

# Executive

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# Executive

- ▶ **The second most powerful organ of the government is the executive**
- ▶ **It implements the laws which is passed by the legislatures**
- ▶ **The rise of welfare state has increased the functions of Executive**

# Meaning of Executive

- ▶ **The term 'Executive' has been defined both in its broad and narrow forms**
- ▶ **In broad form, it means political executive and permanent executive**
- ▶ **In its narrow form it means political executive**
- ▶ **Traditionally only the narrow meaning used to be accepted by the political scientist**
- ▶ **In modern times the executive is defined as in its broader form and it covers both the political and civil executive**

# Definition

- ▶ **Dr. Garner “In a broad and collective sense, the executive organ embraces the aggregate or totality of all the functionaries and agencies which are concerned with the state as that will has been formulated and expressed in terms of law.”**

# Continu....

- ▶ **Gettell “In its broadest sense, the executive department officials expect those acting in legislative or judicial capacity. It includes all the agencies of government that are concerned with the execution of states will as expressed in terms of law.”**

# Functions of Executive

- ▶ **Enforcement of Laws**
- ▶ **Appointment making functions**
- ▶ **Treaty making Functions**
- ▶ **Defense, war and peace Functions**
- ▶ **Foreign policy making and the conduct of Foreign Relations**
- ▶ **Policy making**
- ▶ **Law making Functions**
- ▶ **Delegated Legislation**
- ▶ **Financial Functions**
- ▶ **Semi judicial Functions**
- ▶ **Grant of Titles and Honours**

# Types of Executive

- ▶ **Nominal and Real Executives**
- ▶ **Hereditary and Elected Executives**
- ▶ **Single and Plural Executives**
- ▶ **Parliamentary and Presidential Executives**

# Nominal and Real Executives

- ▶ **It is not responsible for its actions as these are performed in its name by the real executive**
- ▶ **The Real executive is responsible for all the actions of the nominal executive**
- ▶ **The Nominal executive is the ceremonial and dignified part of the executive, whereas the real executive is its powerful part**

# Hereditary and Elected Executives

- ▶ **When the executive assumes office by the law of hereditary succession, it is called the hereditary executive**
- ▶ **When the executive is directly or indirectly elected by the people for a fixed period or even for life, it is called the elected executive.**
- ▶ **In UK, Japan and Malaysia there are hereditary chief executive**
- ▶ **In India, USA, Germany and many other states there are elected chief executives**

# Single Executive

- ▶ **When all the executive powers are in the hands of a single leader it is called a single executive**
- ▶ **In India , Britain, USA, Australia, France and many other states there are single executive**
- ▶ **In India all the executive powers are with the president of India.**
- ▶ **Under the US constitution, the executive powers are with the President of the US.**

# Plural Executive

- ▶ **When the executive powers are vested with a group of persons or in a committee or council or commission and these are collectively exercised by all the members of this commission, the executive is called the plural Executive**
- ▶ **In Switzerland all the executive powers have been given to the Federal Council which consist of 7 members collectively exercise all the executive powers.**

# Parliamentary Executive

- ▶ **A close relationship between legislature and executive and members of the executive are also members of the legislature**
- ▶ **The members of political executive is individually and collectively responsible before the legislature**
- ▶ **The tenure of the political executive is not fixed as it can be at any time removed by the legislature**
- ▶ **The legislative can be dissolved by the executive**

# Presidential Executive

- ▶ Separation of powers between the executive and the legislature
- ▶ The membership of the two organs is incompatible i.e. member of one cannot be member of the other
- ▶ The executive is not responsible to the legislature
- ▶ Neither can dissolve nor remove the other

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- ▶ **The parliamentary executives are in India, UK, Canada, New Zealand, Australia etc.**
  - ▶ **In the USA the executive is presidential.**
  - ▶ **In France there is a mixture of these two forms of executive**

