

Executive

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Executive

- ▶ The second most **powerful organ** of the government is the executive (the presi. Has very imp. Powers. The president can **veto** laws passed by exe. , grant pardons and can negotiate, sign treaties on behalf of our country)
- ▶ It implements the laws which is passed by the legislatures
- ▶ The rise of **welfare state** has increased the functions of Executive (Indian const. **part IV** reflects India is welfare state) **National Food Security Act, 2013**, food grains provide in **subsidary rate, eco , social well being of citizens.**
- ▶ In contemporary times, there has taken place a big increase in the power and role of the exe. In every state.

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, who head the government departments, formulate the policies and supervise the implementation of the laws and policies of the government.
- ▶ 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.”**

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- ▶ **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.”**

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- ▶ These two defn. make it clear that executive includes the political exe. (ministers and head of the state) and the non-political permanent exe. (civil service or Bureaucracy)
 - ▶ The political exe. Performs the function of making policies and ensuring that all the laws are properly enforced by all the depart. Of the govt.
 - ▶ The permanent exe. Runs the day to day administration and works in govt. dept.s . It works under the supervision and control of the political exe.

Two Parts of Executive

- ▶ 1 The Political Exe. (ministers)-
- ▶ It consists of **the exe. Head** of the state and other heads of the exe. Depts. Is ministers
- ▶ Ministers **are political leaders** and they are mostly **elected** representatives of the people and responsible for all their decisions and policies before the public
- ▶ It work for a fixed tenure of about **5** years.
- ▶ It acts as a **temporary exe.** In the sense that it changes **after every election.**
- ▶ **They can again become ministers only when the party to** which they belong returns to power as the majority party.

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- ▶ The ministers are amateurs, non-experts, and non-professionals.
 - ▶ Their function is to formulate policies and get these policies and laws approved from the Legislature.
 - ▶ Thereafter these policies and laws of the state are implemented by the civil servants, who work under the control of the pol. Exe.

The Non-political Exe.

- ▶ It consists of the **civil servants** from the lowest to the highest levels.
- ▶ It carries out the **day to day** administration by working in the government departments.
- ▶ They are **politically neutral**. They do not **owe allegiance to any political party**.
- ▶ Their job is to **carry out the laws and policies of the govt.** Without any political considerations.
- ▶ They are specially **educated and trained persons**. They are **experts** and professionals.
- ▶ They give **expert advice and opinion as well as** collect, and present data to the political executive. On the basis of which the latter takes all decisions.
- ▶ Once appointed, the civil servants **remain in office** till the attainment of their retirement age, usually up to **age of 55 or 60 years**.



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**

Enforcement of Laws

- ▶ The primary function of exe. Is to **enforce laws** and to maintain law and order in the state.
- ▶ Whenever **a breach of law takes** place, it is the responsibility of the ex. To plug the breach and bring the **offenders** to book.
- ▶ Each govt. dept. is responsible for **the implementation of the laws and policies concerning its work.**
- ▶ For maintaining law and order in the state , the exe. Organizes and maintains the **police force.**
- ▶ Execution of laws, judicial decisions, maintains of law and order, policy formation, appointments and promotion (suspension of civil servants)

Appointment – making Functions-

- ▶ All major app. Are made by the chief exe. As for ex,
- ▶ The **president** of India appoints the **Chief Justice** and other Judges of the SC and HC
- ▶ **Ambassadors, Advocate General of India, Members of UPSC, Governors of States** etc.
- ▶ The President of the US makes a very large number of key appt. all the **secretaries** who head various govt. depts. , **judges of the SC and other federal courts, the federal officials in the states** etc.
- ▶ All such appointments require the **approval of the US Senate**
- ▶ So app. Making is a function of the exe.

Treaty Making Function

- ▶ It is the responsibility of the exe. To **decide as to which treaties are to be signed with which other countries.**
- ▶ The exe. **Negotiates** the treaties in accordance with the procedure defined by **international law** and also in accordance with the provisions the constitution of the state.
- ▶ Each treaty is **signed by a member** of the exe. Most of the treaties also require ratification by the **legi.** Of the state.
- ▶ It is again the responsibility of the exe. **To secure legislative approval for the treaties signed by it.**
- ▶ Indian – panchshhel, simla pact , indus water treaty, Lahore declaration, Indo- US neculer energy pact etc, INDIA _ RUSSIA _ DEFENSE SECURITY pact

Defense, War and Peace Functions

- ▶ One of the key functions of the state is to **defend and preserve the unity and integrity** of the country and protect it in the event of **an external aggression or war**.
- ▶ It is the responsibility of the exe. To undertake this work
- ▶ To **organize military for the defense of the state**, to prepare for and fight the war, if it becomes necessary and **to negotiate and sign** peace settlement after every war,
- ▶ The exe. Is the **final judge of the nature of the threat to the security of the country**
- ▶ It has the prime responsibility to **take all such steps** as are needed in the **interest of the security and integrity** of the state.
- ▶ The chief exe. Of the state is also **the supreme commander of the armed forces of the state. CDS**

Foreign Policy making and the conduct of foreign relations

- ▶ In this age of **ever-increasing global interdependence**, it has become one of the most imp. Functions of a government to **formulate the foreign policy of the state**
- ▶ Exe. Formulates the goals of national interests and fixes the priorities.
- ▶ It first formulates the foreign policy of the **nation** and then **implements** it for securing the defined goals of national interest
- ▶ The exe. **Appoints the ambassadors** of the state to other states.
- ▶ Look east policy, Gujral doctrine, NO, NPT, N-ALIGNMENT

