

A Comparative Constitutional Study of the Doctrine of Separation of Powers: A Critical Analysis of India, the United Kingdom, and the United States

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ABSTRACT

This paper provides an in-depth examination of the concept of separation of powers in India, the UK, and the US. It explores the historical development and evolution of the separation of powers doctrine in these countries, considering its theoretical foundations and practical implications. The paper conducts a comparative analysis of the legislative, executive, and judicial powers in India, the UK, and the US, highlighting similarities and differences in their respective systems. Special attention is given to the role of the judiciary in safeguarding the separation of powers and ensuring accountability. The constitutional provisions and mechanisms that establish and protect the separation of powers are explored, with a particular focus on checks and balances. The paper also delves into the challenges and controversies surrounding the separation of powers in these three countries, addressing potential threats and shortcomings. Finally, drawing insights from the comparative study, the paper offers valuable lessons and implications for enhancing the separation of powers in India, with relevance to other jurisdictions. By examining these aspects, this paper aims to deepen our understanding of the separation of powers as a crucial component of democratic governance and shed light on its practical application in different contexts.

Keywords: 1. Separation of powers 2. Executive 3. Legislative 4. Judiciary 5. Comparative study 6. United States 7. United Kingdom 8. India

INTRODUCTION

A key component of democratic governance is the idea of separation of powers, which strives to maintain checks and balances within a system of government and avoid the consolidation of power in the hands of a single institution. It creates the executive, legislative, and judicial departments of government, each with its own particular roles and responsibilities. The goal of the separation of powers is to prevent any one branch from becoming overly dominant or limiting the freedoms and rights of the people. Each branch has its own independent operations and oversight of the others. This structure offers safeguards against authority abuses and enables a more balanced distribution of power.

A method allowing each branch to control or monitor the acts of the other branches is frequently included in the separation of powers. These mechanisms include the veto power of the executive over legislation, the ability of the legislature to remove individuals from office, and the capacity of the judiciary to rule that laws or executive actions are unconstitutional. Although different nations and political systems may implement the separation of powers differently, the fundamental goal is still to ensure that the government is transparent, accountable and respects the rights and liberties of its population.

History of Separation of Powers

Trias politica, often known as the separation of powers, was created in ancient Greece and was extensively

employed by the Roman Republic . It took centuries of political and philosophical growth to arrive at the idea. According to this concept, the state is divided into estates or branches that each have their own distinct roles to play. The typical structure has three branches: the executive, legislative branch, and judicial branch. Up until the 18th century, the hereditary monarchy was the predominant form of administration in Europe following the fall of the Roman Empire. The emergence of Parliament in England in the 17th century was the lone exception to this rule.

The first author to discuss the separation of powers was Aristotle. He has provided descriptions of the General Assembly, Public Officials, and the Judiciary in his book *Politics*, which is about the three branches of the government and with John Locke's *Two Treatises of Government* (1689), the idea of three departments of government made a comeback. They are "legislative," "executive," and "federative," according to him. But he did not regard them as equals. He asserts that the legislative branch is superior to the other two. The monarch was supposed to carry out executive and federative functions. His system was compatible with the Parliament and Monarchy dual forms of government that were in place in England at the time.

Later, the theory of the separation of powers was developed by French philosopher Montesquieu in his book *De L' Esprit des Lois* (*The Spirit of Laws*), published in 1748 . The English legal system served as the foundation for much of Montesquieu's philosophy. He placed more emphasis on a citizen's natural and political freedom. He emphasised that the combination of executive and legislative power would result in the executive becoming a despot. He also emphasised that the judiciary and legislative branches working together would not protect people from the state. He went on to emphasise that the only way to protect human liberty is to prevent the accumulation of power in the hands of one individual or group of individuals. The ability of the judiciary to negatively impact a subject's life, liberty, or property is what Montesquieu found to be the most terrifying of all the powers.

With a long history, the idea of separation of powers has changed over time in various circumstances and nations. A comprehensive summary of its development and evolution throughout history is given below:

Ancient Origins: The separation of powers has its origins in earlier civilisations like ancient Greece and Rome. To prevent the concentration of power and guarantee a balance of authority, philosophers like Aristotle and Polybius stressed the need to spread authority across several institutions.

