

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

SUBJECT: Political science-I

SUBJECT CODE: BAL-101

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Lecture-33



State Governor: Appointment, Qualifications and Powers

1. Appointment of Governor:

Executive authority in an Indian State is vested in the Governor. According to the constitution this power shall be exercised by him either directly or through officers subordinates to him. In the Constituent Assembly there was a proposal that the Governor should be elected by the people, instead of his being nominated or indirectly elected by the President.

But the proposal was turned down by the Assembly on two important grounds. Firstly, that it will be difficult to have any workable division of powers between the Governor and the Chief Minister, when both have been elected by the people and enjoy people's verdict.

Then another argument advanced was that in the country for quite some time atmosphere was likely to prevail in the states in which disintegrating forces were likely to play their role. In order to check these it was essential that the Governors should be powerful persons free from the mud slugging of elections and above appeasement policy of the electorates.

The Assembly, therefore, decided that the Governor should be appointed by the President. Accordingly now Governor is appointed by the President under his warrant and seal.

Though the President is free to appoint any person as the Governor of a state to whom he likes yet with the passage of time a convention has been developed that a person who is being appointed as Governor shall not be posted in the state to which he belongs. Barring very few exceptions, like those of H.C. Mukherjee and Miss Padmaja Naidu, this convention is being maintained so far.

Then comes the problem of the consultation with the Chief Ministers in the appointment of Governors. As long as there was monolithic party system in the country in which Congress party was in power both at the centre and in the states, there was no problem.

Even if a Chief Minister did not feel happy about the appointment of an individual as Governor and his being posted to the state, there was no confrontation between the Centre and the states.

Moreover, Pt. Nehru's towering personality was such that both inside and outside the House none dared challenge his decision in matters of appointment of a Governor. It is also said then only those persons were nominated as Governors, who by and large

deserved the position and as such none even challenged the appointment on even personal grounds.

But after his death the situation changed and as a result of Fourth General Elections in the country non-Congress governments assumed power in some states. The Chief Ministers of these states wanted that (a) they should be consulted in the appointment of Governors and (b) no defeated politician be posted to a state, as a reward for his past services to the Congress party.

They also wanted that Chief Minister of a state should invariably be consulted before a name was finalised for appointment as Governor. The Chief Minister of Bengal in 1967 gave a list of 3 names, namely, those of V.K. Krishna Menon, Prof. Aleem and Mrs. Aruna Asaf Ali and wanted the Centre to appoint one of them as the Governor of the state.

Similarly when Kanungo was appointed as the Governor of Bihar, the then Chief Minister protested against this appointment as that had been made without consulting him or approval of state cabinet. There was so much resentment that state cabinet decided not to make any arrangements for the reception of the new Governor.

But the then Home Minister Y.B. Chavan made it amply clear that it was not at all obligatory on the part of the Centre to get the consent of the state in matters of appointment of Governors.

In other words a state could not veto the decision of the Centre in such matters. This stand continues even today. When C.P.N. Singh was appointed as Governor of U.P. or C.M. Pooncha was transferred from MP the Chief Ministers concerned protested against the action of the Centre and said that the Centre had acted arbitrarily and the state concerned should have been consulted. But central government did not agree to this view point.

But one effect of 1967 general elections to the Lok Sabha was that some senior retired civil servants were appointed as Governors in some states and thus the tide of posting of defeated Congress candidates as state Governors was checked.

Some other traditions too would have developed but in 1971 when elections were held in the country, both at the Centre and in the states, Congress party again came to power and the resistance of states to the appointment of Governors by the Centre without the approval of state government, obviously weakened.

Whereas the opposition dominated states have been resenting discretion in appointments of the Governors, so far the central government has not laid down any norms about the appointment of executive heads of the state.

The Centre has been posting on the one hand mature statesmen like C. Rajagopalslchari, Kailash Nath Katju, Mrs. Vijaya Lakshmi Pandit, K.M. Munshi and Mrs.

Sarojini Naidu, and seasoned bureaucrats like L.P. Singh, Bhagwan Sahay, V.P. Menon, B.K. Nehru, B.N. Chakravarti, Dharam Vira and many others on the other.

Similarly on the one hand have been posted to the state Governors such persons who were to be politically rewarded for their services to the ruling party in the past and had now been not in the active politics, like Bhim Sen Sachar and Hafiz Muhammad Ibrahim and so on, whereas on the other persons of great eminence but never in active politics have been sent as Governors.

