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THE DOCTRINE OF SEPARATION OF POWERS: BOON OR BANE IN INDIAN CONTEXT

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Abstract
Doctrine of Separation of powers is one of basic principles of constitutional governance it also focuses on the division and circulation of government power among Legislature, Executive besides Judiciary to circumvent the centralization and misuse of power. As against this, the doctrine is not followed in a proper method in Indian background, now recited in situation of a 'functional separation, checks and balances' and 'institutional accountability'. The Indian Constitution gives different work and responsibility to the three organs of government and by keeping coordination and interdependence among them. Judiciary and its role of judicial review maintain that the supremacy of the Constitution, which is not explicitly stated in Constitution. All three arms of the legislature play a pivotal role, with the legislators making laws, Executive executing law besides policy, the Judiciary ensuring supremacy from the Constitution. Some queries have been raised on the effectiveness of this doctrine because of the proliferation of judicial activism, overlapping of the powers of the executive and legislative arms and the dominance of the legislative arm of government by judges with heightened judicial and legislative powers and clashes between them and the Executive. Whether it is a blessing or a bane depends on the view of the opponents of doctrine of separation of powers. If the opponents of the doctrine see it as a blessing, it secures stability in democracy, protects the essential privileges of people and ensures that no one exercises power randomly. If the opponents consider it as a bane, it creates conflict among the powers of government and causes obstacles in government administration. It also analyzes the relevant constitutional amendments, judicial decisions and concerns relating to the doctrine to understand its implications for the constitutional harmony and Indian democracy.

Keywords: Separation of Powers, Indian Constitution, Legislature, Executive, Judiciary, Checks and Balances, Judicial Review, Judicial Activism, Constitutional Supremacy, Democratic Governance, Fundamental Rights, Institutional Accountability.

INTRODUCTION

The principle of Separation of Powers is one of basic ideas of contemporary self-governing and constitutional law and powers. Split between three main constitutional departments of government — The Legislature, The Executive and The Judiciary — thereby spreading the powers into multiple areas. The idea underlying the doctrine of separation of responsibilities and powers among various institutions is that democracy would only be effective if this separation can be achieved. The functions of organs of government in the constitutional framework create the accountability, transparency, institutional independence and personal liberty in the constitutional framework. The basic principle underlying this doctrine is that an unchecked power might lead to arbitrary rule, authoritarianism and abuse of the citizen's

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fundamental rights. Hence the doctrine of separation of powers "helps" to make sure that each of the organs of government has a reasonable balance and is "respected" to keep the values of democracy.

The idea of separation of powers originated in political and philosophical philosophies of such great thinkers as Aristotle, John Locke and Montesquieu. Aristotle in his book Politics, had suggested that the governmental functions could be divided into three: deliberative, administrative and judicial. The two Powers of Government were later restated again by John Locke in his work on Two Treatises of Government (1689) to avoid that the Government might be misused. But, the doctrine at last did have its theoretic establishment in a prominent French philosopher named Montesquieu's famous book, The Spirit of Laws (1748). Changes in political liberty were what Montesquieu sought to promote: political liberty is best preserved when there is a separation of legislative, executive, and judicial powers within three different institutions.

He felt that it was essential that the powers of government be united in one single person, or else tyranny and the oppressive restraint of individuals' freedom would enter. His concepts had significant impact on the constitutional development of democratic countries, especially United States of America, where the concept of separation of powers was inculcated as a arrangement of institutional checks in addition balances. DoS doesn't get used in its literal and purist form, but in a vast and important manner in constitutional system in India. The Indian Constitution is a parliamentary constitutional setup where there is a sound linkage amongst the Executive and Legislative in addition Judiciary is constitutionally independent. The functions of government are not clearly prescribed- the Constitution divides powers into three organs, the idea being to provide safeguards against the arbitrary exercise of power.

