

>12.17 hrs.

**Title:** Introduction of the Delhi Metro Railway (Operation and Maintenance) Bill, 2002.

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI ANANTH KUMAR): I beg to move for leave to introduce a Bill 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.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill 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."

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I oppose the introduction of the Bill because it goes against the federal structure of the Constitution. There is the State of Delhi. There is an elected Assembly there. The metro railway is confined within the metropolitan boundary of Delhi.

Normally Railways is an inter-State transport and in that case the Central Government is empowered to enact a law. But here is a case where the metro railway is confined within the limits of the metropolitan city. Therefore, it ought to have been discussed within the Delhi Administration and then the Delhi Assembly ought to have discussed it. But, without the consent of the Delhi Administration and without a discussion in the Delhi Assembly, this Bill has been brought against the spirit of the federal structure and the federal nature of our Constitution. In that case, why should there be an Assembly in Delhi?

Railways as such is an inter-State entity and therefore the Central Government is there. Here is a case where it is confined within the limits of the

\* Published in the Gazette of India, Extraordinary Part II-Section 2, dt. 21.11.2002

Delhi Metropolitan City. Even in the Bill it is mentioned that private parties are allowed to run the metro railway. But no mention has been made about the Delhi Administration. It is ridiculous. The Delhi Administration ought to have been consulted in this matter. It goes against the spirit of the Constitution. It is against the federal structure of the Constitution. Therefore, I oppose the introduction of this Bill.

SHRI ANANTH KUMAR: According to the Constitution of India, Railways is in the Union List. But the hon. Member is saying that it is in the Concurrent List. We cannot accept what the hon. Member is saying because according to article 246 of the Constitution, Railways is in the Union List. Therefore, we are coming up with this Bill.

Even if we accept the argument of the hon. Member, then also in respect of matters which are there in the Concurrent List, the Centre is legislatively competent to bring this Bill. Therefore, we are bringing forward this Bill.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill 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."

*The motion was adopted.*

SHRI ANANTH KUMAR: I introduce \*\* the Bill.

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\*\* Introduced with the Recommendation of the President

12.19 hrs.

**STATEMENT RE: DELHI METRO RAILWAY (OPERATION AND MAINTENANCE) ORDINANCE**

**SHRI ANANTH KUMAR:** I beg to lay on the Table an explanatory statement (Hindi and English versions) showing reasons for immediate legislation by the Delhi Metro Railway (Operation and Maintenance) Ordinance, 2002.

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...(व्यवधान)