These include Gen. Srinagesh, Dr. A.N. Khosla, G.N. Singh and D.C. Pavate. All that need be noted is that even informally no guide lines or conventions have been developed about the appointment of Governors.

The opposition parties have all along protested that when a defeated politician is appointed as a Governor he never tries to behave as a constitutional head of the state. He usually tries to inject politics in the state and usually becomes a convenient tool in the hands of ruling party.

He is always willing to oblige the central government in the manner it likes. Though opposition parties prefer bureaucrats over such defeated politicians, yet many in the country do not favour the idea of putting them in Raj Bhavans.

According to them these people who have all along led an active life with vast powers at decision making level and processes, usually find it difficult to adjust themselves as nominal head of the state, where there is no active life and little decision making work.

It is also said that these people have spent their active life career in an atmosphere where there is no care for feelings and sentiments of the people. They are little concerned about the aspirations of the people and as such they are not likely to be a success when face to face altogether in a different situation.

Recall of Governors:

Closely linked with appointment of a Governor is the problem of recall. All appointments of Governors are made by the President, which in effect means the Prime Minister. Each Governor is appointed for a period of 5 years, but he can leave his job earlier if he so likes by tendering his resignation.

But in 1969, the then Chief Minister of Bengal Ajoy Mukerjee demanded that state Governor Dharam Vira should be recalled from the state. All this happened over the address of Governor to the state legislature.

As usual the Address was prepared by the Chief Minister with the approval of the Cabinet, in which there were some unfavourable references about the action of the central government about the dissolution of Communist ruled state Assembly.

The Governor decided to omit two paragraphs of his Address. The result was that a controversy arose. The Chief Minister pleaded that as constitutional head of the state he was duty bound to read the address in its entirety, which had been prepared and approved by the state cabinet.

The Chief Minister demanded the withdrawal of the Governor. The Home Minister, however, did not agree with the demand on the plea that it will set a bad precedent and similar demands could pour in from many other states as well. He very firmly maintained that it was the prerogative of the President to post, transfer or recall a Governor and that state had nothing to do in such matters.

Of course, after some time the Governor was withdrawn from the state and S.S. Dhawan was posted in his place, but not on the demand of state government.

This one incident alone shows that in case persons of the type who are not suited to this type of job to which they are appointed as Governor, centre-state relations are likely to come under heavy strains.

In the words of Dr. Rao, **“So in the end we are left with a moral command that the President should be a statesman of high impartiality and so also the Governors chosen by him, be active, sympathetic public men of a high moral structure, immensely interested in social service etc.”**

A little laxity can cause many ripples in centre-state relations. Governor Ramlal, by his untactful handling of situation in Andhra Pradesh, created a difficult situation even for the ruling party at the centre. Governor Nurul Hassan had no smooth time in Orissa, when he was there in that state.

Similarly Kumud Behn Joshi too had difficult time as Governor and State Government requested the centre to withdraw her from the state. Present Tamil Nadu Governor has no cordial relations with Chief Minister Jayalalitha.

Calling of Resignations of Governors:

In January 1990, National Front Government at the centre advised President R. Vankataraman to call for the resignation of all Governors, as in its opinion during Congress (I) regime some Governors had been appointed purely on party considerations.

This step was criticised by Congress (I) which felt that the office of the Governor was being politicised and that it was an unhealthy trend. The Governors should be kept above all political upheavals. The National Front Government, however, felt that the process of politicisation of the institution of Governors had been started by Congress (I) and it needed setting the trend right.

Dismissal of Governor:

The President also has power to dismiss a Governor, once appointed by him, though so far no such dismissal has taken place. But a situation developed in 1980. After central elections in 1977 when Janata Government came to power at the Centre, it appointed some Governors to the states.

But in 1980 it was voted out of power and Congress (I) came to power at the Centre. The new government hinted that the Governors appointed by the Janata government should better resign. But none of the tendered resignation.

The central government was of the view that whereas some of these could be tolerated, some others must quit. Some Governors, saw writings on the walls and resigned. But the then Tamil Nadu Governor Prabhu Das Patwari had to be removed by the President, as he did not resign on his own. In 1992, President removed Governor of Nagaland M.M. Jacob.

