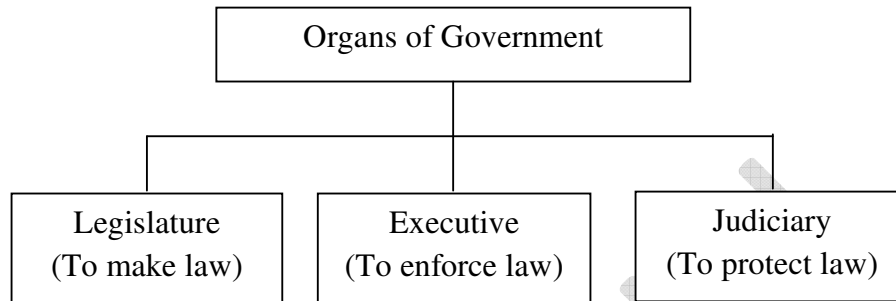


CHAPTER - IV

EXECUTIVE



EXECUTIVE

Main branch of government is executive. Responsible for the implementation of law and policies passed by the legislature is called executive.

TYPES OF EXECUTIVE

There are six types of executive.

1. SINGLE EXECUTIVE, PLURAL EXECUTIVE

The executive authority is vested in a single person it is called single executive.

E.g. Indian Prime Minister, American President

The executive authority is vested in number of person is called plural executive.

E.g. Switzerland (The executive power is handled by 7 members)

2. NOMINAL EXECUTIVE AND REAL EXECUTIVE

Nominal executive is the head of state, who exercise only nominal power is called nominal executive.

E.g. Indian President

Real executive is the head of government, who exercise real power is called real executive.

E.g. Indian Prime Minister

3. PARLIAMENTARY EXECUTIVE AND PRESIDENTIAL EXECUTIVE

In a parliamentary executive, there are two important post like head of state and head of government. These two posts are handled by two different person. Such type of executive is parliamentary executive.

E.g. India, Britain, Germany, Italy

Presidential executive there are two important posts like head of state and head of government. These two posts are handled by one person only. Such type of executive is presidential executive.

E.g. America, Brazil

4 (a) HEREDITARY EXECUTIVE

In a hereditary system the monarch remains in his office still his death. After his death his elder son step into the office.

(b) ELECTIVE EXECUTIVE

If the chief executive is elected either directly or indirectly is called elective executive.

E.g. Indian President, USA President

(c) APPOINTIVE EXECUTIVE

If the executive is appointed by a superior authority is called appointive executive.

E.g. Governor is appointed by president.

5. POLITICAL EXECUTIVE AND PERMANENT EXECUTIVE

If the executive of a country is elected for a definite period is called political executive.

E.g. Government

If the executive of a country is appointed for permanent such executive is called permanent executive.

E.g. Civil service

6. SEMI-PRESIDENTIAL EXECUTIVE

In a semi-presidential executive the president and prime minister share equal power. Such type of executive is called semi-presidential executive.

E.g. France, Russia, Sri Lanka

CENTRAL EXECUTIVE AND STATE EXECUTIVE

1. President
2. Vice president
3. Prime Minister
4. Council of Ministers

State Executive

1. Governor
2. Chief Minister
3. State Minister

1. PRESIDENT

- Article 52 deals with president
- He has only nominal power
- President is the head of state

QUALIFICATION TO BE AN INDIAN PRESIDENT

- He should be an Indian citizen
- He should complete at the age of 35
- He doesn't carry any job under central or state government
- He should have the qualification to elect in Lok Sabha

ELECTION OF PRESIDENT

The president of India is elected by electoral college. They are MLAs and MPs (electoral college) (from all state legislative assembly, all MP from Lok Sabha and Rajya Sabha)

REMOVAL OF PRESIDENT

President can be removed from the post in case of the violation of constitution arises. This process is called impeachment.

POWER AND FUNCTION OF INDIAN PRESIDENT

- Legislative power
- Executive power
- Judicial power
- Financial power
- Emergency power

1. LEGISLATIVE POWER OF PRESIDENT

- Parliament submit always begins with opening address of Indian president.
- There is urgent law is needed while the prime minister recommended to president to announce the law. It is called ordinance. The duration is only 6 months.
- President signature is essential to implement a law in our nation.

2. EXECUTIVE POWER OF PRESIDENT

- To appoint judges of Supreme Court and High Court.
- To appoint state governors.
- To appoint the election commissioner of India.
- To appoint prime minister and council of ministers.
- To appoint high officials of military.
- To appoint diplomatic officials.

3. JUDICIAL POWER

1. President have the power to increase or decrease the imprisonment period of a criminal.
2. A prisoner can gave a mercy petition to the president and the president can gave pardon to the prisoner.

