

74th Amendment of Indian Constitution

The **74th constitutional amendment act**, which was first passed in 1993, granted special provisions and superiority to urban municipal councils, therefore constitutionalizing them. With the enactment of this legislation, a structure for institutionalizing local management of urban areas by autonomous urban local organizations was established.

With the passage of this law, the municipality, which is an urban local government entity, was subject to the laws outlined by the Indian constitution. The major objective of the 74th amendment act was article 245, which revitalized urban localities and show that advancements would take place across the board for the country. Part 9-A, which included articles 243P to 243ZG, was introduced to the constitution as a component of the 74th Amendment of the Indian Constitution to provide consistency in the legislation issued for municipalities.

History of 74th Amendment Act

There is always a history behind every amendment act implemented. In September 1991, the amended municipality Bill was tabled in Lok Sabha by PV Narasimha Rao's administration which on 1st June 1993 came into effect as the 74th amendment act of 1992. Following is the detailed history of the 74th Constitutional Amendment Act.

- Village panchayats declined in power and lost their Independence during British rule.
- The Mayo resolution of 1870 municipal Institutions enhancing their authority and accountability.
- Mayo introduced the idea of elected authorities in urban towns in the year of 1870.
- Following this, Lord Ripon gave these institutions the crucial democratic foundation in 1882.
- The establishment of local authorities received a boost with the convening of the Commission on centralized power in 1907.
- Following Independence, the Constitution was put into effect. In the post-independence period, article 40 refers to panchayats, while article 246 gives the state legislature the ability to make any legislation dealing with the local government.
- The 65th Constitutional Amendment Bill was tabled to the Lok Sabha by the Rajiv Gandhi administration in 1989.
- By providing Municipal bodies with constitutional standing, the measure aimed to improve and strengthen them.
- In October 1989, the proposal was approved by Lok Sabha but not by Rajya Sabha hence it expired.
- In September 1990, the NagarPalika bill was reintroduced to the Lok Sabha by V.P. Singh, who led the National Front government.
- However, the Lok Sabha's dissolution prevented the bill from being approved and ultimately, it expired.
- The amended municipalities bill was also tabled in Lok Sabha by P.V. Narsimha Rao administration in September 1991.
- On 1st June 1993, it came into effect as the 74th constitutional amendment law of 1992.

Objectives of 74th Amendment Act

With the enactment of the 74th Constitutional Amendment Act, the urban local governments were established as a separate constitutional entity. The concept of local government was introduced in Metropolitan areas with a constitutional basis.

- Municipalities now have constitutional standing thanks to the statute. As a result, they now fall under the protection of the justiciable provisions of the Indian Constitution.
- In other terms, the state and local government must implement the proposed municipality system in compliance with the requirements of the 74th Amendment Act within the terms of their constitutions.
- For Municipal governments to properly serve as local government entities, the legislation aims to improve and reinvigorate them.

Features of 74th Amendment Act

There are several features of the 74th Constitutional Amendment Act, which are given below that give the status and legal grounds to municipalities that they need to advance in urban life.

Three Types of Municipalities: The 74th constitutional amendment act provides for three types of municipalities in all the states of the country-

- For transitory areas, the Nagar Panchayat
- For smaller cities, the Municipal Council
- For the bigger urban region, the Municipal Corporation

This is, however, one exception that the Governor may designate a municipality as an industrial township if it contains an urban area where an industrial facility provides the municipal services. A municipality may not be established in such a situation.

Composition of Municipalities:

As per the 74th Amendment of the Indian Constitution,

- Every member of a municipality must be chosen directly by the residents of that region.
- Each Municipal region will be split into territorial jurisdictions called wards, especially for this purpose.
- How the leader of a municipality will be chosen may be regulated by the state legislature.

Ward Committees in Municipalities:

According to the 74th Amendment Act, within the boundaries of a municipality with at least 3 lakh residents living in a society, a ward committee composed of one or more wards must be formed.

Other Committees of Municipalities:

The 74th constitutional amendment allows the formation of other communities of municipalities as well.