After coming to power Narsimha government changed about 14 Governors who had been appointed by V.P. Singh and Chandra Sekhar governments which was considered a step towards the politicisation of the institution of governorship.

2. Qualifications for Appointment:

Governor is the executive head of the state and the President is empowered to appoint any person as Governor, provided he is an Indian citizen and is not below the age of 35 years. He should not hold any office of profit either in the central or in the state government.

Similarly he should also not be member of any House of state legislature or Parliament. In case he is so, he should vacate that before joining as Governor. He should not be insolvent on his appointment.

After his appointment he gets a monthly salary of Rs.11,000/- and such other allowances as are decided by the Parliament from time to time. He is also entitled to free furnished official residence. It is provided that during the term of his office his emoluments shall not be changed to his disadvantage.

Before entering upon his office he is required to take an oath before the Chief Justice of the High Court of the state to which he is appointed.

Ordinarily a person shall be appointed as Governor to one state only, but the President in his discretion can appoint a person as Governor to more than one state as well. L.P. Singh e.g., was Governor of Assam as well as North Eastern Hill States.

For some time Punjab and Haryana used to have one Governor. It is not quite common to have a Governor for more than one state. When a person is Governor to more than one State, his salary and allowances are charged from the states concerned proportionately.

Privileges of Governor:

During the term of his office a Governor is protected against all legal proceedings in courts of law and is not to be called to account anywhere for the exercise and performance of powers and duties of his office or any action done by him in the performance of his duties. No criminal proceedings can be instituted against him and no process for arrest issued against a Governor while in office.

3. Powers of the Governor:

In the constitution Governor has been given quite vast powers, which he is to enjoy as executive head of the state. But before discussing these powers, it may be remembered that in actual practice before the death of Pandit Jawahar Lal Nehru, the Governors acted as nominal heads of the state.

It was due to several reasons. Firstly, at time of appointment the Prime Minister used to take care that only such persons were appointed as Governors, who by nature were not aggressive and could fully well adjust themselves to the frame work of being a nominal head of the state.

Then another reason was that at that time there used to be Congress party in power both at the centre and in the states. The state cabinet had full backing and support of the central government. Thus, whenever, a Governor made a complaint against Chief Minister that was not entertained and the former was clearly told that as nominal head of the state he had-no right to complain.

But when a state Chief Minister made a complaint against the Governor that was promptly attended. Still, another reason was that the Governors at that time used to be usually old Congress men and as such they knew the programmes and policies of the party in power and had not much to differ from the Chief Ministers.

Moreover, they knew that they have been rewarded for their equation with the central government or past services to the party and as such they should quietly pass their time. Still another reason was that at that time nation had a towering personality in Pt. Nehru, who could satisfy as well guide any Governor.

In fact, in his presence no Governor could raise his voice. Lastly, the Governors followed the traditions set by the Presidents, their appointing bosses. Since Presidents in those days acted as nominal heads, the Governors in the states could not exert

themselves to become real heads or use the powers which the constitution vested in them.

But after Fourth General Elections, situation Changed, Pt. Nehru had died by that time and there was split in the Congress party resulting in the exit of many old stalwarts. The Congress had lost heavily at the polls and in some states non-Congress governments had come to power.

In 1971, the situation, however, again changed because Congress party was returned to the Lok Sabha and thereafter in the states, with massive majority. Monolithic political party system almost again came back in the country. The Governors, therefore, again had to adjust themselves to the new situation.

In 1977, elections were again held in the country and in that newly formed Janata Party swept polls in North and Central India but its impact on the Southern states was not felt, where non-Janata Party Ministries remained in power. The result was that these state governments could create some problems. But their rule proved short lived and no serious problem about appointment of Governors, etc., arose.

As a result of elections held in 1980, Congress (I) government at the centre came to power. The party had massive mandate. State Assembly elections which were held in May 1980, also returned Congress (I) to power. Thus, again monolithic party system emerged which lessened the role of Governor in state politics.

Almost same position continued after 1984 elections when Congress (I) was again given mass mandate after the general elections held in that year. The situation has, however, changed now. After 1989 general elections Congress (I) suffered defeat at the Centre and National Front government came to power.

The Congress (I), however, came to power in some southern States and thus a situation of confrontation could arise but that situation did not arise because that government had to leave office just after one year.

In 1991, elections were again held for the Lok Sabha and Congress (I) came to power at the centre. But when elections were subsequently held for some states, it lost power in several states. This would have created a situation of confrontation but fortunately that did not arise.

