.

[2][*Explanation*.—For the purposes of this sub-section, where the substance of the notification under sub-section (*1*) of section 7 is published on different dates at different places, the last of such dates shall be deemed to be the date on which substance of the notification has been published.]

(*2*) Every objection under sub-section (*1*) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or [2][by an agent or] by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section "legal practitioner" has the same meaning as in clause (*i*) of sub-section (*1*) of section 2 of the Advocates Act, 1961 (25 of 1961).

(2) Any order made by the competent authority under sub-section (*2*) shall be final.

10. Declaration of acquisition.—(*1*) Where no objection under sub-section (*1*) of section 9 has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (*2*) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land, building, street, road or passage, or the right of user, or the right in the nature of easement, therein for laying the metro railway should be acquired.

(*2*) On the publication of the declaration under sub-section (*1*), the land, building, street, road or passage, or the right of user, or the right in the nature of easement, therein shall vest absolutely in the Central Government free from all encumbrances.

1. Subs. by Act 41 of 1982, s. 4, for certain words, brackets and figures (w.e.f. 15-5-1983).
2. Ins. by s. 4, *ibid*. (w.e.f. 15-5-1983).

(*3*) Where in respect of any land, building, street, road or passage, a notification has been published under sub-section (*1*) of section 7 either for its acquisition or for the acquisition of the right of user, or any right in the nature of easement, therein, but no declaration under this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

[1][Provided that in computing the said period of one year, the period or periods during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (*1*) of section 7 [including any such action or proceeding pending immediately before the commencement of the Metro Railways (Construction of Works) Amendment Act, 1987 (42 of 1987)] is stayed by an order of a Court, whether granted before or after such commencement, shall be excluded.]

(*4*) A declaration made by the Central Government under sub-section (*1*) shall not be called in question in any court or by any other authority.

11. Power to take possession of acquired land, etc.—(*1*) [2][Where any land, building, street, road or passage has vested under sub-section (*2*) of section 10 and the amount determined by the competent authority under section 13 with respect to such land, building, street, road or passage has been deposited, under sub-section (*1*) of section 14, with the competent authority by the Central Government], the competent authority may by notice in writing direct the owner as well as any other person who may be in possession of such land, building, street, road or passage to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within sixty days of the service of the notice.

(*2*) If any person refuses or fails to comply with any direction made under sub-section (*1*), the competent authority shall apply,—

(*a*) in the case of any land, building, street, road or passage situated in any area falling within the Presidency-town of Bombay, Calcutta or Madras, to the Commissioner of Police;

(*b*) in the ease of any land, building, street, road or passage situated in any area other than the area referred to in clause (*a*), to the Executive Magistrate,

and such Commissioner or Magistrate, as the case may be, shall enforce the surrender of the land, building, street, road or passage to the competent authority or to the person duly authorised by it.

12. Right to enter into the land where right of user, etc., is vested in the Central Government.—Where the right of user in, or any right in the nature of easement on, any land, building, street, road or passage has vested in the Central Government under section 10, it shall be lawful for the metro railway administration or any officer or other employee of the Central Government to enter and do any other act necessary upon the land, building, street, road or passage for carrying out the construction of the metro railway or any other work connected therewith.

13. Determination of amount payable for acquisition.—(*1*) Where any land, building, street, road or passage is acquired under this Act, there shall be paid an amount which shall be determined [3][by an order of the competent authority].

(*2*) Where the right of user in, or any right in the nature of an easement on, any land, building, street, road or passage is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land, building, street, road or passage has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent. of the amount determined under sub-section (*1*) for that land, building, street, road or passage.

[4][(*2A*) Before proceeding to determine the amount under sub-section (*1*) or sub-section (*2*), the competent authority shall give a public notice published in the prescribed manner inviting claims from all persons interested in the land, building, street, road or passage, or the right of user or the right in the nature of easement therein to be acquired.

1. Proviso added by Act 42 of 1987, s. 2 (w.e.f. 9-12-1987).
2. Subs. by Act 41 of 1982, s. 5, for certain words, brackets and figures (w.e.f. 15-5-1983).
3. Subs. by s. 6, *ibid*., for "by the competent authority" (w.e.f. 15-5-1983).
4. Ins. by s. 6, *ibid*. (w.e.f. 15-5-1983).

(*2B*) Such notice shall state the particulars of the land, building, street, road or passage acquired, or the right of user or the right in the nature of easement therein acquired and shall require all persons interested in such land, building, street, road or passage or right of user or right in the nature of easement therein, to appear in person, or by an agent or by a legal practitioner referred to in sub-section (*2*) of section 9, before the competent authority, at a time and place therein mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective interests in such land, building, street, road or passage or right of user or right in the nature of easement therein.]

