

# A Critical Analysis of The Rule of Law and Forms of Government in India, USA, and UK

ANUJ WANKHADE

LL.M. (Cyber Law) Scholar, Vishwakarma University, Pune, India

*Abstract- The principles of the rule of law and the structure of the government in three great democracies like India, USA and UK vary vastly. Thus, this paper aims to analyse their legal foundations critically, as these countries incorporate the rule of law as the sustenance of democracy, protection of fundamental rights, and provision for social justice. The Constitution of India is unique in its combination of inherited British parliamentary forms with newly invented social justice-oriented provisions appropriate to the diverse, postcolonial environment. It describes a parliamentary government oriented toward ambitious social reform by which Directive Principles of State Policy reduce inequalities in society and are made to sit alongside fully justiciable Fundamental Rights. The Indian rule of law is based on "procedure established by law," and shaped both by the construction of statutes and by political bargaining during the drafting stage of the constitution. This has come to shape Indian constitutional jurisprudence as a constant tension between individual liberty and state power. While the United States practices the presidential system, rooted in the principle of separation of powers, founded on a strict and codified Constitution that enshrines judicial review as a mechanism of guardian control for constitutional supremacy. This is where and how the rule of law distinctly limits legislative and executive authority under an entrenched Bill of Rights, with the courts coming in protection of liberties. The United Kingdom comes up with a rather unique model, essentially based on an unwritten constitution made up of statutes, conventions, and judicial decisions, where parliamentary sovereignty is placed. It mandates the rule of law through parliamentary supremacy, meanwhile common law traditions plus human rights laws resulting in a flexible yet ancient by history framework that allows government power with individual freedom. It shows how, though all those bodies observed the rule of law, its application can be so diverse due to historical, cultural, and structural reasons. India fuses social revolution with national unity by merging idealism with pragmatism in governance through diversity. The United States places more weight on strong constitutional guarantees and judicial review; the United Kingdom depends on parliamentary sovereignty and flexible legal norms. It is from here that a study like this one would bring out how such differences play into the actual constitutional*

*structures and, therefore determine to what extent democracy has resilience in different political contexts and the protection of rights.*

**Keywords:** Rule of Law, India, Fundamental Rights, Directive Principles of State Policy, Judicial Review, Bill of Rights, United States, Human Rights, United Kingdom

## I. INTRODUCTION

The rule of law and government structures are fundamental pillars that shape the political and legal frameworks of modern democracies.<sup>1</sup> While the rule of law mostly means that everyone is equally bound by and accountable to some duly promulgated law, including those who wield executive or legislative authority, its practical application varies significantly from country to country due to historical, constitutional, and socio-political factors.<sup>2</sup> Besides, India's process of constitutional development is an example of how traditional legal formulas accommodated the needs of a grand heterogeneous community coming out of colonial rule.<sup>3</sup> The Constitution of India is not only a legal document but also a charter for society that tries to strike a balance between liberty on one hand and social justice with national unity on the other. It installs a parliamentary type of government committed to the amelioration of all forms of social inequalities through Directive Principles, while at the same time safeguarding individual freedom through Fundamental Rights.<sup>4</sup> In India, the rule of law runs through "procedure established by law" reflecting both an initial post-colonial compromise and a continuing conversation between the judiciary, legislature, and executive.<sup>5</sup>

The United States runs a presidential system with separated powers and maintains a strong Bill of Rights that protects individual rights from violation by the government.<sup>6</sup> This country has a very strict constitutional setup that allows the judiciary to be totally independent in interpreting and enforcing the

rule of law against legislative and executive actions, thereby providing another check on both authorities.<sup>7</sup> The due process principle forms an element thereof, which was heavily discussed during constitution making in India.

The United Kingdom runs an uncodified constitution, unlike the Indian and American constitutions.<sup>8</sup> It is based on parliamentary sovereignty, common law, and constitutional conventions. Here, the Rule of Law is practised under a soft version of the legal framework that accommodates both the supremacy of Parliament, together with judicial protection and the development of rights in statutes.<sup>9</sup>

While the rule of law is regarded as an essential element of democratic governance, it varies in different political systems. In India, the United States, and the United Kingdom, there has been a difference in constitutional traditions and systems of government that account for a mixture of parliamentary federalism, presidential federalism, and parliamentary sovereignty, thereby constituting factors responsible for their different interpretations of the rule of law. It is by comparing them that one can see how concepts and institutions develop, whether they have strength or weakness and thus relevance to contemporary governance.

Hence, this paper undertakes a critical appraisal of the impacts that different frameworks have on civil liberties, the distribution of power, and the stability as well as effectiveness of governance. It attempts to trace how variations in the codification of rules, together with structures of government, play out in terms of democratic results, legal protections, and social cohesion, thus providing lessons for improved constitutional governance within sundry political contexts. The succeeding portions shall also trace historically what has happened to the principle of rule by law and its judicial interpretation in each country before assessing how applicable it is and what challenges it poses; finally assessing the impacts that such forms would have on government.

