
SEPARATION OF POWERS IN CONSTITUTIONAL DEMOCRACIES: A COMPARATIVE STUDY OF INDIA AND THE UNITED STATES

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ABSTRACT

This paper examines the principle of separation of power as a fundamental element of constitutional democracies, with a comparative analysis of the United States and India. The main objective which is sought to be achieved by the application of this principle is prevention of concentration of power and the safeguarding democratic governance by distributing the powers among the three organs of the state namely, the legislature, the executive and the judiciary. However, the USA and India differ significantly in the application of this principle. The US Constitution adopts a relatively rigid approach which is supported by a system of checks and balances, while the Indian Constitution follows a relatively flexible approach which allows functional overlaps among the organs of the state. Through an analysis of the constitutional provisions and landmark cases, the paper evaluates how each system balances accountability, efficiency and prevention of authoritarianism. It argues that while the American model promotes clearer institutional boundaries, the Indian model reflects pragmatic governance suited to its socio-political context, demonstrating that effectiveness of a system ultimately depends on maintaining a balance between institutional independence and cooperative governance.

INTRODUCTION

In constitutional democracies such as the US and India, the Constitution functions as the supreme legal framework that both empowers and restrains the exercise of state authority. Its purpose is to keep power from being concentrated and to guarantee that government operations are still answerable to the people. It functions as a natural, dynamic framework that protects individual rights and natural justice in addition to serving as a legal guide for governance. Fundamentally, the Constitution serves as a check on the government, making sure that no organisation or person can gain unbridled authority that might result in tyranny.

The idea that the Constitution is a living organic document that is dynamic in nature and is always changing while upholding the idea that the people are the source of the government's power is reflected in the concept of constitutionalism. In such democracies the sovereignty lies with the people who are the ultimate source of power. The government, in this understanding, is merely a steward of that sovereign authority, and it exercises power only through the consent of the governed.¹

The separation of powers, or the segregation of governmental functions into three separate branches—legislative, executive, and judicial—is the mechanism that guarantees this balance of power. This divide serves to avoid an excessive concentration of power in one branch, which would otherwise result in abuse or authoritarianism. For the purpose of acting as mutual checks and balances, these three roles—creating laws, carrying out laws, and interpreting laws—are kept distinct. The legislature, which is in charge of passing laws, is not allowed to interpret or enforce them as doing so would give it complete authority. In a similar vein, the judiciary's view of legality must serve as a check on the administration, which is responsible for enforcing the laws, to ensure that it stays within the bounds of the constitution. Finally, in order to impartially settle conflicts and avoid any overreach by the other institutions, the judiciary—which interprets and applies the law—must continue to be independent.

This conceptual clarity paves the way for a comparative exploration of its constitutional basis and practical application in the U.S. and India. Accordingly, this research project will begin by looking at the theoretical underpinnings and development of the separation of powers theory. The constitutional underpinnings of this principle in the US and India will be examined next, and its practical application will be evaluated. In addition to highlighting the benefits and

¹ Tyagi, Karan. "The Doctrine Of Separation Of Powers And Its Relevance In Time of Coalition Politics." *The Indian Journal of Political Science*, vol. 69, no. 3, 2008, pp. 619–25. JSTOR, <<http://www.jstor.org/stable/41856450>> . Accessed 1 September. 2025.

limitations of the strict and flexible models of governance, the research project will look more closely at the ways that each system prevents authoritarianism and encourages accountability. Lastly, in order to guarantee a more equitable, responsible, and democratic use of state power, the project will suggest actions to improve the efficiency of the separation of powers in both nations.

HISTORICAL DEVELOPMENT AND EVOLUTION OF THE DOCTRINE OF SEPARATION OF POWERS

Early development of the Doctrine

The concept of separation of powers was historically developed in reaction to autocratic governance, in which kings consolidated all power in their own hands. Its philosophical origins can be found in ancient Greece and the Roman Republic, when early intellectuals understood the need to divide up official duties in order to guard against abuse of authority. In his foundational work, *The Politics*, Aristotle stressed that three essential components must be present for a state to be effective: one that administers policies, one that debates public problems, and a third that decides disputes.

Philosophers like John Locke and Jean Bodin developed these concepts further in the centuries that followed. Bodin did not specifically refer to the philosophy, but his emphasis on striking a balance between authority and liberty subtly promoted its ideas. In *Two Treatises of Government* (1690), Locke made a clear case for the division of powers between the legislative and executive branches, emphasising the need to protect civil freedoms and prevent dictatorship.

