

Metro Railways (Construction of Works) Rules, 1978

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Metro Railways (Construction of Works) Rules, 1978

Ministry of Railways (Railway Board), Noti. No. G.S.R. 172, dated January 20, 1979, published in the Gazette of India, Part II, Section 3(i), dated 3rd February, 1979, pp. 359-362. [No. 78/MTP/CA/1] In exercise of the powers conferred by Section 44 read with sub-section (2) of the Section 36 of the Metro Railway (Construction of Works) Act, 1978 (33 of 1978), the Central

Government hereby makes the following rules, namely:-

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) These rules may be called the Metro Railways (Construction of Works) Rules, 1978.

(2) They shall come into force from 1st day of February, 1979.

2. Definitions :-

In these rules unless the context otherwise requires,-

(a) "Act" means the Metro Railways (Construction of Works) Act, 1978 (33 of 1978) ;.

(b) "Board" means the Advisory Board constituted under Section 4 of the Act,

(c) "Chairman" means the Chairman of the Board ;

(d) "Committee" means a committee constituted by the Board under Section 5 of the Act;

(e) "Form" means the Form appended to these rules.

CHAPTER 2

Board and its Committees

3. Time and place at which the Board shall meet :-

The Board shall ordinarily meet at the Headquarters of the Metro Railway Administration concerned or at such other places and at such times as the Chairman may find convenient for the transaction of its business.

4. Notice and record of the meeting :-

(1) The Chairman shall cause to be prepared and circulated among the members at least seven days before the meeting of the Board the list of Business to be considered at that meeting.

(2) The Chairman shall maintain a record of all the business transacted by the Board.

5. Procedure regarding transaction of business of the Board :-

(1) The Chairman shall preside at every meeting of the Board at

which he is present and in his absence, the members present shall elect a Chairman from amongst themselves to preside at such a meeting.

(2) One third of the total number of members of the Board, but not less than three members, present in person shall form a quorum at a meeting of the Board.

(3) All matters at the meeting of the Board shall be decided by the majority of votes of the members of the Board present and voting.

(4) Each member of the Board shall have one vote, and if there shall be an equality of votes on any matter to be decided by the Board, the Chairman or the member presiding shall have a casting vote.

6. Matters to be decided at meetings or by circulation :-

Any matter which the Board is required to decide may be referred to all its members either at its meetings or by circulation among all its members and any matter so circulated and decided by a majority of members by signing it shall be as effectual and binding as if such matter had been decided at a meeting of the Board.

7. Term of office of the members of the Board :-

The members of the Board shall hold office for such period, not exceeding five years, as may be specified in the order of their appointment.

8. Every committee to elect a President :-

Every committee constituted under sub-section (1) of Section 5 of the Act shall meet within fifteen days of its constitution and shall elect one from amongst its members as the President of the said Committee :

Provided that where the Chairman is also a member of the Committee he shall be the President of the Committee.

9. The time and place at which the Committee shall meet, and the allowances to be paid to the members of the Committee :-

(1) Every committee shall meet at such places and times as the President thereof considers necessary for convenient transaction of its business.

(2) (a) Any member of the committee who is not a Government

servant, shall be entitled to such daily allowance as admissible to a Senior Administrative Officer of the Indian Railways for each day of his attendance in the meeting.

(b) Every such member of the committee shall be paid travelling allowance equivalent to 1st Class Railway fare together with incidental expenses being 1/10th of the actual railway fare.

(3) Where no rail journey is necessary, such member shall be paid the actual cost of road transport, if any, as his travelling allowance.

10. Procedure in regard to the transaction of the business by the Committee :-

(1) The President shall preside over the meetings of the Committee.

(2) All matters at the meeting of the Committee shall be decided by the majority of the votes of the members of the Committee present and voting.

CHAPTER 3

Acquisition and Determination of Amount and Payment Thereof

11. form in which an application for acquisition shall be made :-

Whenever any land, building, street, road or passage or any right of user or any right in the nature of easement therein -is required for construction of any Metro Railway or any other work connected therewith, the Metro Railway Administration shall apply to the Central Government in Form A with a complete set of Schedules prepared in Form B.

12. Publication of the substance of notification by the competent authority :-

(1) On the issue of the notification under sub-section (1) of Section 7 of the Act, the competent authority shall cause its substance to be published in three local newspapers (of which one must be in the regional language) published from the metropolitan city in respect of which the notification is made.

(2) The competent authority shall also cause the substance of the notification to be published by affixing in a conspicuous place of the locality in which the land, building, street, road or passage is situated.

13. Manner of depositing money with competent authority

:-

(1) The amount determined by the competent authority under sub-section (1) or sub-section (2) of Section 13 of the Act, shall be deposited by the Central Government with the competent authority through account payee cheque. The cheque shall be accompanied by a challan, triplicate, in Form C. The competent authority shall receive the cheque acknowledging the receipt by returning one copy of the Form G and arrange for deposit of the cheque with the Reserve Bank of India, accompanied by other two copies of the said Form G, for crediting to his ledger account to be maintained and operated with the Reserve Bank of India, in his official capacity as competent authority under the Act, for the purpose of receiving and disbursing any amount determined by him and the arbitrator.

(2) When an arbitrator has determined the amount in excess of the amount determined by the competent authority, the excess amount determined along with the interest thereon, shall, be deposited with the competent authority in accordance with the procedure specified in sub-rule (1).

(3) The competent authority, on receipt of cheque for the amount determined by him or the arbitrator from the Central Government, shall arrange payment of the amount to the person or persons entitled thereto, on behalf of the Central Government as per sub-section (2) or sub-section (3) of Section 14, as the case may be, through account payee cheque to be issued by him on .Reserve Bank of India operating his personal ledger account.

CHAPTER 4

Construction of Works

14. Development over metro alignment :-

While imposing any condition under sub-section (1) of Section 20, the Metro Railway Administration shall, in addition to the condition provided in sub-clause (a) of sub-section (2) of that section, have regard to--

(i) the safety of the travelling public ;

(ii) the ingress and the egress of the passengers to and from the metro railway ; and

(iii) the future development of the Metro Railway in the locality.

15. Form of notice of accident :-

The notice of accident referred to in Section 31 of the Act shall be in Form D and shall be sent to the Central Government within seven days of the occurrence of the accident.

16. Demolition of the building etc. and temporary evacuation by the Metro Railway Administration :-

(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 sub-section (1) of Section 21 within the period specified therein the Metro Railway Administration concerned shall issue a notice to the owner or the person having control over such building directing him to hand over possession of the building within 14 days from the date of service thereof, for the purpose of demolition thereof or making any addition or alterations thereto, as the case may be.

(2) If in spite of such notice) the owner or the person having control over the building does not hand over possession within .the period specified in the notice, the Metro Railway Administration shall apply-

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

(b) in case of any building 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 surrender or delivery of vacant possession of the building to the Metro Railway Administration or any officer authorised by it who shall demolish the building or make necessary additions or alterations, as may be required.

(3) The demolition or the addition or alteration of the building shall be carried in the manner so that-

(i) the structural safety of the remaining portion of the building and the security of the inhabitants thereof may not be impaired ;

(ii) minimum inconvenience is caused to the passers-by and the inhabitants of the remaining portion of the building, if any ;

(iii) the utility and other essential services do remain unaffected, as far as possible.

(4) After completion of the additions or alterations of the building, the Metro Railway Administration shall hand over possession of the building to the owner or the person having control over it, as the case may be.