## II. HISTORICAL DEVELOPMENT OF THE CONCEPT OF THE RULE OF LAW

Over centuries, the 'Rule of Law' has come to be seen as a move from arbitrary, capricious systems of

governance to one in which there is uniform application of laws to rulers and ruled.<sup>10</sup> Contemporary constitutionalism puts that principle at the heart of it all because, by essence, constitutions prescribe that countries should be run on the basis of laws rather than the whim of an individual leader.<sup>11</sup> It also reflects how political thought and legal institutions have developed through different civilisations. The requirement for authority to act within existing laws has ancient antecedents long before its expression in the modern West.

The basic idea of the rule of law goes back to ancient Mesopotamia and Rome, with great legal systems dating from the Code of Hammurabi and Roman law to those early periods.<sup>12</sup> Though most codes granted authority by means of equal application, the original concepts of legal supremacy sought certain particular restraints on the conduct of rulers' actions. For example, Hammurabi's code (1754 BCE) purported to apply laws equally, even to the king himself.<sup>13</sup> As Aristotle put it in ancient Greece, "the law should govern," adding reason and justice to legal principles.<sup>14</sup> It was mainly through Justinian's codification that Roman law would later be transmitted as an influence on later European legal traditions.<sup>15</sup> In India, works like the Arthashastra and the Manusmriti speak on Dharma, defining the moral and legal duties of kings, thereby emphasising that rulers have a higher law to answer.<sup>16</sup> Similarly, from the Confucian and Legalist schools of thought in China, it is learned that while placing different emphases, laws are essential to order and to ensure rule by morality.<sup>17</sup>

The major force that resulted in strengthening the Rule of Law in England was during the medieval period, as political strife reduced monarchical authority. The Magna Carta, coming into existence in 1215, expressed this by stating that the King was subject to the law and thus limited sovereignty.<sup>18</sup> Subsequent legal charters reiterated this principle: the Petition of Right (1628), Habeas Corpus Act (1679), and Bill of Rights (1689) all reiterated parliamentary sovereignty while individual liberty was protected.<sup>19</sup> The Magna Carta is infamously known as because it came at a crucial time to limit royal power without restraints and institute legal protection; therefore, it served to embody constitutionalism. What the English common

law has, over time, emphasised is judicial independence and supremacy of law.

A.V. Dicey has postulated what is referred to as the contemporary or modern version of the Rule of Law in his book, "Introduction to the Study of the Law of the Constitution," published in 1885.<sup>20</sup> He enunciated three basic rules: that there should be supremacy of law and not arbitrary power, equality before the law, and, finally, relating to courts' jurisdiction.<sup>21</sup> Enlightenment philosophers were major predecessors in conceptualising this notion; for example, John Locke and Montesquieu. Locke emphasised the need for the legitimacy of government emanating from law and based on popular consent;<sup>22</sup> Montesquieu advocated separated powers to forestall despotism.<sup>23</sup>

The development of the rule of law in the United Kingdom is basically anchored on its ancient common law principles and the doctrine of parliamentary supremacy.<sup>24</sup> Unlike other countries that have a single written constitution, the statutes, case laws, and conventions from which the legal system emanates ensure accountability to the law by everyone including government officials.<sup>25</sup> This has also been influenced by great charters and legal doctrines promoting equal application of the law to individuals for the protection of basic liberties, notwithstanding some codified bills of rights.

In the United States, the rule of law was solidified through the adoption of the Constitution and the Bill of Rights. These key documents safeguard individual freedoms and establish an independent judiciary equipped with the power of judicial review to defend constitutional rights and curb government authority. This legal structure emerged from America's goal to avoid arbitrary government actions and protect fundamental liberties via enforceable legal safeguards.

The rule of law is what the colonial British administration left post-independence activism, leading to a constitution that incorporated the British system of parliamentary democracy and American fundamental rights. The Indian Constitution provides for enforceable rights protected by the judiciary through prerogative writs and also directs social policy through the Directive Principles. It reflects the pluralism of Indian society by embodying minority rights protection while using judicial activism to

maintain these and other civil rights against even the impediments presented by preventive detention legislation. This hybridised version of liberal traditions is set in an Indian setting.

In the modern era, the rule of law is crucial for democratic constitutions worldwide. The Constitution of the USA established checks and balances, including judicial review, while the Constitution of India institutionalised the rule of law to protect rights and ensure oversight. Even in the UK, which lacks a single written constitution, conventions and statutes support legal governance.

### III. PRESENT APPLICABILITY OF THE RULE OF LAW WITH CASE LAWS

In India, the Rule of Law is not just a constitutional ideal but rather a basic feature of the constitution, which goes to the core of the entire framework of democratic governance. Mostly, it finds its expression in Article 14, which guarantees equality before the law or equal protection of laws.<sup>26</sup> Its genesis can be traced back to the British common law system; however, it was modified to suit the Indian socio-political milieu and also in consonance with its Constitution being supreme.