The constitutional system is grounded on principle of functional separation, institutional coordination and mutual accountability. The primary role of the Legislature is to make laws, discuss public policy, approve budgets and represent the people. There is a Legislative Assembly in each of the states and the Union level legislative body encompasses President, Lok Sabha and Rajya Sabha. The Executive has functions to execute and enforce laws, run the government departments, maintain public order, develop policies and control the daily activities of the country. The executive powers at Union level lies with the President and Prime Minister & Council of Ministers and at State level powers lie with Governor in addition Council of Ministers headed by Chief Minister. It is a Judiciary encompassing Supreme Court, High Courts, sub-ordinate courts, interprets laws, adjudicates the differences among claimants and protects fundamental rights; it also keeps the governance within the framework of the Constitution. Independent judiciary is indispensable to rule of law as it is important that the use of Legislature and Executive is not misused.

The Doctrine of Separation of Powers can be viewed in several ways in India. The importance of judicial independence is on condition that in Article 50 which requires separation of

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judiciary after the executive, in public service of State. Articles 121 and 211 only engage in a debate on the conduct of the members of Parliament and the State Legislature through regard to the conduct of judges in discharge of their duties, subject matter ban of their actions is that they are constitutional proceedings other than their removal. There's not an innocuous ambivalence in the spirit of the two articles (122 and 212) that protect the deliberatives of the legislature from challenges in the courts on procedural filibusters. These two opinions - the two articles 122 and 212 advocating and making an exception that legislative proceedings may not be subjected to a suit in court for the irregularity of their proceedings - are not trouble-free for the interpretation. The Supreme Court can issue appropriate writs as stipulated in Article 32 of the Constitution and High Court can subject writs for the determination of implementation of essential rights in addition other legal rights in Article 226 of the Constitution respectively.

Similarly, Article 13, 136, 141 and 142 provide ample constitutional protection in the field of judicial review, appellate, judicial decisions and judicial exercise of complete justice. All of these make a system under which each organ operates in accordance to its constitutional powers but with good restrictions of these powers. It has been buttressed by the Indian Judiciary in its multiple interpretations and augmentations, including in great landmark decisions. As stated in the Supreme Court's Case of Ram Jawaya Kapur v State of Punjab (1955)[1] the Indian Constitution doesn't have any absolute rigidity of separation between the three organs of government but there is adequate differentiation in functions of each organ. In case of Kesavananda Bharati v. State of Kerala (1973)[2], the Supreme Court has laid down Basic Structure Doctrine in addition have formulated that the fundamental structure of the powers of the horse of the Constitution cannot be eliminated through the embodied modification.

The principle of separation of powers is important in India's constitutional structure and is included with that of constitutional supremacy and judicial review. In Indira Nehru Gandhi v. Raj Narain (1975)[3] it was once again reiterated that constitutional limitations and separation of powers are crucial for democracy. The Court restated the principle of limitation on altering power of Constitution in addition the balance amongst the essential rights in addition Directive Principles of State Policy in the Minerva Mills Ltd. v. Union of India case of 1980[4]. The following judicial decisions really do underpin the importance of a separation of powers system as an important pillar for constitutional democracy in India. It has begun to raise some debates and institutional issues however, with regard to execution of doctrine. The Indian parliamentary system has drawn tight linkages between the Legislature and the Executive, as per the doctrine, Collective responsibility which is specified under Article 75(3).

This link is extremely crucial to allow administration to function properly and implement measures towards better policies, but could get problematic if there is a significant executive

[1] Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549.
[2] Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.
[3] Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299.
[4] Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

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dominance, and if the ruling party has a list of political dominion in Parliament. Similarly, the increasing dominance of ordinance making in consequence of delegated legislation and executive decision making have given rise to concerns with the extent of legislative practice by the Executive. Alternatively, judicial activism and judicial intervention in the field of governance, administration and public policy has created debates on what is appropriate or not in judicial competence. Both judgments and governance have a need to be balanced in terms of intervention in fundamental rights and accountability of government and avoid measures which are too far-fetched and 'unreasonable' due to institutional conflict and concerns of judicial overreach. Judicial delay, a shortage of judges, political influence on the search and appointment of constitutional bodies and disputes between constitutional bodies are some factors that hamper the effective implementation of the doctrine.