Montesquieu and the Modern Doctrine of Separation of Powers

An absolute monarchy ruled France throughout the 18th century, with King Louis XIV serving as a symbol of authoritarian control. His administration was characterised by arbitrary decisions that left little room for the people's rights and freedoms. Montesquieu developed his theory of separation of powers in this setting, influenced by liberal ideas, John Locke's writings, and the British Constitution. In his seminal work *De L'esprit des Lois* (*The Spirit of Laws*, 1748), French lawyer and political philosopher Montesquieu gave the theory and explained it in great detail. The word "Trias Politica" was coined by Montesquieu, who is frequently credited as the doctrine's contemporary proponent, to describe the necessity of checks and balances between the various parts of government. Using the analogy of a three-legged stool, he demonstrated this idea. For the system to work properly, each leg—which stands in for the

legislative, the executive branch, and the judiciary—must continue to be strong and balanced.²

Montesquieu cautioned against the concentration of power, observing that:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.”

Montesquieu believed that the only way to end tyranny was to distribute power across several branches in order to protect liberty. According to his idea, there should be checks and balances in place so that each arm of government may hold the others in check and prevent any one organ from growing too strong. In order to ensure that authority is shared and held accountable, this design avoided complete isolation in favour of controlled interaction.

Core Principles of this doctrine as developed by Montesquieu -

Independence: To maintain impartiality and fairness, each arm of government must operate independently, free from excessive intervention.

Checks and balances: The process by which each branch oversees and restrains the others to guarantee that constitutional limits are upheld is known as checks and balances.

Equilibrium: When branches operate together without going beyond their designated jurisdiction, there is a balance between cooperation and separation.

Despite being groundbreaking, Montesquieu's architecture has presented some difficulties in real-world applications. Since governmental duties frequently overlap and interdependence becomes essential for efficient administration, absolute separation of powers is rarely possible. Furthermore, because strict adherence to the idea may impede responsive government, especially during emergencies, the complexity of modern states necessitates some degree of flexibility. For example, the executive frequently needs more authority to act quickly in emergency situations like a national disaster or a public health crisis (like the COVID-19

² Ashutosh Acharya and Manindra Singh Hanspal, ‘Comparative analysis of separation of powers: Theoretical and practical insights from India’ (2025)7(1) *International Journal of Political Science and Governance* <<https://www.journalofpoliticalscience.com/uploads/archives/7-1-33-783.pdf>> accessed 03 September 2025.

pandemic). In these situations, prompt and efficient government may be impeded by a strict division of powers. To prevent long-term abuses of power, the checks and balances system makes sure that this increased authority is only transitory and subject to judicial and parliamentary review.

Furthermore, there is an increasing overlap between domestic and international law in today's globalised and interconnected society, necessitating cross-branch cooperation. The legislative must ratify international accords and treaties, the executive must negotiate them, and the court must interpret them. The traditional boundaries between the branches are often blurred, necessitating a more flexible interpretation of separation of powers.³

Political polarisation has presented difficulties for the ideology as well. The efficient operation of checks and balances can be hindered in nations such as the United States, where party lines significantly split the branches. The legislature may have a propensity to neglect its responsibility to monitor the executive's actions when the same political party controls both the legislative and executive departments. However, excessive division among the branches can result in deadlock, where crucial legislation and policies are delayed due to a lack of collaboration.

Notwithstanding these drawbacks, Montesquieu's theory continues to be a pillar of constitutional philosophy, significantly influencing the structure of democratic nations worldwide. His theory is still applicable today because it firmly establishes the values of liberty and constraint at the core of governance, serving as a reminder that the maintenance of freedom depends on the prudent allocation and control of power.

Separation of Powers and the Principle of Checks and Balances

This concept ensures that no one branch of government may operate in an uncontrolled or despotic way. The delicate balance of power within the government may be disrupted if one branch were to take control without supervision, which could eventually lead to a more serious institutional crisis. Many nations' political and constitutional structures are based on the principle of separation of powers, which was created expressly to allow for greater scrutiny of each branch while maintaining its independence. This system helps maintain balance in governance, protecting against any one department's overreach.⁴

The idea that, despite each branch of government having a unique duty, they are all essentially

³ B N Ray, *Comparative Constitutional Law* (Eastern Law House 2015).