(*3*) If the amount determined by the competent authority under sub-section (*1*) or sub-section (*2*) is not acceptable to either of the parties the amount shall, [1][on an appeal preferred by either of the parties to the appellate authority, within a period of sixty days from the date of the order appealed against, be determined by an order of the appellate authority].

(*4*) The competent authority or the [2][appellate authority] while determining the amount under sub-section (*1*) or sub-section (*3*), as the case may be, shall take into consideration—

(*a*) the market value of the land, building, street, road or passage on the date of publication of the notification under section 7;

(*b*) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(*c*) the damage, if any, sustained by the person interested at the time of taking possession of the land, building, street, road or passage by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;

(*d*) if, in consequence of the acquisition of the land, building, street, road or passage, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

14. Deposit and payment of amount.—(*1*) The amount determined [3]*** under section 13 shall be deposited by the Central Government in such manner as may be prescribed with the competent authority [4][within such time as may be fixed by that authority].

(*2*) As soon as may be after the amount has been deposited under sub-section (*1*), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto:

[5][Provided that where an appeal has been or is likely to be preferred under section 13 against the order by which such amount was determined and the competent authority is satisfied for reasons to be recorded in writing that it is necessary or expedient so to do, he may by order in writing—

(*a*) require the person claiming payment of such amount to furnish as a condition of receiving such payment such security as may be specified in the order; or

(*b*) if such person fails to furnish such security, withhold the payment of the whole or any part of such amount for such period as may be specified in the order.]

(*3*) Where several persons claim to be interested in the amount deposited under sub-section (*1*), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(*4*) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land, building, street, road or passage is situated.

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1. Subs. by Act 41 of 1982, s. 6, for "on an application by either of the parties, to the arbitrator, be determines by the arbitrator" (w.e.f. 15-5-1983).
2. Subs. by s. 2, *ibid*., for "arbitrator" (w.e.f. 15-5-1983).
3. The words "by the competent authority" omitted by s. 7, *ibid*, (w.e.f. 15-5-1983).
4. Subs. by s. 7, *ibid*., for "before taking possession of the land, building, street, road or passage" (w.e.f. 15-5-1983).
5. Proviso added by s. 7, *ibid*. (w.e.f. 15-5-1983).

(*5*) Where the amount determined under section 13 by the [1][appellate authority] is in excess of the amount determined by the competent authority, the [1][appellate authority] may award interest at six per cent. per annum on such excess amount from the date of taking possession under section 11 till the date of the actual deposit thereof.

(*6*) Where the amount determined by the [1][appellate authority] is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (*5*) shall be deposited by the Central Government in such manner as may be prescribed with the competent authority and the provisions of sub-sections (*2*) to (*4*) shall apply to such deposit.

15. Competent authority to have certain powers of civil court.—The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commission for examination of witnesses.

[2][**15A. Power to inspect property under acquisition.**—The competent authority may, with or without assistants or workmen, enter into or upon any land, building, street, road or passage, for the purpose of performing his functions under this Act and make such enquiry, inspection, measurement and take such photographs and prepare such memorandum thereof as he may consider necessary:

Provided that—

(*i*) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to—

(*a*) the owner of, or the person interested in, the land, building, street, road or passage; or

(*b*) the person whose right of user in or right in the nature of easement on the land, building, street, road or passage is acquired; or

(*c*) the person who sustains any loss or damage to the land, building, street, road or passage in consequence of any direction given by the Central Government or any power exercised by the metro railway administration under this Act;

(*i*) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land, building, street, road or passage;

(*ii*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usage of the person to whom notice as aforesaid is given;

(*iv*) the competent authority making the entry shall cause as little damage or injury as possible, to the land, building, street, road or passage.]

[3][**16. Competent authority and appellate authority.**—(*1*) For every metro railway, the Central Government shall, for the purposes of this Act, by notification in the Official Gazette, appoint—

(*i*) a competent authority; and

(*ii*) an appellate authority,

for such area as may be specified in the notification.

1. Subs. by Act 41 of 1982, s. 2, for "arbitrator" (w.e.f. 15-5-1983).
2. Ins. by s. 8, *ibid*. (w.e.f. 15-5-1983).
3. Subs. by s. 9, *ibid*., for section 16 (w.e.f. 15-5-1983).

(*2*) A person shall not be qualified for appointment as a competent authority unless he is holding, or has held, a judicial office, not lower in rank than that of a subordinate judge.

(*3*) A person shall not be qualified for appointment as an appellate authority unless he is holding, or has held, a judicial office, not lower in rank than that of a district judge.

Explanation.—For the purpose of this section,—

(*a*) "district judge" includes an additional district judge;

(*b*) "subordinate judge" means subordinate judge in the judicial service of West Bengal, and includes any judicial officer (by whatever name called) of an equivalent rank in the judicial service of any other State.]