Theorists of the Enlightenment: Influential intellectuals, including John Locke, Montesquieu, and Rousseau established their theories on governance and the separation of powers during the Enlightenment, which took place in the 17th and 18th centuries. The need for the division of powers into three separate branches—the legislative, executive, and judicial—was particularly stressed by Montesquieu.

United States: The development of the idea of separation of powers was significantly aided by the United States Constitution. A distinct division of powers was included in the U.S. Constitution by its framers, who were motivated by Montesquieu's theories. The Constitution established checks and balances and protected individual liberty by dividing power among the legislative, executive, and judicial branches.

France: During the French Revolution in the late 18th century, the idea of the separation of powers was crucial. The separation of powers idea was recognised and the value of checks and balances was emphasised in the Declaration of the Rights of Man and of the Citizen, which was approved during the revolution.

Constitutional Developments in Different Countries: As various nations drafted their own constitutions, the idea of the separation of powers extended to them. The notion has been used and adopted in several nations in ways that are appropriate for their unique political and legal structures. For instance, to fit their parliamentary systems, nations like India and the United Kingdom have implemented versions of the idea .

Judicial Interpretation: Courts have been essential in defining and interpreting the idea of separation of powers in various nations. Courts have set precedents through their rulings that define the authority and bounds of each branch of government, establishing a system of checks and balances.

Progressive Interpretations: The idea of separation of powers is constantly changing as a result of sociological and political shifts. Reevaluations of the balance of power and the extent of each branch's authority have been necessitated over time by new problems and changes. This continual development indicates the requirement to modify the idea to meet modern democratic administration.

Although the idea of the separation of powers has historical roots, how it is actually applied varies among nations and legal systems. Although the precise institutions and procedures for attaining separation of powers may vary, the fundamental goal of providing checks and balances and limiting the concentration of power remains a key component of democratic governance.

Introduction to the Concept of Separation of Powers in India, the UK, and the US

A key idea in democratic regimes, the concept of separation of powers seeks to evenly distribute and balance the authority of the several institutions of government. It is intended to safeguard accountability and safeguard individual liberties by preventing the concentration of power in one authority and by offering checks and balances. Various nations, including India, the United Kingdom, and the United States, practise the separation of powers in different ways.

India: The Constitution of India implies the principle of separation of powers through its different clauses but does not expressly define it. Legislative, executive, and judicial branches make up the three parts of the government .

The Parliament, which is in charge of enacting laws, is the legislative body. The Lok Sabha (House of the People) and Rajya Sabha (Council of States) are its additional two houses. The President, who serves as the official head of state, and the Prime Minister, who serves as the head of government, are in charge of the executive branch. The executive is in charge of putting laws and policies into effect. The independent judiciary, presided over by the Supreme Court, is in charge of enforcing and interpreting the law.

The Indian Constitution contains provisions to ensure checks and balances, notwithstanding some overlap between the branches. For instance, the President may veto legislation, but Parliament may override his decision . The judiciary can overturn legislation or other actions that are against the Constitution using its judicial review authority. This technique ensures some level of detachment and stops power misuse .

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United Kingdom: Compared to other nations, the United Kingdom approaches the separation of powers differently. The executive and legislative branches are combined under its parliamentary system. The ultimate legislative body is the Parliament, which consists of the House of Commons and the House of Lords.

The Prime Minister serves as the head of state and as the representative of the dominant political party. Senior ministers that make up the Cabinet advise the prime minister on policy decisions and their implementation. Though it has limited authority to examine the activities of the executive and legislative departments, the judiciary, particularly the Supreme Court, is independent and responsible for interpreting the law.

In the UK, there is not a rigid division of powers, but the system still functions with checks and balances. Courts can examine legislation for compliance with human rights laws and EU law, and Parliament can keep the government responsible through debates, votes, and questions .

United States: The Constitution of the United States also lays out a clear division of powers. The legislative branch, the executive branch, and the judicial branch make up the three branches of government.

Congress, which is further subdivided into the House of Representatives and the Senate, makes up the

legislative branch. Making legislation is the responsibility of Congress. The President, who serves as both the head of state and government, is in charge of the executive branch. The President is responsible for law enforcement, foreign policy, and executive branch administration. Laws are interpreted by the judiciary, which the Supreme Court heads, and their constitutionality is upheld.