Therefore, the question raises whether it is helpful or detrimental in Indian situation that Doctrine of Separation of Powers is followed or not? It is a bonus in that it keeps government authority separated, safeguards freedom of individual citizens, enhances judicial independence, holds government accountable and ensures constitutional supremacy. It is designed to ensure that no one agency or government is more powerful than they need to be and that the role of Government is subject to the rule of law. But in practice, as the number of institutions grows, mandates are multiplied, and functions get interchanged the doctrine can ecumenicalism as key decision making and governance can be affected negatively. A comprehensive separation of powers is neither desirable nor is it possible because cooperation, coordination and institutional interdependence is required for the working of government in an intricate democratic set up like India. It is not intended that absolute separation would be desired, though legislature, executive and judiciary should be well balanced.

The aim of the present study is to explore the theoretical aspects, the constitutional necessities, interpretation of doctrine by courts, and, the application of the doctrine in practice in India. It will also explore linkages between the three arms of the Government, problem solving process and queries over overlapping mandates or institutional conflicts and the role of checks and balances in upholding democratic values. It is an important study as the Indian democracy relies on accountability and mutual respect of the institutions under the Trinbagonian (financing of political parties) in addition constitutional discipline of members. To conclude, the Doctrine of Separation of Powers can be better seen as a flexible constitution with the ability for government to function as one towards a common goal but not be misused by one party or the other. Its success in India hinges on its ability to make its 3 organs perform their duties in the constitution and to serve as a cohesive body for the sake of justice, liberty, equality and maintaining democratic governance.

REVIEW OF LITERATURE

Separation of Powers implies a partition of government among the Legislative, Executive and Judicial branches as well and has been much written about in the context of constitutional law and the study of government. The literature reviewed indicates that institutional isolation,

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constitutional constraint, and judicial review and checks and balances are all signs of a democratic government. To gain an understanding of the constitutional evolution and implications of the doctrine in Indian context, a few research articles, judicial rulings and landmark verdicts have been used for the purpose of the review.

Akash Trikha and Anwesha Tripathy[5] have written a research paper on Separation of Powers: Indian Perspective in PalArch's Journal of Archaeology of Egypt/Egyptology highlighting on Indian constitution. The authors spoke about the origin and applicability of the doctrine to establishing a balance between the three arms of government. Their conversation brings into focus the difference between India and the strict separation model which is the case in other countries, rather it uses the system of functional distribution and institutional coordination. The study is apt for a knowledge about various provisions of the Constitution and the way the Constitution has been interpreted by the judiciary which have helped maintain the balance between different institutions of government. It also emphasises the importance of decentralisation of power and promotion of democratic principles.

In the research paper Separation of Powers: Constitutional Plan and Practice[6] the authors have discussed about Doct of Separation and Constitution and Implementation of Doct of Separation in India. The authors focused on doctrine of separation of powers and how same can be used in an Indian Parliamentary system. The study suggests that Constitution has clearly segregated the functions of Legislative, Executive and Judiciary power and has given some weighted overlap to these in performing the functions. It stresses the importance of checks besides balances in the absence or in controlling the dangerous abuse of power, and to ensure citizens' accountability to the constitution. The research provides the baseline needed to consider the problems resulting from conflicts in institutional roles and competing jurisdictions.

Bandhua Mukti Morcha v. Union of India (1984)[7] will be important to strengthen the understanding of the interplay of the judiciary and the executive. Concerning the freedom to enjoy our essential rights set out in the constitution, it was about bonded labour and the bonded labourers that there was the judiciary available to protect us. The Court through PIL took an initiative to ensure dignity and welfare of the people belonging to weaker segments of society and also focused on role of the State. The ruling indicates that the judiciary could play a role in rectifying issues if the executive fails to comply with its constitutional duties. It also raises some very crucial issues regarding scope of powers of courts and distinction between enforcement of rights and enforcement of executive power by all of these courts.

