

THE ROLE OF THE EXECUTIVE IN LAW-MAKING AND PUBLIC POLICY

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Abstract

The executive is one of the three important organs of government and plays a significant role in the administration of the state. In modern democratic systems, the role of the executive has expanded beyond merely implementing laws. The executive now actively participates in law-making, policy formulation, financial administration, and governance. In India, the executive influences legislation through government bills, ordinance-making powers, delegated legislation, and policy decisions. Public policy is also largely shaped and implemented by the executive through ministries, administrative agencies, and government departments. This paper examines the role of the executive in law-making and public policy, its functions, powers, relationship with the legislature, and the challenges arising from increasing executive dominance in governance.

Keywords: *Executive, Law-Making, Public Policy, Legislature, Ordinance-Making, Delegated Legislation, Governance, Indian Constitution, Policy Formulation, Administrative Law, Parliamentary System, Executive Powers, Public Administration, Democratic Accountability, Welfare State.*

1. Introduction

The executive is the branch of government responsible for carrying out laws and administering the affairs of the state. In every democratic system, the executive performs a central role in governance because it is directly involved in implementing laws, maintaining public order, and ensuring effective administration. Traditionally, the legislature was regarded as the law-making body while the executive merely executed laws passed by the legislature.

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However, in modern welfare states, the role of the executive has expanded significantly due to increasing governmental responsibilities and complex administrative needs.

In countries with parliamentary systems such as India, the executive exercises considerable influence over the legislative process. The executive drafts bills, formulates public policies, prepares budgets, and even possesses ordinance-making powers during emergencies. With the rise of administrative governance and welfare policies, the executive has become the driving force behind public administration and policy implementation. Therefore, understanding the role of the executive in law-making and public policy is essential for understanding modern constitutional governance.

2. Meaning of Executive

The term “executive” refers to that branch of government which is responsible for enforcing laws and administering the policies of the state. In simple words, the executive executes and implements laws enacted by the legislature. The executive ensures the smooth functioning of government institutions and public administration.

In India, the executive consists of the President, Prime Minister, Council of Ministers, Governors, Chief Ministers, and civil servants. The executive can broadly be divided into two categories: political executive and permanent executive. The political executive includes elected representatives such as ministers who formulate policies and make political decisions. The permanent executive consists of civil servants and administrative officers who assist in policy implementation and administration.

The executive acts as the connecting link between the government and the people because it directly administers public welfare programmes and government policies.

3. Functions of the Executive

The executive performs several important functions necessary for effective governance and administration. These functions are administrative, legislative, financial, judicial, and policy-oriented in nature.

3.1 Administrative Functions

The primary function of the executive is administration. The executive implements laws passed by the legislature and ensures that government policies are properly enforced

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throughout the country. Administrative functions include maintaining law and order, supervising government departments, managing public services, and implementing welfare programmes.

The executive controls the machinery of administration through various ministries and departments. Civil servants, police officials, and administrative authorities work under the direction of the executive. Effective administration is essential for maintaining stability and development in the country.

3.2 Legislative Functions

Although law-making is primarily the function of the legislature, the executive also performs important legislative functions. In modern governments, most laws are initiated and drafted by the executive because ministers and administrative experts possess technical knowledge and policy expertise.

The executive introduces government bills in Parliament, participates in legislative debates, and influences the legislative agenda. It also exercises ordinance-making powers and delegated legislation powers. As a result, the executive has become a major participant in the legislative process.

3.3 Financial Functions

The executive plays a crucial role in financial administration. It prepares the annual budget, manages taxation, controls public expenditure, and formulates economic policies. In India, the budget is prepared by the executive through the Ministry of Finance and presented in Parliament.

Financial bills and money bills can only be introduced with the recommendation of the executive. Therefore, economic governance and financial legislation are largely controlled by the executive branch.

3.4 Judicial Functions

Certain executive authorities perform quasi-judicial functions. Administrative tribunals and government agencies often resolve disputes related to taxation, labour laws, and public administration. The executive also exercises powers such as granting pardons, reprieves, and clemency in certain cases.

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Although the judiciary remains independent, executive authorities perform several functions that are judicial in nature.

3.5 Policy-Making Functions

One of the most important modern functions of the executive is policy-making. Public policies relating to health, education, environment, employment, defence, and economic development are formulated and implemented by the executive.

The Cabinet, ministries, and expert committees play a major role in identifying public problems and designing policies to address them. The executive therefore acts as the chief policy-making organ of the government.

4. Role of Executive in Law-Making

The executive plays a very important role in the law-making process. Although laws are formally enacted by the legislature, the executive exercises considerable influence over the entire legislative process.

4.1 Introduction of Bills

In parliamentary systems, most bills introduced in the legislature are government bills prepared by ministries and approved by the Cabinet. Ministers introduce these bills in Parliament and defend them during debates.

Government bills generally have a greater chance of being passed because the executive usually enjoys majority support in the legislature. Important legislation relating to finance, taxation, welfare, education, and constitutional amendments is often initiated by the executive.