The US system emphasises checks and balances among the branches. The President can veto legislation passed by Congress, but Congress can override the veto with a two-thirds majority vote. The courts have the power of judicial review, enabling them to declare laws or executive actions unconstitutional. This system ensures that power is not concentrated in any single branch and provides a mechanism for accountability.

Historical Development and Evolution of Separation of Powers in India

The Vedas include the origins of power separation as well. The core foundation of Narad Smriti is the concept of power separation. Deewan oversaw the Executive wing at the time. Law and order were upheld by Senapati, and Kaji oversaw the judiciary. However, a monarch served as the ultimate power, and all of their roles were subject to him. King was the one who passed laws and is comparable to the current system of government. Consequently, one might discover a division of powers and functions in ancient times as well.

There have been several influences and constitutional changes throughout India's history that have contributed to the historical growth and evolution of the notion of separation of powers. Here is a list of the significant turning points:

British constitutional principles' influence

British constitutional concepts have affected India's understanding of the separation of powers . India was governed by a system with separate executive, legislative, and judicial departments during British colonial control. The British constitutional system, which included the idea of the division of powers, had a big influence on how India viewed government.

The Montague-Chelmsford

Reforms were implemented in 1919 and granted India some degree of restricted autonomy. With the implementation of the reforms, a dual system of government comprised of appointed British and elected Indian members was established. Although the idea of the separation of powers was not specifically addressed, it nonetheless represented a move in the right direction towards more representative and responsible government.

The 1935 Government of India Act:

A framework for the separation of powers was created by the Government of India Act of 1935, which served as the foundation for Indian government throughout the years leading up to independence. It formed a federal system with a national administration and independent provinces. The statute specified the duties and authority of the legislative, executive, and judicial branches.

Framing of the Indian Constitution:

The Constituent Assembly was tasked with establishing a new constitution following India's 1947 declaration of independence. Even though the phrase "separation of powers" was not mentioned expressly, its ideas were included into the Indian Constitution's provisions. A parliamentary system with a distinct power split between the three arms of government was established by the Constitution.

Important Clauses in the Indian Constitution:

The Indian Constitution divides the legislative, executive, and judicial branches into different portions and explains their respective duties. Legislative authority is exercised by the Parliament, which consists of the President and two houses. The Prime Minister and the Council of Ministers are in charge of running the government on a daily basis, whereas the President, as the head of the executive branch, has only limited

authority. To ensure the constitutionality of laws and activities, the judiciary, which is presided over by the Supreme Court, has the power of judicial review.

Legal Interpretation:

The Indian court, in especially the Supreme Court, has been essential in interpreting and forming the separation of powers doctrine in India. The courts have emphasised the significance of preserving the independence of each branch, opposing intrusion, and protecting the checks and balances built into the system through key rulings.

In *I.C. Golak Nath v. State of Punjab*, it was observed: “The Constitution brings into existence different constitutional entities, namely, the Union, the States and the Union Territories. It creates three major instruments of power, namely, the Legislature, the Executive and the Judiciary. It demarcates their jurisdiction minutely and expects them to exercise their respective powers without overstepping their limits. They should function within the spheres allotted to them.”

It is evident from a comprehensive examination of the constitutional provisions that India does not adhere strictly to the theory of separation of powers. In India, there is not only functional overlap but also personnel overlap. If legislative or executive activities contravene any provisions of the Constitution or a law approved by the legislature in the case of legislative acts, the Supreme Court has the authority to annul such laws and those actions. By appointing judges and the Chief Justice, the executive has the power to influence how the judiciary operates. Such instances may be continued, but an exhaustive list would not result.

In *Indira Nehru Gandhi v. Raj Narain*, it was observed: “That in the Indian Constitution there is separation of powers in a broad sense only. A rigid separation of powers as under the American Constitution or under the Australian Constitution does not apply to India. Chandrachud J. also observed that the political usefulness of doctrine of Separation of Power is not widely recognized. No constitution can survive without a conscious adherence to its fine check and balance. The principle of Separation of Power is a principle of restraint which has in it the precept, innate in the prudence of self preservation, that discretion is the better part of valour.”