- The state legislature may also set any provisions for the formation of other Committees apart from the ward Committees.
- The leaders of these committees may become municipally elected officials.

Reservation of Seats:

The 74th amendment of Indian Constitution also has the provision for the reservation of seats in the municipality.

- Every municipality allocates seats for SC and ST in accordance with population.
- Additionally, there is a provision for one-third of the seats to be reserved for women.
- Any reservation granted in the municipality for the underprivileged classes at any level will be made by the state legislature.

Period of Municipalities:

As per the rules of 74th constitutional amendment there is a set period for working of municipalities.

- Every level of government has given municipalities a five-year term in office.
- It may however be disbanded before its tenure is over.
- If a municipality is elected after it has been dissolved, then it will remain in existence for the remainder of the year that it would have remained in existence if it had not been dissolved.

State Election Commission:

Indian constitution has given the powers to state election commission to keep a check on the municipalities and their working.

- The election commission of the state has been established and given a special number of responsibilities including overseeing and providing guidance along with exercising control over the creation of electoral registers.
- The election commission of the state will also oversee the organization of elections for municipalities.

Powers and Functions:

The 74th amendment act of Indian Constitution also provides municipalities with various powers and functions while working.

- The state legislature has granted the municipality its responsibilities and authority.
- The municipalities create a plan for the social justice and economic growth of residents of the municipality.
- It puts into action the plans created by the federal and state governments to improve the lives of the population.
- Municipalities have the authority to improve local job opportunities and carry out development programs.

Constitutional Provisions of 74th Amendment Act

There are several provisions of the 74th Constitutional Amendment Act in article 243. Following is the table having various provisions from article 243 Q to article 243 ZE.

Articles	Provisions of 74th Amendment Act
Article 243 Q	The article talks about the constitution of different types of municipalities like Municipal Corporations, Municipal Councils, and Nagar Panchayat.
Article 243 R	The article talks about the composition of municipalities which is broken up into geographical constituencies commonly called wards. All the members of municipalities are elected by the common residents of the municipal area.
Article 243 S	This article of the 74th Amendment Act provides for the process of composition of ward committees where it is said that every member of the municipality will be elected directly by the people of that municipal area.
Article 243 T	This article talks about the number of seat reservations in all the municipalities of the states.
Article 243 U	This article talks about the period of municipalities.
Article 243 V	This article defines the conditions and circumstances that will lead to the disqualification of members related to the municipality.
Article 243 W	This article defines the powers, authorities and duties of municipalities, such as urban planning, economic growth, and social development.
Article 243 X	According to this article, the state legislature may specify by legislation subjects connected to the levy of taxes as permitted by the constitution.
Article 243 Y	This article provides information related to the finance committee that will express a view on how funds should be allocated between the municipality and states and will also decide on aid subsidies.
Article 243 ZA	This article of the 74th Constitutional Amendment Act talks that every municipal corporation will have elections for a minimum term of 5 years. This happened because of the creation of a state election commission that is independent of the election commission of India.
Article 243 ZC	This article says that Scheduled Areas mentioned in article 244 are not covered by the provision of part 9A. The states like Meghalaya, Mizoram, Assam, and Tripura are a few of them. In addition, it does not apply to the region governed by Darjeeling Gorkha Hill Council.
Article 243 ZE	This article says that every Metropolitan region will have a Metropolitan planning committee to create a draft improvement plan for the whole Metropolitan region.

Significance of the 74th Amendment Act

The 74th Amendment Act of the Indian constitution is of great significance to rural and urban municipalities. It allows the towns and cities to mark their significant contributions to maintain the economical growth of the country, and they can be involved in the planning and execution of the programs at most.

- The economic expansion of the country is significantly influenced by cities and towns.
- These urban hubs greatly contribute to the development of the rural hinterland.
- To keep this economic development in line with needs and realities at the local level all the people and representatives of the municipality should be involved completely in the process of planning and execution of development programs.
- If democracy is to continue to be strong in the country then its roots must go down into the villages and towns where people still live.

