



URBAN LOCAL BODY

SALIENT FEATURES OF 74TH AMENDMENT ACT OF 1992

- 74th Amendment Act has added a new Part IX-A to the Constitution of India. This part consists of provisions from Articles 243-P to 243-ZG.
- In addition, the Act has also added a new Twelfth Schedule to the Constitution. This schedule contains eighteen functional items of municipalities.
- It deals with Article 243-W.

1. COMPOSITION

- All the members of a Municipality shall be elected directly by the people of the municipal area. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards. The state legislature may provide the manner of election of the chairperson of a municipality.
- It may also provide for the representation of the following persons in a municipality.
- Persons having special knowledge or experience in municipal administration without the right to vote in the meetings of municipality.
- The members of the Lok Sabha and the state legislative assembly representing constituencies that comprise wholly or partly the municipal area.
- The members of the Rajya Sabha and the state legislative council registered as electors within the municipal area.
- The chairpersons of committees (other than wards committees).

1. WARDS COMMITTEES

- There shall be constituted a wards committee, consisting of one or more wards, within the territorial area of a municipality having population of three lakh or more.
- The state legislature may make provision with respect to the composition and the territorial area of a wards committee and the manner in which the seats in a wards committee shall be filled. It may also make any provision for the constitution of committees in addition to the wards committees.

1. METROPOLITAN PLANNING COMMITTEE

- Every metropolitan area shall have a metropolitan planning committee to prepare a draft development plan. The state legislature may make provisions with respect to the following:
 - The composition of such committees;
 - The manner of election of members of such committees;
 - The representation in such committees of the Central government, state government and other organisations;
 - The functions of such committees in relation to planning and coordination for the metropolitan area; and
 - The manner of election of chairpersons of such committees
- The Act lays down that two-thirds of the members of a Metropolitan Planning Committee should be elected by the elected members of the Municipalities and chairpersons of the Panchayats in the metropolitan area from amongst themselves.
- The representation of these members in the committee should be in proportion to the ratio between the population of the Municipalities and the Panchayats in that metropolitan area.

1. BAR TO INTERFERENCE BY COURTS IN ELECTORAL MATTERS

- The act bars the interference by courts in the electoral matters of municipalities.
- It declares that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court.
- It further lays down that no election to any municipality is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

1. All the provisions of the 73rd amendment relating to direct elections, reservations, transfer of subjects, State Election Commission and State Finance Commission are incorporated in the 74th Amendment also and thus apply to Nagarpalikas as well.