

The Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985

(ACT NO. 10 OF 1985)

[*As on the* 19*th June*, 2026]

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AMENDMENT ACT

1. The *Jan Vishwas* (Amendment of Provisions) Act, 2026 (8 of 2026).

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 CALCUTTA METRO RAILWAY (OPERATION AND MAINTENANCE) TEMPORARY PROVISIONS ACT, 1985

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THE CALCUTTA METRO RAILWAY (OPERATION AND MAINTENANCE) TEMPORARY PROVISIONS ACT, 1985

ACT NO. 10 OF 1985

[16*th February*, 1985.]

An Act to make temporary provisions for the operation and maintenance of the Calcutta metro railway and for matters connected therewith, pending the making of regular arrangements for such operation and maintenance.

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

CHAPTER I

PRELIMINARY

1. Short title, commencement and application.—(*1*) This Act may be called the Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985.

(*2*) It shall be deemed to have come into force on the 22nd day of October, 1984.

(*3*) It shall apply to the metropolitan city of Calcutta.

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

(*a*) "Calcutta metro railway administration" or "metro railway administration" means the General Manager of the metro railway appointed under section 3 of the Construction Act;

(*b*) "commissioner" means a commissioner of the metro railway appointed under section 27 of the Construction Act;

(*c*) "Construction Act" means the Metro Railways (Construction of Works) Act, 1978 (33 of 1978);

(*d*) "metro railway" means such portion of the metro railway constructed in the metropolitan city of Calcutta under the provisions of the Construction Act as may, for the time being, be available for public carriage of passengers, and includes—

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

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

(*iii*) 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, the metro railway;

(*e*) "prescribed" means prescribed by rules made under this Act.

(*2*) All other words and expressions used herein and not defined but defined in the Indian Railways Act, 1890 (9 of 1890), or the Metro Railways (Construction of Works) Act, 1978 (33 of 1978), shall have the meanings, respectively, assigned to them in those Acts.

CHAPTER II

THE CALCUTTA METRO RAILWAY ADMINISTRATION

3. Calcutta metro railway administration to be responsible for the operation and maintenance of the metro railway.—(*1*) Subject to the other provisions of this Act, the Calcutta metro railway administration shall be responsible for the operation and maintenance of the metro railway.

(*2*) The Calcutta metro railway administration may, for the efficient performance of its functions under this Act, appoint such officers and other employees as it considers necessary on such terms and conditions of service as may be prescribed.

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4. Previous sanction of the Central Government required for the opening of metro railway.—(*1*) No metro railway shall be opened for the public carriage of passengers except with the previous sanction of the Central Government.

(*2*) Before giving its sanction under sub-section (*1*), the Central Government shall, after considering the report given (whether before or after the commencement of this Act) by the commissioner under clause (*a*) of sub-section (*2*) of section 27 of the Construction Act and other relevant factors, satisfy itself that the metro railway can be opened without danger to the public using it.

(*3*) A sanction given under this section may be either absolute or subject to such conditions as the Central Government thinks necessary for the safety of the public.

(*4*) Where any sanction for the opening of the metro railway under this section is given subject to any conditions, such railway shall not be worked or used until such conditions are fulfilled to the satisfaction of the Central Government.

CHAPTER III

SPECIAL PROVISIONS FOR THE RUNNING OF THE METRO RAILWAY

5. Carriage of goods.—(*1*) No person shall, while travelling in the metro railway, carry with him any goods other than a small baggage containing personal belongings not exceeding such volume and weight as may be prescribed.

(*2*) Where any person travels in the metro railway in contravention of the provisions of sub-section (*1*), he shall, notwithstanding that he holds a valid pass or ticket for any travel in such railway, be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf or by any other person whom such metro railway official may call to his aid.

6. Reservation of compartments for females not necessary.—It shall not be necessary for the metro railway administration to reserve any compartment in any train for the exclusive use of females.

7. Dangerous or offensive goods.—(*1*) No person shall take or cause to be taken any dangerous or offensive goods upon the metro railway.

(*2*) If any metro railway official has reason to believe that any such goods are contained in a package in the custody of any passenger, he may cause the package to be opened for the purpose of ascertaining its contents.

8. Penalty for taking or causing to take offensive or dangerous goods upon the metro railway.—(*1*) If, in contravention of sub-section (*1*) of section 7, a person takes or causes to be taken any offensive goods upon the metro railway, he shall be punishable with fine which may extend to five hundred rupees.

(*2*) If, in contravention of sub-section (*1*) of section 7, a person takes or causes to be taken any dangerous goods upon the metro railway, he shall be punishable with imprisonment for a term which may extend to four years and with fine which may extend to five thousand rupees.

(*3*) In addition to the penalties specified in sub-section (*1*) or sub-section (*2*), a person taking or causing to be taken any offensive goods or dangerous goods upon the metro railway shall be responsible also for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the metro railway.