[1][**16A. Powers of the appellate authority.**—(*1*) The appellate authority may admit an appeal filed after the expiry of the period referred to in section 13 or section 22 or section 25, as the case may be, if he is satisfied that there was sufficient cause for not presenting it within that period.

(*2*) For the disposal of an appeal under this Act, the appellate authority shall have the same powers (including the powers under sections 15 and 15A), and shall, subject to the provisions of this section, perform as nearly as may be the same duties as are conferred or imposed by this Act on the competent authority in respect of the matters under Chapter III and Chapter IV.

(*3*) The appellate authority may, if he thinks it expedient so to do, call in his aid one or more assessors and hear the appeal wholly or partly with the aid of such assessors.

(*4*) For the purpose of determining the amount under any appeal before him, the appellate authority may, after making such further enquiry or after taking such additional evidence, as may be necessary, pass such order as he thinks fit, determining the amount, by confirming, modifying or annulling the order appealed against.

(*5*) An order of the appellate authority determining the amount under this Act shall be final.

16B. Competent authority, etc., to have certain inherent powers.—The competent authority and the appellate authority may exercise powers of the nature referred to in section 151 of the Code of Civil Procedure, 1908 (5 of 1908), to the same extent and for the same purposes as such powers are exercisable by civil courts.

16C. Enforcement of the orders of the competent authority and appellate authority.—(*1*) Any order made by the competent authority or the appellate authority determining any amount payable under this Act may be enforced in the same manner as if such order were a decree made by a civil court in a suit pending therein, and it shall be lawful for such authority to send, in the case of his inability to execute, such order, to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the order was made.

(*2*) Where any order under sub-section (*1*) is required to be enforced by the principal civil court of original jurisdiction, a certified copy of the order shall be produced to the proper officer of the court required to enforce the order.

(*3*) The production of such certified copy shall be sufficient evidence of the order.

(*4*) Upon the production of such certified copy, the principal civil court of original jurisdiction shall take the requisite steps for enforcing the order, in the same manner as if it had been a decree made by itself.]

17. Land Acquisition Act 1 of 1894 not to apply.—Nothing in the Land Acquisition Act, 1894, shall apply to an acquisition under this Act.

1. Ins. by Act 41 of 1982, s. 10 (w.e.f. 15-5-1983).

CHAPTER IV

CONSTRUCTION OF WORKS

18. Functions of metro railway administration.—Subject to the control of the Central Government, the metro railway administration shall, for the purpose of constructing any metro railway or any other work connected therewith,—

(*a*) make or construct in, upon, across, under or over any lands, buildings, streets, roads, railways or tramways or any rivers, canals, brooks, streams or other waters or any drains, water-pipes, gas-pipes, electric lines or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, ways or passages, as the metro railway administration thinks proper;

(*b*) alter the course of any rivers, canals, brooks, streams or water-courses for the purpose of constructing tunnels, passages or other works over or under them and divert or alter as well temporarily as permanently, the course of any rivers, canals, brooks, streams or water-courses or any drains, water-pipes, gas-pipes, electric lines or telegraph lines or raise or sink the level thereof in order the more conveniently to carry them over or under, as the metro railway administration thinks proper;

(*c*) make drains or conduits into, through or under, any lands adjoining the metro railway for the purpose of conveying water from or to the metro railway;

(*d*) erect or construct search houses, warehouses, offices and other buildings and such yards, stations, engines, machinery, apparatus and other works and conveniences, as the metro railway administration thinks proper;

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead;

(*f*) draw, make or conduct such maps, plans, surveys or tests, as the metro railway administration thinks proper;

(*g*) do all other acts necessary for making, maintaining, altering or repairing and using the metro railway.

19. Powers of metro railway administration.—(*1*) The metro railway administration shall, for the purpose of [1][performing its functions under section 18] have power—

(*a*) to enter into contracts and leases and to execute all instruments necessary therefor;

(*b*) to make such number of rail tracks as the Central Government may think necessary upon, under, along or across any land, canal, river, street or road on or in the metro alignment and all other works and conveniences in connection therewith;

(*c*) [2][to open, divert or temporarily close], as the case may be, any street, road, cable, trench, drain (including a sewer), channel, ditch, culvert or any other device (whether for carrying of sullage, sewage, offensive matter, polluted water, trade effluent, rain water, sub-soil water or any other object), electric or gas supply line or tele-communication line, or telegraph installation, over, across or under any land, building, street, road, railway or tramway;

(*d*) to burrow tunnels;

(*e*) to lay down signalling and other communication facilities, electric sub-stations, supply lines and other works;

(*f*) to regulate drilling of tubewells or sinking of wells, public or private, in the proximate vicinity of the metro alignment;

(*g*) to do all other things necessary or expedient for the exercise of any of the aforesaid powers.