Thus doctrine of separation of powers is not fully accepted in the Indian Constitution. It can be said with the observation of Mukherjee, J. in *Ram Jawaya v. State of Punjab* “The Indian Constitution has not indeed recognized the doctrine of separation of powers in its absolute rigidity but the functions of the different parts or branches of the Government have been sufficiently differentiated and consequently it can very well be said that our Constitution does not contemplate assumption, by one organ or part of the State, of functions that essentially belong to another.”

In light of the foregoing information, it is evident that separation of powers is observed in India, but not strictly. Despite being practiced, it is not included in the constitution. When necessary, the three major powers do go over their limit and obstruct each other's work.

While the executive power of the Union and a State is expressly stated to be given to the President and the Governor, respectively, by Articles 53(1) and 154(1) of the constitution in India, there is no corresponding provision giving the legislative and judicial powers to any particular organ. As a result, it has been determined that there is no strict division of powers.

Despite the fact that it initially seems as though our constitution is based on the theory of separation of powers. The judiciary is independent in its work, and neither the government nor the legislature may interfere with its judicial duties. The Constitution places limitations on how and where Parliament can discuss a judge's behavior. Judiciary review authority has been granted to the High Courts and the Supreme Court, which may find any law passed by parliament to be unconstitutional. The President appoints the S.C. judges after consulting with the CM and S.C. judges. The S.C. has the authority to enact rules to ensure effective corporate operations.

It is noteworthy that A. 50 of the constitution puts an obligation over state to take steps to separate the

judiciary from the executive. But, since it is a DPSP, therefore it's unenforceable.

Similar to this, some constitutional clauses also grant powers, privileges, and immunity to the MPs, Immunity from judicial review of the house's proceedings, etc. By including such clauses, the legislature becomes somewhat independent. The President is granted executive authority under the Constitution. The constitution itself lists his duties and authority. The President and the Governor are exempt from any legal and criminal consequences.

However, it is evident from a close examination that India has not adopted the theory of the separation of powers in its strictest definition. The legislature includes the executive branch. It receives its authority from the legislature and is accountable to it for its actions. India's parliamentary system of governance is founded on close communication and coordination between the legislative and executive branches. The President is the official head of state, although in fact, he only serves as a symbolic representative of the Prime Minister and his Council of Ministers. The reading of Art. 74(1) makes it clear that the executive head has to act in accordance with the aid and advice given by the cabinet.

In general, the legislature is the repository of legislative power, but the president may also exercise legislative powers in certain circumstances. Like when creating an ordinance, setting public service-related rules and regulations, or creating laws while an emergency proclamation is in effect. These were a few cases where the executive head ended up serving as the archive for legislative activity. President has issues with the judiciary as well. On the other hand, Parliament also performs judicial powers in some cases. Both houses actively participate in deciding the accusations in cases of impeachment of the President and the matter of a breach of privilege.

Judiciary, in India, too can be seen exercising administrative functions when it supervises all the subordinate courts below. It has legislative power also which is reflected in formulation of rules regulating their own procedure for the conduct and disposal of cases.

Therefore, it is clear from the constitutional provisions themselves that India, being a parliamentary democracy, does not adhere to an absolute separation of powers but instead is based on the fusion of powers, where close coordination among the major organs is necessary and is specifically mentioned in the constitutional scheme. Therefore, the concept does not have a constitutional status. Thus, all three sorts of functions must be carried out by every government entity. Additionally, every organ depends in some way on the other organs that serve as its checks and balances. The parliamentary system of government used in our nation is responsible for the dependency. However, this does not imply that India does not at all adhere to this idea. The idea of separation of powers has changed over time in India due to changes in the law and the constitution, which reflect the shifting demands of the democratic government there. Although the Constitution serves as the cornerstone, the concept's growth and improvement in the Indian context has been greatly aided by the courts' interpretation and application of its provisions.

Constitutional Provisions and Mechanisms Ensuring the Separation of Powers in India, the UK, and the US in brief detail

India

In India, the Constitution of India, particularly Part V (The Union), Part VI (The States), and Part XI (Relations between the Union and the States), lays out the constitutional provisions and institutions that ensure the separation of powers. Although the separation of powers is not clearly stated in any one article of the Indian Constitution, it is established and upheld by a number of other articles. The Indian Constitution includes the following significant clauses and measures to uphold the separation of powers:

Legislative (both the federal and state levels):

Article 79 establishes the Indian Parliament as the country's top legislative body. The Rajya Sabha (Council of States) and Lok Sabha (House of the People) are the two houses. Article 245 gives the Parliament and State

Legislatures the authority to enact legislation within their respective domains. The allocation of legislative authority between the Union and the States is spelled out in Article 246.