[5] Trikha, A., & Tripathy, A. Separation of Powers: Indian Perspective. PalArch's Journal of Archaeology of Egypt/Egyptology, 17(6). ISSN 1567-214.
[6] Nidhi Singh, Anurag Vijay, (*Separation of Powers: Constitutional Plan and Practice),* International Journal of Scientific and Research Publications, ISSN 2250-3153, Volume 3, Issue 11, November 2013
[7] Bandhua Mukti Morcha v. Union of India 1984 3 S.C.C. 161

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The First Judges Case in S.P. Gupta vs. Union of India, (1982)[8] is significant in the context of the relationship between the Executive and the Judiciary and Independence of the Judiciary. The case handed over reflected the appointment and transfer of the High Courts' judges, and raised concerns over the undue influence of the executive on the appointment of judges. But the Supreme Court went through the provisions in the Constitution concerning judicial appointments and emphasized that a judiciary is impartial and independent in a democratic government. The decision highlighted the importance of the judiciary in upholding the rule of law and the rule of law values, and denounced the restrictions on judiciary independence. It also discussed transparency and accountability of government operations. An independent judiciary is an important component of the concept of separation of powers in that it balances the other powers ensuring that judges are not sugar-coated and exposed to too much power of the Executive branch of the government.

One of the important judgments of the constitutional history in India is Kesavananda Bharati v State of Kerala (1973)[9]. Supreme Court has incorporated the principles of 'Doctrine of Basic structure' under the Constitution of India and held that Parliament can make a change in the Constitution under Article 368 of the Indian Constitution, but the basic structure of the Constitution would be preserved. The Court had the position that constitutional supremacy was a restraint on the power of Parliament. The following principles of the basic structure of the Constitution have human relations angles closely connected with basic structure—separation of powers, judicial review, federalism and independence of judiciary. This ruling gave the judiciary more power to enforce the Constitution, and also held that the Legislature operates within the bounds of keeping to the Constitution. This question is of particular importance for the current investigation because of some degree of division of power between different institutions in the constitution, which provides for another check to a concentration of constitutional power in one or two institutions.

Bandhua Mukti Morcha v. Union of India (1984)[10] introduces a judicial activism and how constitutional institutions and procedures have served as a protector of weaker sections of the society with respect to their fundamental rights. The Supreme Court spoke about bonded labour and its failure to ensure proper implementation of laws which sought to protect workers from bonded labour. The Court had been proactive on its mission and tasked Govt. to make efforts to identify, release and rehabilitate bonded labourers. The decision confirms the crucial role of the judiciary in overcoming the unresponsiveness of the executive arms of government when it comes to fulfilling their constitutional and delegated obligations. It also brings out the significance of PIL as a weapon of social justice. Regarding separation of powers, the case portrays some good points of the role of judges, along with some points concerning the limits of judges' powers in the realm of executive administration.

[8] Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161
[9] Kesavananda Bharati v. State of Kerala (AIR 1973 SC 1461)
[10] Bandhua Mukti Morcha v. Union of India (AIR 1984 SC 802)

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Aravinda Sunil v J Satya Narayana (2008)[11], the Supreme Court strongly stressed upon judicial restraint and the constitutional limits of the three organs of the government while defining the powers of those organs. The case related to directives issued by the lower courts for appointments of the posts of driver of tractors and regularisation of employees against them. The Supreme Court ruled that the making and approval of the posts are Executive or Legislative functions, and not judicial ones. The Court commented that each of the branches of government—Legislative, Executive, and Judicial—has its own areas and should not normally encroach upon the other's authority. It noted that it facilitated an appreciation of the value of judicial review for checking constitutional compliance, and that the judges performed their duties with caution, modesty and accountability. An interpretation of separation of powers is directly upheld by this judgment, which maintains that separation of powers is vital to constitutional balance and for limiting judges' powers from taking on too broader a scope.