1. Subs. by Act 41 of 1982, s. 11, for certain words (w.e.f. 15-5-1983).
2. Subs. by s. 11, *ibid*., for "to open or divert" (w.e.f. 15-5-1983).

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(*2*) While exercising any powers under sub-section (*1*), the metro railway administration shall take such precautionary measures as are necessary, shall do as little damage as possible and shall be liable only for the damage or cost actually suffered or incurred by any person as a result of the exercise of such powers.

20. Development over metro alignment.—(*1*) Any person who proposes to develop any land or building along or on the metro alignment shall, before commencing such development and without in any way limiting his obligation under any other Act to obtain any approval or consent, submit to the metro railway administration details of the proposed development and shall comply with any conditions imposed by the metro railway administration in respect thereof.

(*2*) The metro railway administration shall, while imposing any condition under sub-section (*1*), have regard to—

(*a*) the safety of the metro railway;

(*b*) such other matters as may be prescribed.

21. Power to prohibit or regulate construction of buildings and excavation.—(*1*) If the Central Government is of opinion that it is necessary or expedient so to do for facilitating the construction of any metro railway or for ensuring the safety of any metro railway, it may, by notification in the Official Gazette,—

(*a*) direct that no building or any such development as may be specified in the notification shall be constructed or made above the metro alignment or on any land within such distance, not exceeding [1][twenty metres] on either side of the metro alignment, as may be specified in the notification and where there is any building on such land also direct the owner of, or the person having control over, such building to demolish such building or to make such additions or alterations to such building as may be specified in the notification or to desist from making any such development and within such period as may be specified in the notification;

(*b*) direct temporary evacuation of all persons together with any movable property or animal that may be in the custody, control or possession of such persons from any building situated above the metro alignment or in any area within a distance not exceeding twenty metres on either side of such alignment and within such period as may be specified in the notification:

Provided that before issuing any notification under this clause, the Central Government shall provide every such person temporarily with alternative accommodation, which in its opinion is suitable, free of cost, or an amount, which in its opinion is sufficient, to procure a temporary alternative accommodation.

(*2*) Where any property is needed or likely to be needed for providing any alternative accommodation under the proviso to clause (*b*) of sub-section (*1*), such property shall be deemed to be needed for a public purpose under section 3 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), and the competent authority under that Act shall requisition the property in accordance with the provisions of that Act and such provisions shall, in relation to such requisition, apply accordingly.

(*3*) In specifying the distance under clause (*a*) of sub-section (*1*), the Central Government shall have regard to—

(*a*) the nature and the requirement of the metro railway;

(*b*) the safety of the building;

(*c*) such other matters as may be prescribed.

(*4*) Where any notification has been issued under sub-section (*1*) directing the owner or the person having control over any building to demolish such building or to make additions or alterations to such building or to desist from making any development specified in such notification, a copy of the notification containing such direction shall be served on the owner of, or the person having control over, such building, as the case may be,—

(*i*) by delivering or tendering it to such owner or person; or

1. Subs. by Act 41 of 1982, s. 12, for "ten metres" (w.e.f. 15-5-1983).

(*ii*) if it cannot be delivered or tendered, by delivering or tendering it to the agent of such owner or person or any adult male member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain; or failing service by these means;

(*iii*) by post.

(*5*) Every person shall be bound to comply with any direction contained in any notification issued under sub-section (*1*).

22. Payment of amount for prohibition of construction, etc.—(*1*) If in consequence of any direction contained in any notification issued under sub-section (*1*) of section 21 any person sustains any loss or damage, such person shall be paid an amount which shall be determined [1][by an order of the competent authority] in the first instance.

(*2*) If the amount determined by the competent authority is not acceptable to either of the parties, the amount shall, [2][on an appeal preferred by either of the parties, within sixty days from the date of the order of the competent authority, to the appellate authority, be determined by an order of the appellate authority].

(*3*) The competent authority or the [3][appellate authority], while determining the amount under sub-section (*1*) or sub-section (*2*), as the case may be, shall take into consideration—

(*i*) the loss or damage sustained by such person in his earnings;

(*ii*) the diminution, if any, of the market value of the land or building immediately after the date of publication of such notification;

(*iii*) where in pursuance of any direction any building has been demolished or any additions or alterations to such building have been made or any development has been desisted by such person, the damage sustained by him in consequence of such demolition or the making of such additions or alterations or the desisting from making such development and the expenses incurred by such person for such demolition or additions or alterations:

Provided that the expenses incurred for such demolition or additions or alterations shall not be taken into consideration if such demolition or additions or alterations has or have been done by the metro railway administration under sub-section (*2*) of section 36;

(*iv*) if any such person is compelled to change his residence or place of business the reasonable expenses, if any, that may have to be incurred by him incidental to such change.