The states have practically dropped their demand that Chief Minister should be consulted by the Centre before any person is posted as Governor in his State.

Executive Powers:

Article 154 of the constitution has provided that all executive powers of the state shall be vested in Governor and all executive actions in the state will be taken in his name. He is to decide in his discretion who is to be invited as the Chief Minister of the state.

Other Ministers of the Council of Ministers will, of course, be appointed by him on the recommendations of the Chief Minister. Chairman as well as members of State Public Service Commission and Advocate General of the state are to be appointed by him.

The President of India consults him at the time of appointment of the judges of the High Court. Theoretically all Ministers of Council of Ministers hold office during his pleasure. He allocates business among the Ministers and calls for any information on any matter relating to state administration.

He has also right to be kept informed about state politics and happenings and any legislation that is proposed to be brought for approval before the House.

It is the responsibility of the Governor to send fortnightly report to the Centre about situation in the state. In case he reports that situation in the state is such that it is difficult to run state administration in accordance with the provisions of the constitution, a proclamation of emergency is made by the President, by which administration of the state is taken over by the President.

He makes appointments of all high positions in the state-like those of the Advocate General. He can call for any information from the Chief Minister. He also acts as a Chancellor all the universities located in the state.

Governor is supposed to be nominal head of the state, but he begins to play some important role in the executive field when there is no single political party with clear majority in the Assembly.

This is what happened during 1967 to 1972 when in some of the states there were coalition governments and defection politics was playing big role. It was in this situation that the Governor used his discretion as to who should be invited to form government.

In Rajasthan, Congress party leader Mohal Lal Sukhadia and Maharwal Laxman Singh, leader of some combined parties claimed their majority in the House and wanted to be invited to form government. At that time Dr. Sampurana Nand was Governor of the state. He invited Mohal Lal Sukhadia to form the Government as in his opinion, Singh could not give stable Government to the state.

Similarly Governor Hukum Singh also invited Mohal Lal Sukhadia and not Maharwal Laxman Singh to form the government when again both the leaders staked their claim to form government.

Similarly in 1970 both Gurnam Singh and Prakash Singh Badai staked their claims as leaders of the legislature party in Punjab Assembly and wanted to be invited to form government. Governor D.C. Pivate accepted the claim of Prakash Singh Badal and invited him to form the government.

Then came U.P. In that state some political parties combined together elected Girdhari Lal as their leader. He approached the Governor to be invited to form the government. Against him was the claim of B.K.D leader, Charan Singh. The Governor decided to invite the latter as in his opinion he alone could give stable government to the state.

In Bihar also a similar situation developed in December, 1970, when Daroga Rai Ministry went out of power.

At that time both Karpoori Thakur and Bhola Paswan Shastri staked their claims and each one wanted to be invited to form the government Each asserted that he had the support of majority of MLAs in the state. But Governor did not accept the claim of Bhola Paswan Shastri and invited Karpoori Thakur to form government in the state.

The decision of the Governor in regard to inviting a person to form the government is final and cannot be challenged in any court of law. In 1967 West Bengal Governor decided to invite Dr. P.C Ghosh to form government, after he had dismissed Chief Minister Ajoy Mukherjee. The latter challenged the decision of the Governor in the High Court.

But the court did not agree with the petitioners and set aside the petition. Similarly in 1970 Allahabad High Court and subsequently Supreme Court did not accept a writ petition challenging the decision of U.P. Governor inviting T.N. Singh to form government, as he was an outsider. The Court held that Governor was the best judge to decide as to who should be invited to form government.

Legislative Powers:

Governor of a state is an integral part of state legislature, though not a member of either House. He summons and prorogues the legislature and dissolves state legislative Assembly.

He addresses state legislature at the commencement of the new session after each general election as well as budget session every year. In his address he outlines policies and programmes which the state government proposes to follow in the ensuing year for the betterment of the people.

He is fully empowered to send messages to the state legislature on a matter pending before it or otherwise. In a state where there is Legislative Council he nominates 1/6 of the members from among the persons who have excelled in any field of art, literature, social service, etc.

He also nominates some members of Anglo-Indian community in the state Assembly, if he is satisfied that that community has not been properly represented. All bills approved by the state legislature must receive his assent before these can go to the statute book.