Commissioner of Customs v Sayed Ali (2011)[12] was a case that saw Supreme Court look into the authority of the Customs officer and the powers given by the Customs Act, 1962. This was the most salient issue and was whether the Commissioner, who has been empowered by the Act under Section 28 to issue a show-cause notice, has any legal right without any specific delegation of powers to the Commissioner to issue such notice. The Supreme Court had the opinion that the officer appointed by the competent authority vested with appropriate powers under the ambit of the provision was empowered to exercise powers of proper authority under the provision. The decision is likely to serve as a reminder to "also avail administrative authority within the prescribed limits by law." The case has nothing to do with separation of powers or administrative powers of the law but does relate to a larger principle; public power must not be exercised beyond the bounds of law enacted by the Legislature. It harks on accountability and the rule of law to be expanded in the working of the Executive institutions.

To expound the powers of the Central Government under the Essential Commodities Act, 1955 in the context of price of levy sugar, the Supreme Court, in the case Mahalakshmi Sugar Mills Co. Ltd. (2008, reported in 2009)[13], discussed the same. The main issue in the case was the factors for which the government was supposed to make consideration for fixing the price for levy sugar, such as cost of production, cane payment rate etc. According to the Court, the function of legislation, the determination of the price, is a function to be performed by the legislature by way of delegated governmental authority. However, the use of such power must also have statutory requirements for its use. The judgment also recognized that the court has jurisdiction to consider administrative and/or statutory decisions as that contain a violation of law. As a case of separation of powers, it is related to a particular aspect of delegated legislative powers, executive implementation and judicial review. It is a demonstration of how Judiciary is capable of holding the governmental actions and decisions liable in the light of constitution

[11] Divisional Manager, Aravali Golf Club v. Chander Hass (2008) 1 SCC 683
[12] Commissioner of Customs v. Sayed Ali (2011) 3 SCC 537
[13] Mahalakshmi Sugar Mills Co. Ltd. v. Union of India (2009) 16 SCC 569

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and the law without interfering in the activities of the other constitutional institutions nominated for their specific duties.

The Review of Literature gave an overall observation of the literature that had been reviewed. The literature as cited above and the mentioned judicial decisions has discussed the "Doctrine of Separation of Powers" and have shown that the doctrine is a part of the Indian constitutional system. It is suggested from literature that India has a flexible separation system and not a fixed separation of the governmental system. Although the Supreme Court in Kesavananda Bharati and S.P. Gupta has emphasized upon the supremacy of the Constitution and judicial independence, in the case of Aravali Golf Club, the doctrine of judicial restraint has come into the picture. The positive effects of Judicial activism as shown in Bandhua Mukti Morcha in relation to protection of Fundamental rights or in the case of Commissioner of Customs v. Sayed Ali and Mahalakshmi Sugar mills explained significance of limitation and judicial review of governmental action. These studies, along with these judgments, illustrate the reasons for institutional coordination and constitutional accountability in order to create good governance in a democracy. Or they say again and again that "too much stimulation of any organ can throw off the constitutional balance. Therefore, the doctrine has to be understood as one that governs, or not as a complete or utter isolation of governmental action, as the doctrine of as it is now being called, does.

DISCUSSION

A principle of constitutional democracy that strives to separate power between the Legislature, Executive and Judiciary. It has played an important role in India to keep the balance of power in the constitution, protect the fundamental rights of the citizens and prevent concentration of power in a single institution only. But its real application conveys a sense more of an institutional collaboration between separation of powers than a strict separation. Indian Constitution has framed different roles for three organs, which have some overlapping so as to achieve the objective of good governance. When this doctrine is mentioned it is clear that going to be successful, the capacity of the constitutional institutions is required to use their powers according to certain restrictions, and to recognize the powers exercised by other institutions.

Legislature activities like law making, policy making, sanctioning government expenditure and serving the public are also key aspects of legislature activities. It is a significant mechanism of democracy representation and accountability. However, an increasing role played by the executive in the legislative process, especially when the ruling party that holds a large majority, can reduce the scrutiny done on it and the effectiveness of parliamentary discussion. There has also been great recourse to the use of ordinances and delegated legislation which raises concerns in the relationship between the Executive and the Legislature. Therefore, the legislature should have its original mandate and fulfill the duties as prescribed by the constitution efficiently and effectively in order to ensure the transparency, participative and accountable making of the law.