23. Power to underpin building or otherwise strengthen it.—(*1*) If the metro railway administration is of opinion that it is necessary or expedient so to do for facilitating the construction of any metro railway or for ensuring the safety of any metro railway, it may, underpin or otherwise strengthen any building within such radius not exceeding fifty metres from the metro alignment.

(*2*) The metro railway administration shall give to the owner or occupier of such building at least ten days notice in writing before undertaking the work of underpinning or otherwise strengthening the building:

Provided that where the metro railway administration is satisfied that an emergency exists, no such notice shall be necessary.

(*3*) Where the underpinning or strengthening was executed in connection with—

(*a*) the carrying out of the works upon the land where any building is situated, or

(*b*) the construction or operation of any metro railway,

1. Subs. by Act 41 of 1982, s. 13, for "by the competent authority" (w.e.f. 15-5-1983).
2. Subs by s. 13, *ibid*., for certain words (w.e.f. 15-5-1983).
3. Subs. by Act 41 of 1982, s. 2, for "arbitrator" (w.e.f. 15-5-1983).

the metro railway administration may, at any time after the underpinning or strengthening of such building is completed and before the expiration of a period of twelve months,—

(*i*) in a case referred to in clause (*a*), from the completion of such works; and

(*ii*) in a case referred to in clause (*b*), from the date on which traffic was opened in the metro railway,

enter upon and survey such building and do such further underpinning or strengthening thereon as it may deem necessary.

24. Power to enter, etc.—(*1*) With a view to making survey, or to ascertaining the nature or condition, of any land or building for the purpose of construction of any metro railway or any other work connected therewith, the metro railway administration or any person authorised by that administration may, at any reasonable hour in the day time and after giving reasonable notice to the owner or occupier of such land or building, enter upon or into such land or building in, along, over or near the metro alignment to—

(*a*) inspect the same;

(*b*) make measurements and drawings and take photographs thereof and such other suitable measures as may be necessary to explore and check up, by digging trial pits or otherwise, the foundation of any building in the vicinity of the metro alignment;

(*c*) take such other measures as the said administration deems necessary and proper.

(*2*) Without prejudice to the powers conferred on it under section 19, the metro railway administration may, by writing, request any person or body of persons controlling any sewer, storm water drain, pipe, wire or cable to carry out at the expense of the metro railway administration any alterations thereto which that administration is authorised or may be required to carry out to meet any particular situation for carrying out the purposes of this Act.

(*3*) If any difference or dispute arises between the metro railway administration and the person or body of persons referred to in sub-section (*2*) in relation to any such alterations or the cost thereof, such difference or dispute shall be determined by the Central Government in consultation (wherever necessary) with the State Government and the decision of the Central Government in this regard shall not be called in question in any court.

25. Amount payable for damage, loss or injury.—(*1*) Where the metro railway administration exercises any power conferred on it by or under this Act and in consequence thereof any damage, loss or injury is sustained by any person interested in any land, building, street, road or passage, the metro railway administration shall be liable to pay to such person for such damage, loss or injury such amount as may be determined by the competent authority.

(*2*) If the amount determined by the competent authority under sub-section (*1*) is not acceptable to either of the parties, the amount payable shall, [1][on an appeal preferred by either of the parties, within sixty days from the date of the order of the competent authority, to the appellate authority, be determined by an order of the appellate authority].

(*3*) The competent authority or the [2][appellate authority] while determining the amount under sub-section (*1*) or sub-section (*2*), as the case may be, shall have due regard to the damage, loss or injury sustained by any person interested in the land, building, street, road or passage by reason of—

(*i*) the removal of trees or standing crops, if any;

(*ii*) the temporary severance of the land, building, street, road or passage;

(*iii*) any injury to any other property whether movable or immovable.

1. Subs. by Act 41 of 1982, s. 14, for certain words (w.e.f. 15-5-1983).
2. Subs. by s. 2, *ibid.*, for "arbitrator" (w.e.f. 15-5-1983).

[1][(*4*) The procedure and the manner of deposit and payment of the amount payable for acquiring any land, building, street, road or passage or any right of user in or any right in the nature of easement on any land, building, street, road or passage shall be followed in the case of the procedure and the manner of deposit and payment of the amount determined by the competent authority or the appellate authority under this section.]

26. Right to claim for damages.—No claim in respect of any damage, loss or injury alleged to have been caused as a consequence of construction of any metro railway or any other work connected therewith under this Act shall lie against the metro railway administration unless such claim is made within a period of twelve months from the date of completion of the construction of such metro railway or other work in the area in which such damage, loss or injury is caused.

CHAPTER V

INSPECTION OF METRO RAILWAY

27. Appointment and duties of commissioner.—(*1*) The Central Government may appoint as many persons as it thinks fit by name or by virtue of their office to be commissioners of metro railway.