Council of Ministers, President, and other members of the executive branch:

According to Article 53, the President of India has the authority to act on behalf of the Union and is guided by the Prime Minister-led Council of Ministers. Article 74 establishes a Council of Ministers under the leadership of the Prime Minister to assist and counsel the President. The Prime Minister and other Ministers' nomination, term, and authority are laid out in Article 75.

Judiciary (High Courts and the Supreme Court):

According to Article 124, the Supreme Court of India is the supreme court in the nation. The Supreme Court has exclusive jurisdiction over issues between the Union and the States or between the States themselves, according to Article 131. Article 141 grants the Supreme Court the authority to proclaim a law to be enforceable in all courts located on Indian territory. Article 214 establishes High Courts throughout the states that report to the Supreme Court.

United Kingdom:

The separation of powers doctrine is not as explicitly enshrined in the British constitution as it is in some other nations. The separation of powers is supported by some constitutional clauses and processes. The following specific laws and procedures in the UK guarantee the separation of powers:

Legislative (Parliament):

The elected lower house of Parliament, known as the House of Commons, is responsible for enacting most laws. The House of Lords is the upper house of Parliament, consisting of hereditary peers, life peers, and appointed members. The House of Lords reviews proposed legislation from the House of Commons in its capacity as a revising body.

Executive (Monarchy, Cabinet, and Prime Minister):

Monarch: The monarch is the head of state in the UK under a constitutional monarchy, however their authority is mostly ceremonial and symbolic.

Prime Minister: The Prime Minister, who is the head of the political party that holds the majority of seats in the House of Commons, is the head of the government. Making executive decisions and formulating policies fall under the purview of the prime minister.

Cabinet: The Prime Minister chooses the members of the Cabinet, which is in charge of advising the monarch and carrying out policy.

Judiciary (Supreme Court and Common Law):

The Supreme Court of the United Kingdom is the highest court in the country and has appellate authority over cases. It guarantees the uniform application and interpretation of the law and has the authority to examine the legitimacy of government activities. Legal principles are produced by judicial precedents established by the courts under the common law system used in the UK. In order to ensure checks on the legislative and executive branches, this independent court interprets and applies the law.

Conventions and traditions also significantly contribute to the UK's continued division of powers. For instance:

The Monarch's function is primarily ceremonial, and they only use their authority with elected authorities' consent. Parliament is the primary source of accountability for the Prime Minister and the Cabinet, and it

reviews all of their activities and decisions. The Speaker of the Commons upholds the House's authority and ensures that debates are fair and unbiased. The independent civil service assists the executive by offering knowledge and consistency under several administrations.

The division of powers and checks and balances principles are upheld by these constitutional articles, norms, and practises, notwithstanding the fact that the UK's constitution is mostly unwritten.

United States:

The U.S. Constitution specifically states the separation of powers principle in the United States. This isolation is ensured by a number of unique regulations and methods. The following major clauses in the US Constitution guarantee the separation of powers:

Legislature (Congress):

As stated in Article I, Section 1, "All legislative Powers herein granted shall be vested in a Congress of the United States." As a result, Congress is recognised as the federal government's legislative branch. The powers of Congress are listed in detail in Article I, Section 8, including the authority to levy taxes, control commerce, and declare war.

President and the Executive Branch:

In accordance with Article II, Section 1, "The executive Power Shall Be Vested In A President of the United States of America." The President is now recognised as the leader of the executive branch as a result. The President's authority to make treaties, appoint federal officials, and serve as the military's commander-in-chief is described in Article II, Section 2 of the Constitution.

Federal courts, and the Supreme Court:

The Supreme Court is the highest court in the nation, according to Article III, which establishes the judicial branch. According to Article III, Section 1, "The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts, as the Congress may from time to time ordain and establish." The federal courts are given the authority to declare laws and executive orders illegal by Article III, Section 2, which also outlines their jurisdiction.

Together, these constitutional clauses and methods serve to establish and uphold the separation of powers in the United States, ensuring a system of checks and balances and preventing any one branch from assuming an excessive amount of power.