Policy -Making

- ▶ Modern welfare state has to carry out a large no. of functions for securing **the socio economic cultural development** of its people.
- ▶ It has to **formulate policies, prepare short term and long term plans** and implements these.
- ▶ Policy is a set of principles adopted by policymakers as a guideline to achieve certain outcomes
- ▶ **All actions of the state** are guided by definite policies and plans.
- ▶ So in this way carries out its objective of **promoting the welfare of state**
- ▶ **Educational, Industrial , Economic, trade and commerce, defense, security, development, Health, Environmental**

Functions relating to Law Making

- ▶ It is primary functions of legislature. However the exe. Also plays a role in law making
- ▶ In parliamentary, **the ministers** are also members of the legislature and they play a leading role in law making
- ▶ Most of the **bills for legislation** are introduced and piloted by them in the legi.
- ▶ Most of the time of the legi. Is spent in **passing the govt. bills**
- ▶ The bills passed by the legi. Become laws only after these are signed by the Head of the state
- ▶ Ex. To **summon and provoke the hpuse** (dissolve lower house)
- ▶ **Promulgation of ordinance** (Mh govt OBC reservation 27% in LSG SC rejected)

Law-making under Delegated Legislation

- ▶ This system has considerably increased the law-making role of the exe.
- ▶ Under this system the legi. Delegates some of its law making powers to the exe.
- ▶ The exe. Then makes rules on the basis of these powers.
- ▶ The amount of delegated legi. Made by the exe. Far out-weighs the laws passed by the legi
- ▶ Ex. Ordinance, by-laws, GR , ACT

Financial

- ▶ It is the legi. Which is the **custodian of all finances**
- ▶ It has the power **to impose , reduce or eliminate a tax.**
- ▶ It has the responsibility **to prepare the budget**
- ▶ It proposes the **levy of new taxes** or changes in tax structure and administration
- ▶ It collects and spends the money **a sanctioned by the legi.**
- ▶ It formulates **all economic policies and plans**
- ▶ It takes suitable measures for regulating the production and **distribution of goods, money supply, prices** and exports and imports
- ▶ It contracts loans, negotiates foreign aid and maintains the **financial credibility of the state.**

Some semi-Judicial Functions

- ▶ The **appointment of judges** by the exe. Is regarded as the best method for ensuring the independence of judiciary
- ▶ In almost all democratic systems, **the chief exe.** Has the power to appoint judges
- ▶ He has the right to **pardon, reprieve and amnesty to criminals'** (pardon)
- ▶ Under the system of **administrative adjudication**, the exe. Agencies have the power **to hear and decide cases** involving particular fields of administrative activity

Grant of Titles and Honors

- ▶ Grant titles and honors to the people in recognition of their **meritorious services to the nation**
- ▶ Such persons who do commendable work in their respective **art, science, literature** are granted titles by the exe.
- ▶ It also grants titles to **such defense personnel** who show exemplary courage and devotion to duty during war or peace
- ▶ Even ordinary citizens are granted honors in recognition of their meritorious work for the society
- ▶ Bharat Ratna, Arjun, National , padmabhushan , padmavibhushan. Etc.

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**

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- ▶ The difference bet. The nominal and real exe. Is made only in a parliamentary system of govt.
 - ▶ In it, the head of the state, the president or the monarch, is the nominal exe. And the council -----
 - ▶ All the powers are legally the powers of the nominal exe. But in practice these are exercised by the real exe.
 - ▶ The nominal exe. Is not responsible for its actions as these are performed in its name by the real exe.

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 power are in the hands of a single leader it is called a single executive**
- ▶ **In India , Britan, 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**
- ▶ **When the exe. Consists of more than one individual**
- ▶ **In Switzerland all the executive powers have been given to the Federal Council which consist of 7 members collectively exercise all the executive powers.**

conclusion

- ▶ Swiss Federal exe. Is neither parliamentary nor presidential . It is a collegial body of 7 members who serve as countys supreme exe. And governing authority
- ▶ Swiss federal council stands outside party, is not chosen to do party work, does not determine party policy, by Lord Bryce
- ▶ The 7 members of the Federal Council are currently recruited from 4 parties- two each from Radical Democrats, the Christian Democrats and the Social Democrats and one from Swiss People's party

Plural Exe. In the USSR

- ▶ USSR is a one-party totalitarian state, and all institutions are under the nomination of the communist party . They followed plural exe. System
- ▶ **The one IMP facts to be remembered:**
- ▶ It is imp. To note that the USSR is a one party state in which there is no scope for any opposition.
- ▶ In 1989-90 Mikhail Gorbachev took steps to give liberty of Russians and free them from totalitarian control.

Advantages of Plural Executive

- ▶ There is mutual confidence and cooperation bet. The legi. And exe.
- ▶ One single majority party in legi. Or two or more parties who agree to work out a common political programme so wont be any opposition
- ▶ They are non-partisan body and their role is not only to advice and influence the Federal Assembly but also to mediate when need arises
- ▶ Permance and stability, secure a continuity in policy

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**

Dictatorship

- ▶ When the entire powers of the nation are in the hands of one person, it is called Dictatorship
- ▶ The dictator wields power with the help of a particular party or army and later on he becomes all in all in that country
- ▶ After WW II (1939-45) Germany and Italy were defeated and the dictatorship came to an end. Today democratic govts. Are functioning there
- ▶ In Spain , General Franco established his dictatorship
- ▶ In Soviet union , China, Czechoslovakia, Hungary, Romania, Bulgaria and Yugoslavia, the dictatorship of the communist party has been established and no opposition party can be formed there.