(*2*) Every commissioner shall—

(*a*) inspect the metro railway with a view to determining whether it is fit to be opened for public carriage of passengers and report thereon to the Central Government;

(*b*) make such periodical or other inspections of any metro railway or of any rolling stock used thereon as the Central Government may direct;

(*c*) perform such other duties as may be imposed on him by or under this Act or any other enactment for the time being in force relating to railways or required by the Central Government.

28. Powers of commissioners.—Subject to the control of the Central Government every commissioner shall have the power—

(*a*) to enter upon and inspect any metro railway or any rolling stock used thereon;

(*b*) to make any enquiry or to take any measurement as he thinks fit for the performance of his duties under this Act;

(*c*) by an order in writing under his hand and official seal addressed to any metro railway administration, to require the attendance before him of any officer or other employee of the metro railway and to require answers or returns, to such enquiries as he thinks fit to make, from such officer or other employee or from the said administration;

(*d*) to require the production of any book or other documents belonging to, or in the possession or control of, any metro railway administration which it appears to him to be necessary to inspect for the performance of his duties by or under this Act.

29. Facilities to be afforded to commissioner.—Every metro railway administration shall afford to every commissioner all reasonable facilities for performing the duties or exercising the powers imposed or conferred upon him by or under this Act.

CHAPTER VI

MISCELLANEOUS

30. Surplus land to be sold or otherwise disposed of.—Every metro railway administration may, with the previous approval of the Central Government, sell or otherwise dispose of any land vested in the Central Government under the provisions of this Act when such land is no longer required for the purposes of the metro railway.

1. Ins. by Act 41 of 1982, s. 14 (w.e.f. 15-5-1983).

31. Notice of accidents and enquiries.—(*1*) If any accident occurs during the construction of any metro railway or at any stage subsequent thereto as a consequence of such construction and the accident results in, or is likely to have resulted in, loss of human being or animal or damage to any property, it shall be the duty of the metro railway administration to give notice to the Central Government of the occurrence of any such loss or damage in such form and within such time as may be prescribed.

(*2*) On receipt of a notice under sub-section (*1*), the Central Government may, if it thinks fit, appoint a commission to enquire into the accident and report as to—

(*a*) the cause of such accident;

(*b*) the manner in which and the extent to which the provisions of this Act or any other Act for the time being in force in so far as those provisions regulate and govern the safety of any person, animal or property, have been complied with.

(*2*) The commission appointed under sub-section (*2*), while holding an enquiry, shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery or production of any document;

(*c*) reception of evidence on affidavits;

(*d*) requisitioning any public record from any court or office;

(*e*) issuing commission for examination of witnesses.

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32. Power to alter the entries in the Schedule.—(*1*) The Central Government may, by notification in the Official Gazette,—

(*a*) add to the Schedule the metro alignment in respect of a [1][metropolitan city, metropolitan area and the National Capital Region] to which this Act is made applicable under sub-section (*3*) of section 1;

(*b*) alter any metro alignment specified in the Schedule if it is of opinion that such alteration is necessary for the construction and maintenance of the metro railway to which such alignment relates.

(*2*) Every notification issued under sub-section (*1*) shall, as soon as may be after it is issued, be laid before each House of Parliament.

33. Prohibition of obstruction.—No person shall, without any reasonable cause or excuse, obstruct any person with whom the metro railway administration has entered into a contract, in the performance or execution by such person of such contract.

34. Local authorities to assist.—Every local authority shall render such help and assistance and furnish such information to the metro railway administration as that administration may require for discharging its functions and shall make available to the said administration for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of such functions.

35. Prohibition of removal of marks.—No person shall remove any marks placed or fill up any trench cut for the purpose of marking levels, boundaries or lines by the metro railway administration.

36. Penalty for failure to comply with directions issued under section 21.—(*1*) If any person wilfully fails to comply with any direction contained in any notification issued under section 21, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

1. Subs. by Act 34 of 2009, s. 3, for "metropolitan city" (w.e.f. 7-9-2009).

(*2*) Without prejudice to the provisions of sub-section (*1*), if any person fails to demolish any building or make additions or alterations thereto in pursuance of any direction contained in any notification issued under section 21 within the period specified in the notification, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorised by the metro railway administration in this behalf to demolish such building or make necessary additions or alterations thereto.

[1][(*2A*) Without prejudice to the provisions of sub-section (*1*), if any person fails to vacate temporarily any building together with any movable property or animal that may be in his custody, control or possession in pursuance of any direction contained in any notification issued under section 21 within the period specified in the notification, the competent authority may enforce the direction of temporary evacuation physically by taking such police help, as may be considered by him necessary, and for this purpose the provisions of sub-section (*2*) of section 11 shall, as far as may be, apply.]