Lessons and Insights from the Comparative Study: Implications for Enhancing the Separation of Powers in India

Comparative research on the division of powers in other nations offers insightful information that might guide attempts to strengthen the division of powers in India. India can learn from the experiences and procedures of other countries in order to improve its own system of checks and balances and guarantee a stronger separation of powers. This section discusses some of the most important takeaways and revelations from the comparative study, emphasising how they relate to strengthening India's system of checks and balances.

Independence and Accountability of the Judiciary

The comparative analysis highlights how important judicial independence is as a pillar of the separation of powers. For the sake of safeguarding the rule of law and maintaining checks and balances, it is essential to guarantee an independent judiciary. Accountability is crucial to preventing any potential misuse of authority, though. For India's separation of powers to be strengthened, the appropriate balance between judicial independence and accountability must be struck.

Judges are Appointed on the Basis of Transparency and Merit

The comparative analysis emphasises the value of open, competitive hiring procedures for judges. It implies that the credibility and integrity of the court can be improved by creating unbiased, independent organisations to supervise judicial nominations. A stronger separation of powers in India may result from the adoption of a judicial appointment system that places an emphasis on transparency, qualifications, and merit.

Checks and balances that are effective

The study emphasises the value of strong checks and balances between the executive and legislative arms of government. A one-branch government can be avoided by strengthening the procedures for oversight and accountability, such as parliamentary committees. A good separation of powers in India can be facilitated by encouraging a culture of communication, collaboration, and respect amongst the branches.

Judicial Modesty and Active Participation

A balance between judicial restraint and active engagement must be struck, according to the comparative analysis. The legislative and executive branches' duties may be infringed upon by overzealous judicial activism, even if an independent judiciary should serve as a check on any possible abuses of power. Supporting a judiciary that uses restraint while actively addressing constitutional issues will help India's separation of powers function properly.

Public Participation and Awareness

The study emphasises how important public engagement and education are in maintaining the separation of powers. A knowledgeable and involved populace can act as a check on the abuse of authority by any branch of government. The empowerment of citizens to actively participate in democratic processes can be achieved by fostering transparency, information access, and civic education, which will strengthen the separation of powers in India.

Adaptation to dynamic change

The comparative analysis highlights how crucial it is to modify the separation of powers to account for evolving societal and technological variables. It is critical to take into account the effects of globalisation, technological development, and new difficulties in upholding an effective division of powers as India continues to change. The separation of powers must undergo ongoing evaluation, reform, and innovation to stay applicable and efficient in the Indian setting.

The comparative analysis offers insightful advice for improving India's system of checks and balances. The key conclusions from the comparative analysis include highlighting judicial independence and accountability, implementing transparent and merit-based judicial appointments, fostering effective checks and balances, encouraging judicial restraint and active engagement, promoting public awareness and participation, and adapting to changing dynamics. India may improve its system of government, uphold democratic principles, and guarantee a solid separation of powers by taking into account these teachings.

CONCLUSION

In conclusion, this paper has explored the concept of separation of powers in the contexts of India, the UK, and the US, examining its historical development, comparative analysis of legislative, executive, and judicial powers, the role of the judiciary in safeguarding the separation of powers, constitutional provisions and mechanisms, checks and balances, and challenges and controversies surrounding this principle. Through this comprehensive analysis, several key findings and insights have emerged.

This paper provides an overview of the concept of separation of powers in India, the UK, and the US . It explores the historical development of this principle and conducts a comparative analysis of legislative,

executive, and judicial powers in these countries . The role of the judiciary in safeguarding the separation of powers is examined, along with constitutional provisions and mechanisms that ensure its implementation. The paper also discusses checks and balances and addresses challenges and controversies surrounding the separation of powers. Ultimately, the study offers valuable lessons and insights that can inform efforts to enhance the separation of powers in India, emphasizing the importance of understanding the unique characteristics of each system and maintaining accountability and balance among the branches of government.

In conclusion, the comparative study of separation of powers in India, the UK, and the US offers valuable lessons and insights . By understanding the strengths, weaknesses, and unique aspects of each system, policymakers in India can consider these insights to enhance the separation of powers, bolster democratic governance, and safeguard individual liberties . Furthermore, this comparative analysis contributes to the broader discourse on democratic governance, serving as a basis for further research and discussions on the evolving nature of the separation of powers in contemporary societies.

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