Thus, the executive largely controls the legislative agenda and influences the direction of law-making.

4.2 Ordinance-Making Power

The executive possesses ordinance-making powers under the Constitution. In India, Article 123 empowers the President to promulgate ordinances when Parliament is not in session and immediate action is necessary. Similarly, Governors possess ordinance-making powers under Article 213.

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An ordinance has the same force as a law passed by Parliament, but it is temporary in nature and must be approved by the legislature within a prescribed time period.

The ordinance-making power allows the executive to respond quickly during emergencies or urgent situations. However, frequent use of ordinances has been criticized because it may bypass parliamentary debate and reduce legislative accountability.

4.3 Delegated Legislation

Modern governance is highly technical and complex. Therefore, the legislature often delegates certain law-making powers to the executive. This is known as delegated legislation.

Under delegated legislation, the executive is authorized to frame rules, regulations, notifications, and bye-laws to implement laws passed by the legislature. For example, environmental laws, taxation procedures, and administrative regulations are often framed by executive authorities.

Delegated legislation provides flexibility and saves legislative time. It also allows technical experts within the executive to make detailed regulations. However, excessive delegation may weaken parliamentary control and increase the risk of arbitrary executive action.

4.4 Financial Legislation

The executive exercises significant control over financial legislation. It prepares the Union Budget, proposes taxation measures, and determines government expenditure priorities.

Money bills can only be introduced with executive approval. Since financial resources are essential for implementing policies and programmes, financial control gives the executive substantial influence over governance and public policy.

5. Role of Executive in Public Policy

Public policy refers to the decisions and actions taken by the government to address public problems and achieve national objectives. The executive plays a central role in policy formulation, implementation, and evaluation.

5.1 Policy Formulation

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The executive identifies social, economic, and political problems and formulates policies to address them. Ministries, expert committees, bureaucrats, and advisors assist in drafting policy proposals.

For example, policies relating to education reforms, digital governance, healthcare, and economic development are primarily formulated by the executive. The Cabinet approves major policies before they are implemented.

Policy formulation requires research, consultation, planning, and coordination between different government departments.

5.2 Policy Implementation

The success of public policy depends largely on effective implementation. The executive implements policies through administrative machinery, civil servants, public agencies, and local authorities.

Government programmes related to employment, healthcare, infrastructure, and social welfare are administered by executive authorities. Efficient implementation ensures that public benefits reach citizens effectively.

5.3 Policy Evaluation

The executive also evaluates policies to determine their effectiveness and identify shortcomings. Monitoring and evaluation help the government improve existing policies and introduce necessary reforms.

Administrative reports, surveys, expert committees, and performance reviews assist the executive in assessing policy outcomes.

6. Relationship Between Executive and Legislature

In parliamentary democracies, the executive and legislature are closely interconnected. The Council of Ministers is collectively responsible to Parliament and remains in office only as long as it enjoys legislative support.

This relationship promotes coordination and accountability. The executive depends on the legislature for legal authority and financial approval, while the legislature depends on the executive for policy implementation.

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However, in practice, the executive often dominates the legislature due to party discipline and majority control. This may weaken parliamentary debates and reduce legislative independence.

7. Challenges of Executive Dominance

The increasing powers of the executive have raised several concerns regarding democratic governance and accountability.

7.1 Excessive Use of Ordinances

Frequent use of ordinance-making powers may undermine the role of the legislature. Laws made through ordinances bypass detailed parliamentary discussions and reduce democratic deliberation.

7.2 Weak Parliamentary Oversight

Strong political majorities and party discipline often limit effective legislative scrutiny of executive decisions. As a result, executive actions may escape proper accountability.

7.3 Bureaucratic Expansion

The growing role of administrative agencies and civil servants has increased bureaucratic power. Excessive bureaucracy may reduce transparency and create administrative inefficiency.

7.4 Political Influence in Policy-Making

Public policies may sometimes be influenced by political interests rather than public welfare. Political considerations can affect objective policy decisions.

8. Suggestions and Reforms

To maintain democratic balance, certain reforms are necessary.

Parliamentary committees and oversight mechanisms should be strengthened to ensure accountability of the executive. Ordinance-making powers should only be used in genuine emergencies. Delegated legislation should be subject to proper legislative review and transparency requirements.

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Public participation in policy-making should also be encouraged through consultations, expert recommendations, and citizen engagement. Administrative reforms and digital governance can further improve efficiency and transparency in executive functioning.

9. Conclusion

The executive plays a vital role in law-making and public policy in modern democratic states. Although the legislature formally enacts laws, the executive significantly influences legislation through bill drafting, ordinance-making, delegated legislation, and financial control.

In India, the executive has become the central institution of governance and public administration. It formulates policies, administers welfare programmes, manages finances, and ensures implementation of laws. While executive participation improves administrative efficiency and quick decision-making, excessive concentration of power may threaten democratic accountability and legislative independence.

Therefore, a balance between executive authority and legislative oversight is essential for maintaining constitutional governance, rule of law, and democratic values.

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