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The Executive is responsible for vested responsibilities such as implementation of law, draft policies, ensure peace and order as well as management of Government departments. The Executive in India is very closely allied with the Legislature as all the ministers will be held responsible for governmental actions before the Lok Sabha. This helps to coordinate and makes administration more efficient, but can cause too much centralised decision making if legislation is weak. The lack of autonomy in the setting of autonomous institutions and lack of separation between them and administration and the abuse of administrative power can have detrimental effects on constitutional governance. This means that there are limits to the Executive based on the constitution, laws and judges.

The Judiciary is responsible to defend the Constitution and to safeguard fundamental rights; it's also very important for guaranteeing that governmental steps are taken in accordance with the Constitution. Judicial review is a power granted to the Supreme Court / High Courts to examine laws and executive decision and determine their constitutionality. A golf stroke was received by the supreme court of India with the Kesavananda Bharati v State of Kerala (1973) in boosting the primacy of the constitution with the help of "Basic Structure Doctrines". Along the same lines, S.In P Gupta v Union of India (1982), the issue of executive influence in the judiciary came back into play along with judicial autonomy. It is a clear recognition in these judgments of the significance of the independent judiciary playing an important role in a constitutional arrangement of balance between the various arms of government.

In addition, judicial activism has taken on a separate stirring of importance as the one of the principle clause of the doctrine of separation of power in India. Judianery has also encroached on the matters concerning human rights, environment, bonded labour and social justice via PIL. Very in Bandhau Mukti Morcha vs Union of India (1984) judicial intervention was demonstrated as one of the important safeguards of the weaker sections of people. The Court gave instructions to the Government for the identification, release and rehabilitation of bonded labourers proactively with this. The Judicial intervention when other Constitutional organs fail in their duty is a positive role of Judiciary in this kind of situation. But when “judge-ajustice” is overactive there are concerns regarding over-extension of the judge's authority and, in particular, regarding the judge's participation in policy-making, administration and legislative decisions.

Judicial restraint was the key in the case wherein Chander Hass challenged the Divisional Manager Aravali Golf Club (2008). The Supreme Court has once again emphasised upon the role of the Judiciary to refrain from becoming the Legislature or the Executive and uphold the boundaries of their constitution. In general, the judgment recognised that courts need to be an instrument of aid for upholding the ideals of the Constitution but should act wisely and prudently. Similarly in the case of Commissioner of Customs v. Sayed Ali (2011), it was reiterated that exercise of powers under the law should be within the limits prescribed by the law. A sense that separation of powers is not a concern of interfering with each other, but rather

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of holding each other accountable in the execution of the prescribed duties, appears in these judicial decisions.

Another major concept of democracy that is highlighted within the doctrine is that of checks and balances. There are limits on the authority of all government institutions and no government authority can have unlimited power. The terms of reference of Parliament provide a form of scrutiny on the Executive through parliamentary questions, debates, motions and budgetary processes. There is the Executive, which implements laws and decisions of courts, and the Judiciary – to assess the constitutionality and legality of the actions of the Executive and the legislature. These institutional connections make the government's power accountable and the constitution the supreme law of the land. But if, on the other hand, one institution thinks another is stretching its constitutional powers then conflict may arise. This disparity can sometimes be a problem in administration, and create doubts in the government.

The fact that the Doctrine of Separation of Powers provides safeguards to ensure democratic institutions do not face arbitrary action, can be seen as a blessing from the Indian point of view. It supports judicial independence, intensifications the rule of legislation, protects fundamental rights and allows against the concentration of power. It enables, in addition, challenges to government actions via the Constitution. However, the doctrine can be a curse in the cases of institutional confrontation, too much judicial activism, executive overreach and/or legislative overreach, if any of these elements interfere with the effective functioning of government. In some situations, conflicting views exist on what to do, and on whom to act.It can occasionally be a case of different institutions having conflicts of interpretation and/or authority about what should be done and by whom.