The Governor is fully empowered to withhold his assent except, of course, in the case of money bills and return the same to the legislature for its reconsideration. If, of course, the Assembly on reconsideration passes the Bill in the form in which it was originally passed, the Governor must give his consent to that.

There are certain types of Bills which the Governor can withhold for the assent of the President. These include bills dealing with the acquisition of the private property, etc. Whether a person has disqualified himself to become a member of the Assembly or not, final decision is to be taken by the Governor, of course, in consultation with the Election Commission.

When the office of Speaker and Deputy Speaker and similarly that of the Chairman and Deputy Chairman falls vacant simultaneously, he appoints a member of the House concerned to preside over its meetings for a transitory period, till proper and regular arrangements are made.

But one important power which the Governor enjoys is when the state legislature is not in session. The Governor has the power at that time to issue ordinances. These have same force as any law passed by the state legislature, during the period of its operation.

These remain in force for a period of 6 months even after the re-assembly of state legislature. There are several regular commissions like the State Public Service Commissions and from time to time several commissions are appointed by the state government, reports of all these commissions are sent to him and he causes them to be laid on the Table of the House.

It is, of course, within the discretionary powers of the Governor to call or not to call the Assembly to session. No difficulty is posed when Chief Minister enjoys absolute majority in the lower House and is prepared to summon an Assembly session as and when asked to do so.

But this becomes important when the Chief Minister has doubt about his position and wants to gain time to win over more M.L.As. who could support him, so that he could save his position.

In the states, Governors have several times used their discretion in summoning and proroguing the Assembly or adjourning it sine die. In other words this discretionary power of the Governor assumes great significance when there is political instability in the state.

As and when the Governor is in doubt about Chief Minister's majority, he can ask him to summon an Assembly session by a fixed date. In case there is any delay that can mean that Chief Minister is using delaying tactics and is either not in majority or has lost majority support or is in doubt about his majority.

In the words of Singhvi, **“Notwithstanding any difference of opinion with the Chief Minister and the Council of Ministers the Governor is entitled to summon the House to meet at such time and place as he thinks fit and he can justifiably treat this as a matter in which he is required to act in his discretion under the constitution.”**

In 1967, West Bengal Governor Dharam Vira, asked Chief Minister Ajoy Mukerjee to convene the Assembly by 23rd November, 1967, to prove his majority. When Mukerjee showed his reluctance, the Governor dismissed the Ministry and invited Dr. P.C. Ghosh to form ministry.

Similarly the Governor of Orissa asked Chief Minister R.N. Singh Deo in December 1970 to prove his strength on the floor of the House after he had been informed that Hare Krishna Mehtab had withdrawn his support. He fixed the date of session on January 15, 1971.

In 1995, Ms. Mayavati wanted some more time to prove her majority in the House but Governor Motilal Vora did not agree to that. In this connection it may be pointed out that though normally convening date for Assembly sessions is suggested by the Chief Ministers, yet in such circumstances when political situation is fluid and MLAs are changing their loyalties, the Governor uses his discretion.

In some cases when there was a demand and also clear indication that a Chief Minister had lost confidence of the House and Assembly session should be called, the Governors declined to summon Assembly session.

In Haryana, Governor B.N. Chakravarty did not ask Chief Minister Rao Birendra Singh to summon Assembly and face that for trial of strength, though his majority was in doubt. In 1970, Chief Minister Bansilal lost the majority of the House, due to large scale defections, but Governor B.N. Chakravarty did not summon the Assembly.

In September, 1970, U.P. Governor, B. Gopala Reddy felt that Chief Minister, Charan Singh, had lost confidence of the Assembly. He dismissed the Ministry without calling Assembly, though the Chief Minister was very much prepared to face the House.

In 1995, after the removal of Mayawati government in U.P. the Assembly was kept in a state of animation during which period B.J.P. and other political parties informed Governor Moti Lal Vora that these were in a position to form the government. But he felt that no party could provide stable government. He, therefore, invited no party to formed the government and recommended its dissolution.

Similarly the Governor has the power to prorogue the Assembly. Though again normally this is done in consultation with and on the advice of the Chief Minister, yet in peculiar circumstances proroguing can help him, particularly at time when he seems to be losing the confidence of the House.

In Madhya Pradesh Governor. K.C. Reddy, on the advice of Chief Minister D.P. Mishra suddenly prorogued the House, to save the Congress Ministry. At that time some Congress legislators had left the party, reducing the government to minority.