[1]**[9. Smoking.—**(*1*) No person shall smoke in any compartment or carriage of the metro railway or in any underground metro railway station.

(*2*) Any person who contravenes the provisions of sub-section (*1*) shall be liable to penalty of two thousand rupees and forfeiture of his pass or ticket, and may also be removed from the compartment by any metro railway servant.

1. Subs. by Act 8 of 2026, s. 2 and Sch., for s. 9 (w.e.f. 19.06.2026).

(*3*) If the person refuses to pay the penalty mentioned in sub-section (*2*), he shall be produced before the competent court wherein, he shall be punishable with a fine which may extend up to five thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of two thousand rupees.

[1][**10. Drunkenness or nuisance upon the metro railway.—**(*1*) If any person is in a state of intoxication and there conducts himself in such a manner as to cause annoyance to any person, he shall be removed from the metro railway by any metro railway servant and shall, in addition to the forfeiture of his pass or ticket, be punishable with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to one thousand rupees, or with both.

(*2*) If any person,—

(*a*) commits any nuisance or act of indecency or uses abusive or obscene language; or

(*b*) wilfully or without excuse interferes with any amenity provided by the metro railway administration so as to affect the comfortable travel of any passenger,

he shall be punishable with fine which may extend to two hundred and fifty rupees and shall also be liable to forfeiture of the fare which he may have paid or any pass or ticket which he may have obtained or purchased, or be removed from such carriage or part by any metro railway official authorised by the metro railway administration in this behalf.

(*3*) If any metro railway official is in a state of intoxication while on duty, where the improper performance of the duty would be likely to endanger the safety of any passenger travelling or being upon the metro railway, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.]

11. Prohibition of demonstrations upon the metro railway—(*1*) No demonstration of any kind whatsoever shall be held on any part of the metro railway or other premises thereof and it shall be open to the metro railway administration to exclude from such premises any person attending such demonstrations whether or not he is in possession of a pass or ticket entitling him to be in the said premises.

(*2*) No person shall paste or put up any poster or write or draw anything or matter in any compartment or carriage of the metro railway, or any premises thereof, without any lawful authority and any person found engaged in doing any such act may be removed from the compartment, carriage or premises by any metro railway official authorised by the metro railway administration in this behalf.

(*3*) Whoever contravenes any of the provisions of sub-section (*1*) or sub-section (*2*), or being asked by any metro railway official to leave any compartment, carriage or premises refuses to do so, shall 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.

12. Penalty for travelling on roof, etc., of a train.—If any passenger travels on the roof of a train or persists in travelling in any part of a train not intended for the use of passengers or projects any part of his body out of a train after being warned by any metro railway official to desist, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf.

13. Penalty for unlawfully entering or remaining upon the metro railway or walking on the metro railway line.—[2][(*1*) If any person enters upon or into any part of a metro railway without lawful authority, he shall be liable to a penalty of five hundred rupees.

1. Subs. by Act 8 of 2026, s. 2 and Sch., for s.10 (w.e.f. 19.06.2026).
2. Subs. by s. 2 and Sch., *ibid*., for sub-section (*1*) (w.e.f. 19.06.2026).

(*1A*) If the person refuses to pay the penalty mentioned in sub-section (*1*), the violator shall be produced before the competent court, wherein he shall be punishable with imprisonment for a term which may extend up to three months, or with fine which may extend up to five thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than imprisonment for one month or a fine of two thousand rupees.

(*1B*) If any person having lawfully or unlawfully entered upon or into any part of metro railway misuses such property and refuses to leave, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of five hundred rupees.

(*1C*) Any person referred to in sub-sections (*1A*) and (*1B*) may be removed from the metro railway by any metro railway servant or by any other person whom such metro railway servant may call to his aid.]

(*2*) If any person walks on the metro railway line without any lawful authority, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

14. Endangering the safety of passengers.—If any metro railway official, when on duty, endangers the safety of any passenger,—

(*a*) by any rash or negligent act or omission; or

(*b*) by disobeying any rule or order which such official was bound by the terms of his employment to obey, and of which he had notice,

he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to six thousand rupees, or with both.

15. Abandoning train, etc., without authority.—If any metro railway official, when on duty, is entrusted with any responsibility connected with the running of a train, or any other rolling stock from one station or place to another station or place, and he abandons his duty before reaching such station or place, without authority or without properly handing over such train or rolling stock to another authorised metro railway official, he shall be punishable with imprisonment for a term which may extend to four years, or with fine which may extend to five thousand rupees, or with both.

16. Obstructing running of trains, etc.—If any person obstructs or causes to be obstructed or attempts to obstruct any train or other rolling stock upon the metro railway by squatting, picketing, or keeping without authority any rolling stock on the metro railway or tampering with any signalling installations or by interfering with the working mechanism thereof, or otherwise, he shall be liable to be removed by any metro railway official authorised by the metro railway administration in this behalf and shall also be punishable with imprisonment for a term which may extend to four years, or with fine which may extend to five thousand rupees, or with both.