⁴ R S Khare, *Separation of Powers in the United States and India: A Comparative Study* (LexisNexis 2014).

working towards the same objective of good governance is at the core of the checks and balances system. These branches must not function in isolation. To guarantee effective and accountable governance, they must instead cooperate and work together. Every department, including the legislative, executive, and judicial branches, plays a critical role in the state's overall governance, and system integrity depends on their cooperation.

Additionally, it is said that the separation of powers works best when paired with the checks and balances principle because they prevent authority from being concentrated in one area. The possibility of tyranny and arbitrary governance can be successfully reduced by encouraging collaboration between the branches and making sure that each makes wise decisions. In addition to ensuring monitoring, this integration of the concepts of checks and balances and division of powers promotes responsibility and responsible governance.

Furthermore, it is believed that the checks and balances principle and the separation of powers function best together since they keep power from being concentrated in one place. By promoting cooperation throughout the branches and ensuring that each makes informed judgements, the likelihood of tyranny and arbitrary rule can be effectively decreased. This blending of the ideas of checks and balances and the division of powers not only ensures monitoring but also encourages accountability and responsible government. This dynamic demonstrates why it is impractical to have complete division of powers. Collaboration and overlap are necessary for modern governance, but always within a framework that guards against overreach.

The interconnectedness of these two principles is not only a theoretical ideal but also a real requirement in contemporary constitutional democracies. Today's complicated governance necessitates quick reactions to problems like global pandemics, security concerns, and economic crises. The branches of government cannot function in complete isolation due to their complexity. In times of emergency, for example, the executive may need more authority, but this must be weighed against the judiciary's responsibility to make sure such powers are used in a way that is constitutional. By holding the executive branch responsible, the legislature in turn maintains oversight and stops any misuse of its short-term power.

This dynamic demonstrates why it is impractical to have complete division of powers. Even when branches share duties or infringe on one another's customary roles, the checks and balances system makes sure that there are safeguards in place to limit their authority. For example - the Indian courts can use judicial review to overturn laws or executive actions that

are unconstitutional, holding the legislative and executive branch responsible for adhering to constitutional norms. In this sense, the combination of checks and balances and the division of powers results in a system that allows the government to operate with flexibility while maintaining its commitment to constitutionalism.

In this way, the division of powers and checks and balances create a framework that permits the government to function freely while upholding its constitutionalist principles. Furthermore, it is even more important to maintain a strong system of checks and balances in a time when democratic values are being questioned more and more. Today's democracies are under strain from global power shifts, populist movements, and technological upheavals. Therefore, the concepts of checks and balances and division of powers must keep developing to make sure that no branch gains excessive authority and that government continues to be responsive to the needs of the populace.

SEPARATION OF POWER IN USA

Historical Development:

One of the most well-known ideas in constitutional law is the theory of separation of powers, which was deliberately embraced in the US to prevent the tyranny that the USA had endured under British rule. The Founders' intention to divide governmental power in a way that protects liberty and ensures efficient governance is reflected in the form of the Constitution. Federalism decided how power would be distributed between the states and the central government, whereas separation of powers decided who would exercise power inside the national government

The Declaration of Independence of 1776, which declared that all people have the inalienable rights to life, liberty, and the pursuit of happiness and that governments can only be legitimated with the consent of the governed, was a powerful statement of the concept of limited government. The moral basis for independence was established by the British Crown's failure to provide representation or defend colonial liberties. However, America had trouble establishing a functional political order after declaring its independence.

After being enacted in 1781, the Articles of Confederation essentially established a loose "league of friendship" between the states. The national Congress was left with very little power and no actual ability to execute rulings, while each state maintained its sovereignty. Disputes over tariffs, refusal by some states to apply laws to outsiders, and the inability to amend the Articles without unanimous consent created instability. The new nation appeared more like

thirteen separate countries tied together by military necessity than a unified political body. Internal divisions and economic distress after the Revolution exposed the inadequacy of the existing framework.

Recognizing the need for a stronger federal system, Congress convened the Constitutional Convention in 1787. Although initially instructed to amend the Articles, the delegates quickly resolved to design an entirely new form of government. Figures such as George Washington, James Madison, Alexander Hamilton, and Benjamin Franklin led this effort, guided by the principles articulated in the Declaration of Independence. The resulting Constitution, adopted in the same year, represented a revolutionary reordering of political authority.