But one very important power with the Governor is that of making recommendation to the President that it is not possible to run state administration in accordance with the constitution. This has received wide criticism.

It is alleged by many Chief Minister that in this regard discretionary powers vested in the Governor have not been properly used. The Governors, in very many cases, report in the manner, in which the central authorities wish them to report.

The Governors in several states have dissolved state Assemblies in their discretion, because so far no guidelines have been evolved about the dissolution of Assemblies. Normally, however, it is expected that the Assembly should be dissolved on the recommendations of the Chief Minister.

But Governor uses his discretion when the Chief Minister has lost the confidence of the House and there is no possibility of a stable government or when serious law and order situation has arisen in the state and the state government has failed to tackle that or when the Governor is of the view that rights and interests of scheduled castes, scheduled tribes and other backward classes are not being fully protected.

In 1971, Madras Legislative Assembly was dissolved on the advice of Chief Minister Karunanidhi and that of Punjab on the advice of Chief Minister Prakash Singh Badal. In 1973, Orissa Governor dissolved state Assembly on the advice of Chief Minister Mrs. Nandini Satpathy, without providing an opportunity to opposition leaders to prove their strength and this was resented by the High Court.

In 1968, Governor Dharam Vira recommended President's rule in West Bengal when he was satisfied that no stable government could be formed in the state and so happened in Rajasthan, when leader of the Congress party Mohan Lai Sukhadia declined to form government after Fourth General Elections.

In 1967, Governor Private recommended President rule when he found that neither of the party leaders was in a position to form a government.

In 1968, when U.P. Governor found that neither C. B. Gupta nor Harish Chandra, two leaders staking their claims for the formation of government, could give stable government to the state, he recommended dissolution of the House.

In March 1973, Governor B. K. Nehni suggested imposition of President's rule in Manipur. But in 1974 Governor of Gujarat did not send his report to the President for the dissolution of State Assembly, though the situation in the state had been so much worsened that army had been called to assist the civil authorities for the maintenance of law and order.

Though it is discretionary power of the Governor to recommend to the President about the imposition of President's rule in the state yet he is to take some factors into consideration.

These are:

- (1) The Governor should accept the advice of only the Chief Minister, who enjoys the confidence of the House and not of the one who has lost confidence of the House.
- (2) That other leader or leaders have been provided an opportunity to prove their strength on the floor of the House thus ensuring that they cannot provide stable government.
- (3) That the action of the Governor does not appear to be partial, meaning thereby that he is in no way making an attempt to save one political party or the other.
- (4) That there is equally no undue delay in the formation of a stable Ministry so that progress of the state does not suffer due to lack of decision making process at the political level.

Financial Powers:

As executive head of the State, Governor has certain financial powers. It is duty and constitutional obligation of the Governor to cause the statement of income and expenditure for the year to be laid on the Table of the House.

Every demand for grant must be made with the recommendation of the Governor. In the State budget there is a provision for unforeseen expenses. The Governor is authorised to spend these at his direction.

The salaries and allowances of judges of the High Court and the Chairman and members of the State Public Service Commission are also non- votable. These are placed at the disposal of the Governor. In financial matters, however, power of the Governor is somewhat restricted in one sense. He cannot return a financial bill for the reconsideration of the House. Every financial bill presented to him must be consented.

MCQ

1. "Parliamentary Government" is also known as....

- (A) Cabinet Government
- (B) Responsible Government
- (C) Westminster forms of government
- (D) All of the above

2. Which of the following characteristics is not related to Parliamentary Government?

- (A) Resolution of lower house
- (B) Collective liability
- (C) Leadership of the Prime Minister
- (D) Single Executive

3. Which of the following is not the merit of the Presidential System?

- (A) Permanent Government
- (B) Confirmation in policies
- (C) Limited Representation
- (D) Government by experts

4. Which of the following is a demerit of the Parliamentary System?

- (A) Compressed representation
- (B) Uncertainty of policies
- (C) Temporary Government
- (D) All of the above

5. Which of the following statements is not correct?

- (A) According to the 42nd and the 44th amendment, it is compulsory for president to comply with the advice of the Council of Ministers.

(B) Presidential System is based on double executive.

(C) According to the Article 74 the Council of Ministers works under the leadership of the Prime Minister.

(D) Article 74 and 75 provides parliamentary system in the center.