

- 4) roadmap for financial self-sufficiency and financial accountability in municipalities req.
- 5) Issues Associated with Municipalities:
  - a.

- **SC Verdict On Haryana Panchayati Raj (Amendment) Act 2015**

- 1) Dismissed plea in rajbala vs state of haryana case
- 2) Aug 2015 Haryana govt cleared five amendments to the Hary Panchayati Raj Act, 1994
- 3) Laid down eligibility criteria to contest local body elections
- 4) 5 criteria:
  - a. Functional toilet b) no electricity dues, c) no default on coop. loans, d) not charged for any grave criminal offence, e) matriculation and class 8 (women)
- 5) 9.6 million eligible to contest even after applying the amended qualifications

SC observation

- 1) No toilet because of lack of will rather than poverty
- 2) Education -> power to diff. b/w good/bad, right and wrong
- 3) Art 40 & 246(3), states to make law to enable functioning of self-governing units.

Criticism:

- 1) Ground reforms are required before such law is implemented
- 2) Wisdom > education
- 3) Discriminatory and arbitrary amendment

- **Small state vs large state**

<http://www.thehindu.com/todays-paper/tp-opinion/the-ironies-of-small-states/article8529837.ece>

- **President Rule**

- 1) Coming down heavily on the Centre for the March 27 proclamation under Art 356, the HIGH court said the imposition of the President's rule was contrary to the law laid down by the Supreme Court.
- 2) Article 356  
Governor sends a report to the centre  
Assembly comes under suspended animation
- 3) SR Bommai case 1994
  - a. Courts can't question the Union Cabinet's advice to the President but they can question the **material** behind the satisfaction of the President
  - b. **356 is justified** only on **breakdown of constitutional machinery** and not that of **adm. machinery**. – but many times abused thus, needs further reforms.
  - c. Despite bommai, still art 356 is used because: political reasons, loopholes, sc delay justice, constitutional machinery is broad, horse trading, weak anti-defection law
  - d. Solution: floor test is must, special judiciary bench to deal with such cases in fast track mode, anti-defection law amendment, horse trading law, corruption practice,
  - e. Article 356 gave the President conditioned, not absolute, power if found to be improper or mala fide, the court would provide remedy.
  - f. it made test of majority strength in the Assembly by a vote in the Assembly the rule.
- 4) Buta Singh, Bihar assembly dissolution case 2006: Declared the dissolution of the Bihar assembly as null and void.
  - a. Governor's report could not be taken at face value and must be verified by the council of ministers before being used as the basis for imposing President's rule.
- 5) Recent imposition of President's rule in Arunachal Pradesh
- 6) Can be imposed in a state if a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.
- 7) Supreme Court's View:  
Governor can't ask the house to assemble on his whims and fancies.
- 8) Questioned the validity of order of the governor. In which the Governor asked the speaker not to act under schedule 10 of the constitution (which provides for disqualification of lawmakers on grounds of defection).
- 9) Speaker's power to alter the composition of house in floor test is to be accessed