Constitutional Framework

The principles of the Revolution were reaffirmed in the Constitution's Preamble, which pledged to "form a more perfect Union," "establish Justice," and "secure the Blessings of Liberty." By adopting Montesquieu's idea of separation of powers, the Framers made sure that the legislative, executive, and judicial departments of government each had an equal share of political power. In addition to having specific roles, each branch had systems in place to monitor the others. The purpose of this system of checks and balances was to protect the people's freedom from capricious authority and to stop any one branch from becoming overbearing. As a result, the US Constitution balanced individual liberty with efficient government.

Article I⁵ - A bicameral Congress, consisting of the Senate and the House of Representatives, is granted "all legislative powers" by Article I, which creates the legislative branch. As the nation's primary legislative body, Congress has the authority to enact laws, control commerce, impose taxes, declare war, build and finance armies, and allocate funds for public uses. Apart from enacting laws, it also carries out important supervision duties like overturning vetoes made by the president, validating executive appointments, and using the impeachment power. This guarantees that Congress stays within the bounds of the constitution and only exercises powers "herein granted," even while it represents the will of the people through elected representatives.

Article II⁶ - The executive branch is established under Article II and is headed by a single president. Influenced by George Washington's leadership, the Framers envisioned a presidency

⁵ United States. Constitution art. I.

⁶ United States. Constitution art. II.

that combined accountability and strength. A unitary executive was necessary for the efficient enforcement of the law and the protection of liberty, as Hamilton contended in *The Federalist* No. 70. As commander-in-chief, the president's duties include faithfully carrying out the law, selecting judges and officials, signing or vetoing legislation, and participating in international diplomacy. Although the president's independence guarantees decisiveness, it is counterbalanced by congressional checks and balances, including the ability to overrule vetoes, regulate military spending, and impeach the president for wrongdoing. This balance reflects the Framers' determination to create an executive powerful enough to govern, but not powerful enough to dominate.

Article III⁷ - The judicial branch is established by Article III of the Constitution, which grants authority to "one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." Since the judiciary is meant to operate independently, neither the president nor Congress can control how courts determine cases. Judicial power is the ability of judges to interpret and apply the law to particular issues.

The Supreme Court's ruling in *Marbury v. Madison*⁸ (1803), which declared that any statute that disagrees with the Constitution is unconstitutional and that it is the judiciary's responsibility to resolve such problems, best illustrated the extent of this authority. *Marbury* unquestionably demonstrated that the Constitution supersedes ordinary legislation, despite ongoing debates about whether it established judicial review or only upheld it. The ruling also gave courts the authority to declare executive actions and congressional statutes unlawful and ultra vires the constitution. The judiciary can serve as an essential check on the other branches because to this authority. For instance, the Court can restrict executive acts, such as when President Truman's attempt to seize steel mills during the Korean War was ruled to be illegal, and it can invalidate legislation passed by Congress that violate constitutional provisions. However, because Congress has the authority to impeach judges and validates judicial appointments, the judiciary itself is still subject to checks and balances. Thus, while independent, the judicial branch remains integrated into the broader system of checks and balances envisioned by the Framers.

Overall, the American model of separation of powers is a meticulously balanced structure in which the judicial, executive, and legislative branches are separate but interconnected. Since no branch has total power thanks to checks and balances, accountability is guaranteed and

⁷ United States. Constitution art. III.

⁸ *Marbury v. Madison* 5 U.S. 137 (1803).

tyranny is kept at bay. One of the main pillars of American constitutional governance is now this dynamic structure.

SEPARATION OF POWER IN INDIA

Historical Context -

One of the points of contention during the deliberations in the Constituent Assembly was the separation of powers. Kazi Syed Karimuddin backed Prof. K.T. Shah's proposal for Article 40-A, which called for a rigorous division of powers between the legislative, executive, and judicial branches. Members like Prof. Shibban Lal Saksena and Shri K. Hanumanthiya, however, cautioned that strict division could lead to disputes and urged for a harmonic framework within the legislative system currently in place. In his balanced approach, Dr. B.R. Ambedkar emphasised the importance of maintaining the judiciary's independence while simultaneously pointing out the shortcomings of the American model. He insisted that good government in India required considerable overlap, particularly between the legislative and executive branches. These debates laid the foundation for India's constitutional design, where the principle of separation of powers was acknowledged but adapted to suit a parliamentary framework.

