

**GOVERNMENT OF INDIA  
URBAN DEVELOPMENT  
LOK SABHA**

UNSTARRED QUESTION NO:2000

ANSWERED ON:23.07.2014

MUMBAI METRO

Somaiya Dr. Kirit

**Will the Minister of URBAN DEVELOPMENT be pleased to state:**

- (a) whether the Government has received a request from the State Government of Maharashtra to permit implementation of Mumbai Metro-1 project under the Central Metro Act instead of the Indian Tramways Act;
- (b) if so, the details thereof and the decision taken in this regard;
- (c) the perceived advantages of such a conversion to the stakeholders including passengers; and
- (d) the differences between these two Acts?

**Answer**

THE MINISTER OF URBAN DEVELOPMENT (SHRI M. VENKAI AH NAIDU)

(a): Yes, Madam.

(b): A request letter dated 01.10.2013 from Government of Maharashtra was received for notifying the alignment of Versova-Andheri-Ghatkopar Corridor under the Central Metro Act. Once the alignment is notified under the Metro Railways (Construction of Works) Act, 1978, the notification of the project under the Tramways Act is deemed to be superseded.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Metro Railways (Construction of Works) Act, 1978, the Central Government (Ministry of Urban Development) issued Notification S.O. No. 3445 (E) dated 18.11.2013, adding the Versova-Andheri-Ghatkopar Corridor alignment in respect of the Metropolitan Area of Mumbai to the schedule of the Metro Railways (Construction of Works) Act, 1978.

Earlier, after consultation with the concerned State Government, the provisions of Metro Railways (Construction of Works) Act, 1978 and Metro Railways (Operation and Maintenance) Act, 2002 were extended to the Metropolitan Area of Mumbai vide MoUD Notifications S.O. No. 2625(E) and 2626 (E) dated 16.10.2009.

(c): Following are some of the provisions :-

(i) The MoUD being the nodal Ministry for the subject of planning and co-ordination of all urban transport systems including rail based systems (Metro Rail/Mono Rail etc.) is required to bring the Metro Rail Projects in India under the Central Metro Acts for providing legal cover, better co-ordination and monitoring;

(ii) The technical planning & safety of metro railways being a subject of Ministry of Railways, the notification under Central Metro Acts is necessary to carry out the necessary technical approvals and safety clearances.

(iii) The Notification under Central Metro Acts is necessary to provide legislative cover to the metro projects and to provide safety certification by the Commission of Metro Railway Safety under Ministry of Civil Aviation.

(d): The basic difference between the two Acts are as follows:

**Indian Tramways Act, 1886 Central Metro Acts of 1978 and 2002**

(i) An Act to facilitate the construction and to regulate the working of tramways construction of works relating to Metro Railways in the Metropolitan cities and for infrastructure connected therewith.  
1978 Act - An Act provide for the construction of works relating to Metro Railways in the Metropolitan cities and for infrastructure connected therewith.  
2002 Act - An Act to provide for the operation and maintenance and to regulate the working of the metro railways in the metropolitan area as notified.

(ii) "tramway" means a tramway having one, two or more rails, and includes -  
thereof for the public carriage of passengers, animals or goods and includes,-  
(ii) 1978 Act - "metro railway" means a metro railway or any portion thereof for the public carriage of passengers, animals or goods and includes,-

(a) any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway;  
(a) all land within the boundary marks indicating the limits of the land appurtenant to a metro railway,

(b) any electrical equipment of a tramway; and  
yards or branches worked over for the purposes of, or in connection with, 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) any electric supply-line transmitting power from a generating station or sub-station to a tramway or from a generating station to a sub-station from which power is transmitted to a tramway.  
(c) all stations, offices, ventilation shafts and ducts, ware-houses, workshops, manufactories, fixed plants and machineries, sheds, depots and other works constructed for the purpose of, or in connection with, a metro railway;

2002 Act - "metro railway" means rail-guided mass rapid transit system having dedicated right-of-way, with steel wheel or rubber-tired wheel coaches, but excluding tramways, for carriage of passengers and includes -

(A) all land within the boundary marks indicating the limits of the land appurtenant to a metro railways,  
(B) all rail tracks, sidings, yards or branches worked over for the purposes of, or connection with, a metro railways,

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

(iii) "Government", in relation to a tramway which is wholly within a municipal area or which is declared not to be a railway under clause (20) of article 366 of the Constitution, means the State Government and, in relation to any other tramway, means the Central Government.  
(iii) 1978 Act - "metro alignment" means such alignment of the metro railway as is specified in the Schedule under that city and includes the metro railway;

2002 Act - "Government metro railway" means a metro railway owned by the Central Government;

"non-Government metro railway" means a metro railway other than a Government metro railway;