In today's India, with the highly complex governmental structure, the co-ordination between these three has gone from being of secondary importance to being paramount. The issues of economic development, protection of the environment, public welfare, national security, social justice will be demanding cooperation between constitutional institutions. In a parliamentary system of government, such as in India, it might not be possible to achieve absolute separation of powers. Rather, a balance which involves constitutional morality, respect for others, independence of institutions, and accountability. Every organ should be aware and refrain from uncalled-for intrusions into the role of others.

Overall, it seems that the doctrine of Separation of Powers is not a boomerang in India and does not bear the same meaning in the country that it does in the United States. The effectiveness would merely be tangible only if the Legislature, Executive and Judiciary utilized it or exercised its powers responsibly. It should not be understood as lessening the prospects for "cooperation" in groups or organizations, or as a weapon to thwart a misuse of power, but as a constitutional protection against the unravelling of democratic balance and stability. The equilibrium of the three organs is vital to good governance, to citizens' rights, to constitutional governance and to citizens' trust in democratic institutions. Hence the idea of Separation of

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Powers remains one of key features that contribute to the continuity of and movement towards democracy in India.

OVERALL CONCLUSION

One of the most important features of the constitutional democracy is the Doctrine of Separation of Powers that allows the effective division of governmental powers among the Legislature, the Executive and the Judiciary. The current study noted that the Doctrine serves as a vital tool ensuring supremacy of the Constitution, guarantee for protection of fundamental rights, punishment for the misuse of power and enhance the democratic architecture of India. The theory is not stated in the Indian Constitution, however the Indian Constitution has a clear-cut way of sharing powers along with a system of checks and balances. Within the constitution there are particular roles played by each of the three arms of government and without the ability for each arm to play its respective role within the bounds of the constitution, democracy will fail to take root.

Analysis of different judgments and the constitution pieces made it clear that the Indian Judiciary has been contributing in the field of protection of autonomy of institutions and balancing the constitution. Cases Kesavananda Bharati v. the State of Kerala (1973), Minerva Mills Ltd. v. the Union of India (1980) and Bandhua Mukti Morcha v the Union of India (1984) show how important the concept of judicial review is, as well as the limits of the constitution and the protection of fundamental rights. Similarly, in Aravali Golf Club v. Chander Hass (2008) the need for a more restrained approach by the judiciary and respect for functions of other constitutional organs have been mentioned. The principle of interfering unnecessarily in the constitutional functions of another institution will be removed and no institution will have unlimited powers.

It also exposes not only its good but also its bad sides based on the Indian perspective. On the other hand, it's a blessing because it ensures that things are properly recorded, to see what is going on, and it makes sure that institutions can remain independent of the government and that neither government authorities nor their agents can act arbitrariness. Abides by the law and ensures against authoritarian tendencies. However it becomes a liability in the event of conflict and confrontation between institutions, excess of executive power or too much activity by the judiciary in the governance. Administrative delays at times, policy uncertainty and conflictual policy orientations between constitutional institutions can arise and cause grievances and problems between the parts.

Therefore there is a need to understand that the purpose of the Doctrine of Separation of Powers is not to work out of harmony but in a well-balanced relationship of independence and mutual cooperation. The role of law enforcement and oversight for the Legislature is expected to be exercised effectively, the Executive's role in running the law within its constitutional powers, and the Judiciary's role to protect constitutional rights and protect itself against inappropriate

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judicial restraint. The three institutions must work based on principle of mutual respect, constitutional good conscience, transparency of activities and its accountability.

To summarize, the Doctrine of Separation of Powers is generally beneficial for the Indian Democracy, if it's deployed in a balanced and responsible way. Its effectiveness is not solely guaranteed by how powers are divided between the Constitution, however, it is ensured also by the integrity, independence and accountability of those who have these powers. In India, a democratic government in a diverse and growing nation which requires social justice and equality, freedom of person and good government, should cooperate between the Legislature, Executive and Judiciary. Hence, it is suggested to think of the doctrine as a souping law which promotes the ideals of democracy, checks of tyranny and strengthens the foundation of the Indian Constitution.

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