The legislative, executive, and judicial branches of India's government are each run by separate entities. The executive branch is in charge of implementing laws, the legislative is in charge of making them, and the judiciary is in charge of interpreting and applying them. Whether these branches should function independently or whether some level of interconnectedness is required for efficient governance is a crucial topic that comes up in this situation. Although the Indian Constitution does not expressly call for a complete separation of powers, it does outline the various tasks and responsibilities of these branches, implicitly upholding the notion.

Constitutional Framework

The Judiciary - The Constitution of India places great emphasis on the independence of the judiciary, recognizing it as an essential feature of democracy and the rule of law. This independence is protected by a number of articles in the constitution. In order to prevent administrative influence on judicial activities, Article 50⁹ expressly requires the judiciary and executive to be kept apart. In order to further safeguard impartiality, Articles 121¹⁰ and 211¹¹

⁹ The Constitution of India, 1950 art 50.

¹⁰ The Constitution of India, 1950 art 121.

¹¹ The Constitution of India, 1950 art 211.

shield judges from political pressure by forbidding debates on their behaviour in state legislatures or Parliament. In addition, Articles 122¹² and 212¹³ preserve institutional autonomy by prohibiting judges from meddling in legislators' internal affairs. Furthermore, Article 124¹⁴ strengthens judicial independence at the highest level by establishing the Supreme Court and outlining the criteria for judge nomination and authority.

The Executive - The executive branch in India is vested with powers at both the national and state level. In India, both national and state powers are granted to the executive branch. Article 154¹⁵ gives the governors of the states executive powers, whereas Article 53¹⁶ gives the executive authority to the president at the national level. Both operate under the guidance and support of their separate councils of ministers, which is indicative of India's parliamentary system.

Overlap and Interdependence- Although the legislative and judicial branches are supposed to be distinct from the executive branch, the Constitution permits some overlaps to guarantee efficient government. The appointment of judges and the Chief Justice of India, for instance, are important decisions made by the executive branch that can affect how the courts operate. Furthermore, when Parliament is not in session and urgent legislation is needed, the President may make ordinances under Article 123¹⁷, giving the executive temporary legislative authority. This system guarantees that the government can respond quickly to crises or urgent situations, while checks and balances, such as judicial scrutiny, guard against abuse of such authority. The practical requirements of a big and diversified democracy, where strict independence between branches is frequently impractical, are reflected in the flexible approach to the separation of powers. Additionally, even when the president uses extraordinary authority during emergencies, the judiciary's ability to examine executive decisions upholds the rule of law and preserves citizens' rights.

Judicial Interpretation & Case Laws -

The Indian Constitution's approach to the separation of powers has evolved through landmark judgments, constitutional provisions, and practical governance needs. The Constitution does not specifically address the separation of legislative powers, allowing for a more flexible

¹² The Constitution of India, 1950 art 122.

¹³ The Constitution of India, 1950 art 212.

¹⁴ The Constitution of India, 1950 art 124.

¹⁵ The Constitution of India, 1950 art 154.

¹⁶ The Constitution of India, 1950 art 53.

¹⁷ The Constitution of India, 1950 art 123.

implementation even if Article 50 requires the separation of the executive and judicial. Through significant rulings, the Supreme Court has reaffirmed this flexibility. The Court concluded in *Bandhua Mukti Morcha v. Union of India*¹⁸ that the constitutional structure can be used to deduce the idea of separation of powers, even when it is not expressed clearly for all branches. This principle was later recognized as part of the basic structure doctrine in *Kesavananda Bharati v. State of Kerala*¹⁹, ensuring that core features such as judicial independence and federalism cannot be amended.

The functional overlaps between branches have been made clearer by judicial decisions. The Court said in *Ram Jawaya Kapur v. State of Punjab*²⁰ that although the executive is legally independent, it is answerable to the legislature for specific tasks, indicating practical interdependence. Executive-legislative overlap is demonstrated by the President and Governors' authority to take on legislative duties under Articles 123 and 213 in times of emergency or when legislatures are not in session. As discussed in *Re Delhi Laws Act, 1912*,²¹ delegated legislation permits the government to carry out secondary lawmaking while the legislature maintains its fundamental authority. Through tribunals and other entities, the executive can also perform quasi-judicial duties, exhibiting flexibility in the division of powers.