37. General provision for punishment of offences.—Whoever contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for such contravention elsewhere in this Act or the rules, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

38. Offences by companies.—(*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

39. Bar of jurisdiction.—No suit or application for injunction shall lie in any court against the Central Government or the metro railway administration or any officer or other employee of that Government or the metro railway or any person working for or on behalf of the metro railway administration, in respect of any work done or purported to have been done or intended to be done by it or the said administration or such officer or other employee or such person in connection with the construction of any metro railway or any other work connected therewith.

40. Effect of Act and rules, etc., inconsistent with other enactments.—The provisions of this Act or any rule made or any notification issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

41. Protection of action taken in good faith.—(*1*) No suit, prosecution or other legal proceeding shall lie against the Central Government, the metro railway administration or any officer or other employee of that Government or the metro railway for anything which is in good faith done or intended to be done under this Act.

1. Ins. by Act 41 of 1982, s. 15 (w.e.f. 15-5-1983).

(*2*) No suit, prosecution or other legal proceeding shall lie against the Central Government or the metro railway administration or any officer or other employee of that Government or the metro railway for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

42. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall, in relation to any metropolitan city, be made after the expiry of a period of two years from the date on which this Act applies or is made applicable to such metropolitan city under sub-section (*3*) of section 1.

43. Application of the Indian Railways Act, 1890.—Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, the Indian Railways Act, 1890 (9 of 1890).

44. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(*a*) the times and places at which the Advisory Board shall meet and the procedure in regard to transaction of business by the Advisory Board under sub-section (*5*) of section 4;

(*b*) the term of office of the members of the Advisory Board under sub-section (*6*) of section 4;

(*c*) the times and places at which the committees shall meet and the procedure in regard to transaction of business by the committees under sub-section (*2*) of section 5;

(*d*) the payment of fees, allowances and travelling allowances to the members of the committee under sub-section (*3*) of section 5;

(*e*) the form in which an application for acquisition shall be made under section 6;

(*g*) the places at which and the manner in which the substance of the notification shall be published under sub-section (*3*) of section 7;

(*h*) the manner in which the amount shall be deposited with the competent authority under sub-sections (*1*) and (*6*) of section 14;

(*i*) the matters to be specified under clause (*b*) of sub-section (*2*) of section 20;

(*j*) the matters to be specified under clause (*c*) of sub-section (*3*) of section 21;

(*k*) the form in which and the time within which a notice shall be given under sub-section (*1*) of section 31;

(*l*) any other matter which is required to be or may be prescribed.

(*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 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.

45. Saving.—Notwithstanding anything contained in this Act any proceeding, for the acquisition of any land, under the Land Acquisition Act, 1894 (1 of 1894), for the purpose of any metro railway, pending immediately before the commencement of this Act before any court or other authority shall be continued and be disposed of under that Act as if this Act had not come into force.

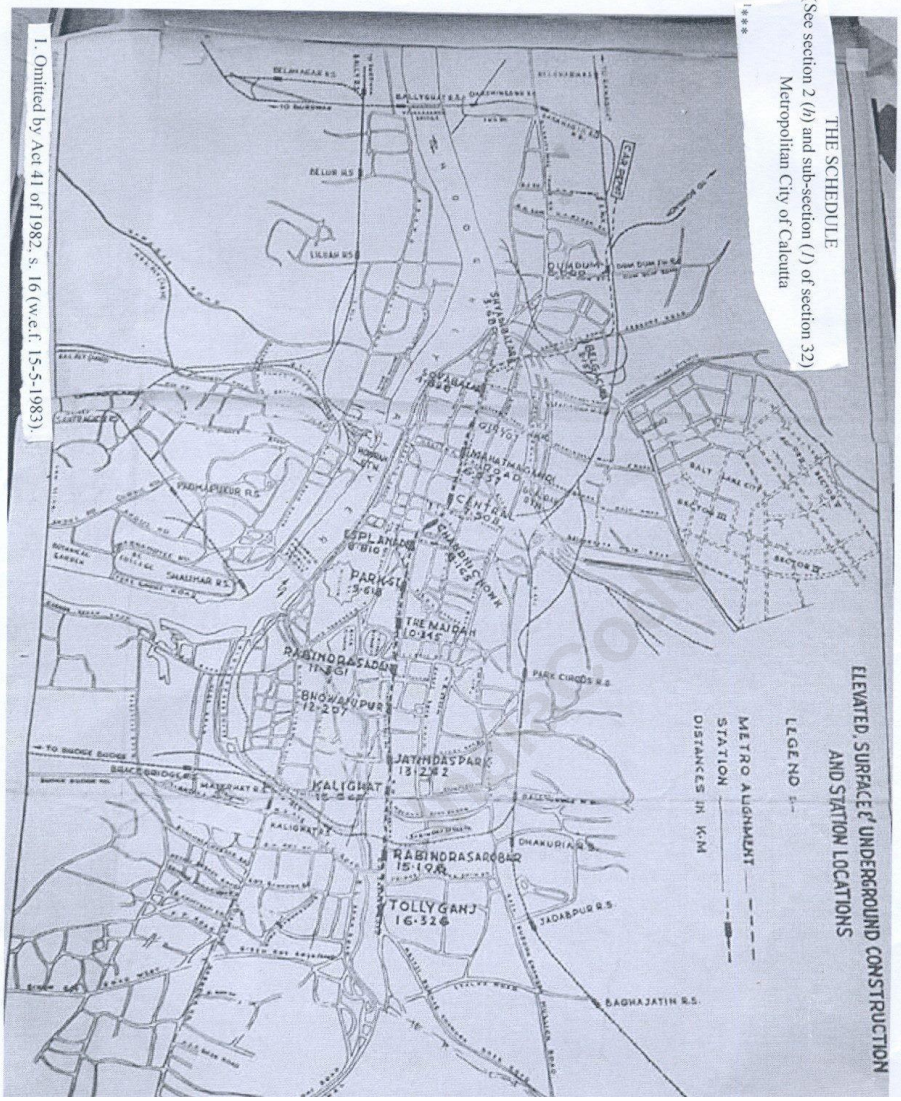
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THE SCHEDULE