4. FINANCIAL POWER

1. Financial minister can present the budget only after asking the opinion of president.
2. The president appoint the finance commissioner.

5. EMERGENCY POWER

There are three types of emergency power for Indian president. They are:

Article 352 – National emergency

Article 356 – State emergency (Presidential rule)

Article 360 – Financial emergency

National Emergency (Article 352)

President can declare national emergency in the case of civil war and external aggression.

State Emergency (Article 356)

The president can declare state emergency in the case of ruling party lost its majority.

Financial Emergency (Article 360)

If India faces economic crisis the president can declare financial emergencies.

2. VICE PRESIDENT

Article 63 deals with vice president of Indian constitution.

QUALIFICATION TO BE A VICE PRESIDENT

- He should be an Indian citizen.
- He should complete at the age of 35.
- He doesn't carry any job under central and state government.
- He should have the qualification to elect in Rajya Sabha.

ELECTION OF VICE PRESIDENT

The vice president is elected by electoral college (Electoral college consist of the MPs of Lok Sabha and Rajya Sabha).

POWER AND FUNCTIONS OF VICE PRESIDENT

- He is the ex-official chairman of Rajya Sabha.
- Vice president can act as president in the case of president's death, removal /resignation, disease, foreign visit, et. Until a new president is elected.

REMOVAL OF VICE PRESIDENT

- Vice president can be removed from the post in the case of violation of constitution (Approval of Lok Sabha and Rajya Sabha MPs are essential).
- Duration of Vice President is 5 years.

3. PRIME MINISTER

- Prime minister is the head of government.
- Prime minister is the real executive.
- Duration 5 years.
- Prime minister is appointed by president.
- Prime minister is the leader of the parliament.
- Prime minister is the leader of majority party.
- Prime minister deciding the cabinet meeting.
- Prime minister act as mediator between President and Council of ministers.

- Prime minister can organise ministry.
- Prime minister is the chairman of national development council (NDC)

4. COUNCIL OF MINISTERS

Council of ministers are classified into three:

1. Cabinet ministers
2. State ministers
3. Deputy ministers

CABINET MINISTERS

- It is a small group of senior ministers.
- Cabinet ministers deal very important department.

E.g. Finance, Home minister, defence, foreign.

STATE MINISTER

- They came under the cabinet minister.
- To assist the cabinet minister.

DEPUTY MINISTERS

- They are appointed to help the ministers.

Power and Functions of Council of Ministers

- To implement the law needed for the country.
- To maintain peace and security of nation.
- To implement welfare activity needed for the country.
- To maintain good relation among the country.
- To maintain universal peace and security.

CIVIL SERVICE (BUREAUCRACY, PERMANENT EXECUTIVE)

Skilled officials who work as permanent employees of the government are assigned the task of assisting ministers in formulating policies and laws implementing in the nation.

FUNCTIONS OF CIVIL SERVICE

- Helps to formulate laws.
- Civil service helps to make planning in the country.
- Helps to prepare budget.
- To recommend major suggestions to the ministers.

Different type of Civil Service

1. All India Service
2. Central Service
3. State Service

ALL INDIA SERVICE

- The officials who do their duty under central or state government in any part of India are called All India Service.
- They are elected through the exam conducted by Union Public Service Commission (UPSC)

E.g. IAS – Indian Administrative Service

IPS – Indian Police Service

IES – Indian Economic Service

CENTRAL SERVICE

- The officials who do their duty only under central government are called central service. They are elected through the exam conducted by UPSC.

E.g. Indian Railway Service (IRS)

Indian Foreign Service (IFS)

STATE SERVICE

- The officials who do their duty only under state government is called state service. They are elected through the exam conducted by Public Service Commission.

E.g. Police, Agriculture, Revenue, Panchayath, Village, etc.

DISCRETIONARY POWER OF PRESIDENT

- The prime minister should inform all the important matters to the president.
- Veto power of president.
- President may ask the report of the performance of government.
- President can reconsider the records or bill send by the prime minister.
- President can use discretionary power when no party gets majority.
- President can keep the bill pending without any time bound (pocket veto).

STATE EXECUTIVE

1. GOVERNOR

- He should be an Indian citizen
- He should complete the age of 35.
- Governor is appointed by president.
- Governor is the head of state.
- Raj Bhavan is the office of governor.
- Duration 5 years.

2. CHIEF MINISTER

- Chief Minister is the head of government.
- He is elected through the election by the people.
- Chief Minister is appointed by governor.
- Duration 5 years.

3. STATE MINISTERS

With the recommendation of chief ministers governor appoint ministers.