The legislature can perform judicial functions in specific, constitutionally authorized circumstances. For instance, Article 61 empowers Parliament to impeach the President, assuming a judicial role. The case of *Indira Nehru Gandhi v. Raj Narain*²² dealt with the question of whether the legislature could perform judicial duties. The court decided that in order for the legislature to perform judicial activities, two requirements must be met: first, Parliament must be specifically given the right to do so, and second, the due process of law must be observed when doing these duties. Similarly, the judiciary may assume limited legislative or executive functions under Articles 141²³ and 142²⁴ to ensure complete justice, highlighting practical interdependence among branches.

In the case of *State Of T.N. v. State Of Kerala*²⁵ - A dispute between Tamil Nadu and Kerala over the dam's Full Reservoir Level (FRL) gave rise to the Mullaperiyar Dam issue. Located

¹⁸ *Bandhua Mukti Morcha v. Union of India* AIR 1984 SC 802.

¹⁹ *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461.

²⁰ *Ram Jawaya Kapur v. State of Punjab* AIR 1955 SC 549.

²¹ *Re Delhi Laws Act, 1912* (1951) SCR 747.

²² *Indira Nehru Gandhi v. Raj Narain* AIR 1975 SC 1590.

²³ The Constitution of India, 1950 art 141.

²⁴ The Constitution of India, 1950 art 142.

²⁵ *State Of T.N. v. State Of Kerala* 2014 AIR SC 2407.

in Kerala, the dam is run by Tamil Nadu and was constructed under a 999-year lease (1886–1895). The Central Water Commission recommended restricting the FRL to 136 feet in 1979 due to safety concerns. After completing reinforcing projects, Tamil Nadu attempted to restore the area to 142 feet and subsequently 152 feet. Kerala objected, passing legislation in 2006 that set the FRL at 136 feet and gave the State Dam Safety Authority the authority to disregard earlier directives. Under Article 131, Tamil Nadu contested the statute, claiming it overturned the 2006 ruling of the Supreme Court. The Supreme Court ruled that, despite not being specifically codified, the concept of separation of powers is ingrained in the Constitution and essential to the rule of law. A final court ruling cannot be overturned by the legislature, and judicial independence must be preserved. The Court established fundamental principles: any legislative action that targets a decided case, interferes with judicial responsibilities, or undermines judicial authority is illegal. The following are guiding questions: (i) does the law affect the judiciary, (ii) is it directed at a case that has already been determined, and (iii) does its content affect the judiciary? The Court made it clear that laws are only legitimate if they correct flaws found by the judiciary without assuming judicial authority.

Recently, in the case of *In Re: Directions In The Matter Of Demolition Of Structures*²⁶- Due process was allegedly violated when residential and commercial properties belonging to individuals charged in criminal proceedings were demolished, according to several writ petitions filed under Article 32. The Court established extensive criteria governing such activities after issuing interim orders prohibiting demolitions countrywide without its consent, with the exception of unpermitted structures on public property or pre-existing court decrees. The Court upheld the separation of powers principle of the constitution, ruling that the executive branch cannot perform duties that belong to the judiciary, such as punishing people without a fair trial. The Court noted that any intrusion by one department on another compromises democratic values and the harmony between the legislative, executive, and judicial branches, even if it acknowledged that the Indian Constitution did not need a strict division of powers. This decision demonstrates the judiciary's responsibility in ensuring that the administration acts within constitutional bounds while upholding accountability and procedural fairness, underscoring the importance of the separation of powers in defending fundamental rights under Articles 14²⁷ and 21²⁸.

²⁶ *In Re: Directions In The Matter Of Demolition Of Structures* 2024 INSC 866.

²⁷ The Constitution of India, 1950 art 14.

²⁸ The Constitution of India, 1950 art 21.

ANALYSIS

Although it is applied differently in practice, the principle of separation of powers is fundamental to both the Indian and American constitutional frameworks. With a complex system of checks and balances, the U.S. Constitution formally establishes a rigid division between the legislative, executive, and judicial departments. As demonstrated by *Marbury v. Madison*, which established judicial review, the president carries out laws and sets foreign and military policy, the court interprets the Constitution, and Congress enacts laws and supervises the executive. By maintaining liberty and reducing the possibility of tyranny, this strict division seeks to avoid the consolidation of power.