17. 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.

[1][**17A. Adjudication of penalties**.—(*1*) For the purpose of adjudicating penalties under sub-section (3) of section 9 and sub-section (*1*) of section 13 of this Act, the metro railway administration shall appoint an officer of or above the rank of Assistant Sub-Inspector in Railway Protection Force or officers not below the rank of Group 'C' in commercial, operating or vigilance Department of metro railway as an adjudicating officer for holding an inquiry and imposing penalties in such manner as may be specified:

Provided that the metro railway administration may appoint as many adjudicating officers as may be required:

Provided further that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(*2*) Any person aggrieved by an order of the adjudicating officer under sub-section (*1*) may, within thirty days from the date of receipt of such order, prefer an appeal to an officer at least one rank higher than the adjudicating officer, as may be appointed by the metro railway administration as an appellate authority, in such form and manner as may be specified.

(*3*) An appeal may be admitted after the expiry of the period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*4*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(*5*) An appeal under sub-section (*2*) shall be disposed of within sixty days from the date of filing.

(*6*) If penalty imposed by the adjudicating officer under sub-section (*1*) or by an order of the appellate authority under sub-section (*4*), as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.]

CHAPTER IV

MISCELLANEOUS

18. Application of Act 9 of 1890 and the rules, etc., made thereunder to the metro railway.— Save as otherwise expressly provided in this Act, the provisions of the Indian Railways Act, 1890, and the rules, orders or notifications made or issued thereunder shall, so far as may be, and subject to such modifications as may be necessary, apply to the operation and maintenance of the metro railway, as if such metro railway were a railway as defined under that Act, and the references to "railway administration" and "inspector" in that Act shall be construed as references to the "metro railway administration" and "commissioner" respectively.

19. 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.

20. 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

1. Ins. by Act 8 of 2026, s. 2 and Sch., (w.e.f. 19.06.2026).

employee of that Government or the metro railway administration for anything which is in good faith done or intended to be done under this Act.

(*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 administration 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.

21. 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 be made after the expiry of a period of two years from the commencement of this Act.

22. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions 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 terms and conditions of service of the officers and other employees of the metro railway administration under sub-section (*2*) of section 3;

(*b*) the cases in which and the extent to which the procedure specified in section 4 for the opening of the metro railway for public carriage of passengers may be dispensed with;

(*c*) the volume and weight of the baggage containing personal belongings that may be carried by a person while travelling in the metro railway;

(*d*) 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.

[1][**22A. Power of metro railway administration to make regulations**.—(*1*) The metro railway administration may, with the previous approval of the Central Government, make regulations not inconsistent with this Act and the rules made thereunder, to provide for all matters for which provisions are necessary or expedient for the purpose of giving effect to the provisions of this Act.

(*2*) Every regulation made by a metro railway administration under this Act 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 regulation or both Houses agree that the regulation should not be made, the regulation 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 regulation.]

23. Repeal and saving.—(*1*) The Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Ordinance, 1984 (13 of 1984), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

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1. Ins. by Act 8 of 2026, s. 2 and Sch., (w.e.f. 19.06.2026).

STATEMENT OF OBJECTS AND REASONS

To meet the inadequacies of the existing surface transport system and the ever increasing demand of urban commuter traffic in Calcutta, the construction of rapid transit system from Dum Dum to Tollygunj (metro railway) is in progress in accordance with the provisions of the Metro Railways (Construction of Works) Act, 1978 (33 of 1978). Two small single line stretches of the metro railway under construction from Esplanade to Bhowanipore and Dum Dum to Belgachia were ready for opening to public carriage of passengers with ~ limited number of train services in October, 1984.

2. As it was decided to provide interim relief to the commuters by commissioning the above two stretches for public carriage of passengers, it was considered necessary to make temporary provisions for the operation and maintenance at the metro railway at Calcutta pending the making of regular arrangements for such operation and maintenance. Accordingly, the President promulgated the Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Ordinance, 1984 (13 of 1984) on the 22nd October, 1984, to achieve the above object.

3. The Ordinance, *inter alia*, provided for the following matters, namely:—

(*i*) the metro railway administration constituted under the Metro Railways (Construction of Works) Act, 1978, was entrusted with the responsibility for the operation and maintenance of the metro railway and the authority has to satisfy certain conditions before the opening of the metro railway for the public carriage of passengers,

(*ii*) special provisions for the running of the metro railway;

(*iii*) specified certain offences and provided for appropriate penalties therefor. Although these offences are also covered under the existing Indian Railways Act 1890, higher penalties had been provided in view of the special nature of the metro railway;

(*iv*) the provisions of the Indian Railways Act, 1890, were made applicable to the metro railway in respect of other matters not specifically provided for in the Ordinance.

4. The Bill seeks to replace the aforesaid Ordinance.

BANSI LAL.

NEW DELHI;
The 15*th January*, 1985.

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