(See section 2 (*h*) and sub-section (*1*) of section 32)

Metropolitan City of Calcutta

[***]



1. Omitted by Act 41 of 1982, s. 16 (w.e.f. 15-5-1983).

STATEMENT OF OBJECTS AND REASONS

To meet the inadequacies of the existing surface transport system and me ever increasing demand of urban commuter traffic in Calcutta, the idea of introducing the mass rapid transit system, popularly known as metro railway, has been considered to be, the only solution, and, accordingly, the construction work has been started.

The methods of construction of an underground metro railway are by cut and cover or by burrowing tunnels. The metro alignment will pass mainly under public roads although, in some portion, the alignment will pass under private properties. Stations and other ancillary works connected with the construction of the metro railway will be located in public streets or in road side private premises. The execution of the project in the affected zones necessarily entails road diversions, closure of all vehicular and pedestrian traffic, and diversion and relocation in a planned manner of various public utility service; maintained by sundry authorities. Building and rebuilding operations in the proximate vicinity of a metro railway are also required to be regulated so that such activities do not jeopardise or endanger the metro railway, tunnels, alignments and other allied installations. Further more, in constructing the metro railway, whether by tunnelling or by the cut and cover method, it may be that a certain amount of ground settlement occurs requiring, in particular cases, underpinning or strengthening of certain old and dilapidated buildings or, in extreme cases, compulsory evacuation of people from the affected buildings for a temporary period.

Under section 7 of the Indian Railways Act, 1890, no railway construction is permissible in case of immoveable property not belonging to the railway administration unless the same is acquired under the law for the time being in force for acquisition of land. Although land can be acquired outright for construction of the metro railway and other incidental works under the Land Acquisition Act, 1894, the procedure for such acquisition is long-drawn and costly. Since the metro alignment will pass mainly under public land and at places under private properties, acquisition of mere right of user in the land, building, street, road or passage would mostly be sufficient for the purpose of construction of the metro railway or other works connected therewith without acquiring greater interest in such land, building, etc. Further, from the initiation of the land acquisition proceedings right up to their culmination by taking of possession, the whole process involves a time consuming and long-drawn procedure which does not seem to afford or ensure quick completion of acquisition.

The present Bill confers necessary enabling powers on the Central Government for carrying out the aforesaid purposes. The Bill provides a speedy and adequate procedure for the acquisition of lands, buildings, streets, roads or passage or the right of user in, or the right in the nature of easement on, Such building, land, etc., by the Central Government to the exclusion of the Land Acquisition Act, 1894;

Adequate provision has been made for the consideration of any objection that may be made by any person interested in the land, building road, street, etc., and for payment of an amount for the aforesaid acquisition.

The other main features of the Bill are—

(*i*) appointment of a commissioner of metro railway for the purpose of the inspection of the metro railway and for such other duties and powers as may be imposed or conferred upon him;

(*ii*) constitution of Advisory Boards for aiding and advising the Central Government in the

matter of formulation and co-ordination of plans in the development of metro railway;

(*iii*) appointment of competent authorities or arbitrators for settling disputes as may be referred to such authorities or arbitrators under the provisions of the Bill.

The proposed Bill seeks to achieve the above objects.

NEW DELHI;
The 18*th April,* 1978.

MADHU DANDAVATE.

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