The division of powers is approached more pragmatically and flexibly in the Indian Constitution. Practical governance in a large and diverse democracy frequently requires functional overlaps among the legislative, executive, and judicial institutions, even though Article 50 guarantees the judiciary's independence from the executive. Notable rulings such as *Indira Gandhi v. Raj Narain*, *Ram Jawaya Kapur v. State of Punjab*, and *Bandhua Mukti Morcha v. Union of India* recognise these overlaps while restating the need to preserve the fundamental duties of each branch. Legislative or executive measures cannot usurp judicial jurisdiction, as demonstrated by recent cases like the Mullaperiyar Dam and property demolitions. The Supreme Court has outlined clear principles to assess potential encroachments: whether the action interferes with judicial functions, targets already decided cases, and impacts the authority of the courts. This approach balances flexibility with accountability, allowing coordinated governance without compromising the core tenets of judicial independence.

Both the American and Indian constitutional systems are based on the fundamental idea of separation of powers, but each system has their own unique challenges. With its strict separation of the legislative, executive, and judicial departments, the U.S. model is a prime example of institutional purity. However, this strictness can occasionally lead to deadlock since disputes between the president and Congress can impede the implementation of policies. India, on the other hand, shows how flexible overlaps between the branches and practical dependency can coexist to support the government. However, as seen in cases involving property demolition or disagreements over legislative or executive overreach, this flexibility involves the potential of encroachment. Article 50 of the constitution guarantees judicial independence, but when the legislature or executive branch exercises extraordinary powers, it might be difficult to uphold. These conflicts highlight the need for both systems to continuously strike a

balance between independence and collaboration. Comparative analysis highlights that no system is flawless: constitutional resilience depends not only on institutional design but also on the consistent application of principles and the ability to address real-world pressures effectively.

CONCLUSION AND SUGGESTION

Conclusion -

Beginning with its early formulation, Montesquieu's impact on contemporary constitutional theory, and the concept of checks and balances, we examined the historical growth and evolution of the doctrine of separation of powers in this study. We looked at how it is used in the US, taking into account the constitutional framework, historical background, and the authority and restraints of the legislative, executive, and judicial departments. After that, the Indian context was examined, focussing on discussions held in the Constituent Assembly, articles of the constitution, and court rulings in seminal cases that demonstrated reflecting both the explicit and implicit applications of the doctrine.

The hypothesis proposed that the separation of powers promotes accountability and prevents tyranny more effectively in the United States due to its clear constitutional delineation of powers. In contrast, India's flexible and overlapping approach may increase the potential for authority misuse and governance inefficiencies, although its implied checks and balances could foster collaborative governance that enhances democratic responsiveness in its unique socio-political context. Based on the analysis, the hypothesis is partly correct. Although it occasionally leads to deadlock and delay in policy execution, the U.S. model offers substantial protections against tyranny due to its institutional purity and explicit constitutional division of powers. In contrast, India's system places a strong emphasis on functional overlaps for practical governance, which promotes adaptability and responsiveness in a complex sociopolitical environment but entails the danger of legislative or executive overreach. However, accountability procedures, constitutional safeguards, and judicial supervision reduce these concerns. The contrast emphasises that rigorous enforcement, adherence to procedural safeguards, and flexibility in response to changing governance difficulties are all necessary for an effective separation of powers. In the end, both systems show that maintaining democratic accountability and avoiding power abuse require striking a balance between structural clarity and functional flexibility.

Suggestion -

To strengthen the separation of powers in India while maintaining its pragmatic flexibility, several measures could be considered. To eliminate uncertainty during emergencies or extraordinary situations, clearer statutory rules and procedures can be put in place to specify the boundaries of the legislative and executive branches' authority with regard to the judiciary. Executive overreach can be avoided by strengthening accountability and transparency procedures, such as independent oversight committees or required reporting to Parliament. Stricter adherence to procedural safeguards and regular judicial assessments of legislative or executive decisions will strengthen the judiciary's independence without impeding government. Furthermore, it is possible to guarantee that functional overlaps serve efficiency rather than encroachment by encouraging increased public awareness and institutional checks at the state and municipal levels. By reducing the possibility of abuse and maintaining the cooperative benefits of India's system, such reforms will guarantee a strong and well-balanced constitutional framework.

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