The Supreme Court of India has been a major player in changing and enforcing the Rule of Law. In A.K. Gopalan v. State of Madras, 1950,<sup>27</sup> it adopted a narrow view focusing on the principle of "procedure established by law." However, in Maneka Gandhi v. Union of India, 1978,<sup>28</sup> it widened the scope by reading into it the concept of substantive due process, which meant that the law should be just, fair, and reasonable. With this decision, fairness was introduced into Indian jurisprudence and with it, principles of natural justice. The Kesavananda Bharati v. State of Kerala<sup>29</sup> case read Rule of Law into the basic structure of the Constitution, thereby making it impossible for Parliament to amend and destroy or emasculate the very fundamental feature through Article 368. In Indira Gandhi v. Raj Narain,<sup>30</sup> this was sought to be tested again, reiterating that even if she happens to be the Prime Minister, the Rule of Law must work against her and the electoral process cannot get immunity from judicial scrutiny.

Contemporary relevance covers practices of management and governance. In *D.C. Wadhwa v. State of Bihar* (1987),<sup>31</sup> the Court held that the practice of re-promulgation of ordinances without placing them before the legislature is unconstitutional. Thus, it reinforced legislative accountability. The Rule of Law has been converted by the judiciary into a vehicle of social justice through a violation that hurts the interests of weaker sections who come to courts under Public Interest Litigation (PIL).<sup>32</sup> This doctrine is continuously applied by the Indian judiciary to enforce transparency, accountability, and fairness in the actions of the state, thereby establishing it as an essential element of good governance.

In the United States, the Rule of Law is based on the 1787 Constitution, which brought about constitutional supremacy and separation of powers as their basic principles.<sup>33</sup> Under this doctrine, the executive, legislative, and judicial arms of government operate within some defined confines of constitutional authority. Apart from being the final arbiter interpreting the constitution, the Supreme Court ensures adherence to the Rule of Law by way of a provision known as judicial review. It was in the famous case of *Marbury v. Madison*,<sup>34</sup> decided by Chief Justice John Marshall in 1803, that the principle of judicial review first found formal expression: "a law repugnant to the Constitution is void." By this decision, nothing done by Congress or the President could rise above constitutional principles.

Such cases have further solidified this foundation. In *Brown v. Board of Education*,<sup>35</sup> since the Rule of Law did not permit anything less than equal treatment before the law, racial segregation in public schools was struck down. In the famous case of *United States v. Nixon*,<sup>36</sup> it was held that the President is subject to the laws and compelled President Nixon to deliver evidence relating to the Watergate scandal, thereby establishing that executive privilege cannot be used as a bar against an investigation by a court or in the interest of justice. Due process and equal protection under the law are also principles of the Rule of Law articulated in the Fifth and Fourteenth Amendments, respectively.<sup>37</sup> The Supreme Court decisions in *Roe v. Wade*<sup>38</sup> and *Obergefell v. Hodges*<sup>39</sup> enhanced personal freedoms by emphasising that, notwithstanding what the Rule of Law may otherwise prescribe, adequate

legislative measures are obligatory to protect fundamental rights against state encroachment.

The tensions that run between judicial activism and restraint inform modern-day debates in the United States, but to remind us of the real essence of the Rule of Law: it is about the supremacy of the Constitution, and it is about making all public authorities answerable under some laws.<sup>40</sup> That part can play independently, meaning here as an unintegrated part from the rest of the government, making even the most powerful political actors subject to certain legal restraints.

The Rule of Law in the United Kingdom speaks of the arrangement between an unwritten constitution and parliamentary supremacy with judicial review. According to A.V. Dicey, the basic principle lies in the supremacy of ordinary law, its equal application to every individual, and predominance of the spirit of legality.<sup>41</sup> However, due to the fact that there is no codified constitution in the United Kingdom, which has been followed for centuries, it rather depends on a combination of judicial precedents, parliamentary statutes, and constitutional conventions. The judiciary has taken on an ever more important role in defining the Rule of Law within this context. In the great case of *Entick v. Carrington*,<sup>42</sup> it laid down the fact that state officials cannot act without lawful authority, thereby building up a legal accountability foundation. In *R v. Secretary of State for the Home Department, ex parte Daly*,<sup>43</sup> the House of Lords restated that as to whether or not proportionality and fairness are two separate principles, they are both integral elements of the Rule of Law applicable to administrative action.

The Human Rights Act 1998 considerably invigorated the ability of courts to enforce the Rule of Law by bringing the European Convention on Human Rights (ECHR) into domestic law.<sup>44</sup> In the case of *A v. Secretary of State for the Home Department*,<sup>45</sup> where it was dealing with a matter relating to the indefinite detention of foreign nationals under anti-terrorism laws, which was inconsistent with the ECHR, this provision demonstrated that the Rule of Law shall be applicable even in respect of matters related to national security. *R v. Prime Minister*<sup>46</sup> was the case in which it was decided by the Supreme Court of the UK that prorogation of Parliament by the government

is illegal, thus reaffirming the place of executive actions within the purview of judicial review. Therefore, this demonstrates how, despite working within a system to ensure parliamentary supremacy, it has an important role in ensuring constitutional accountability through the judiciary and upholding the Rule of Law.

#### IV. CRITICAL ANALYSIS OF THE RULE OF LAW IN INDIA, USA AND UK

A basic pillar of Indian democracy, the Constitution of India explicitly embodies the rule of law through a justiciable scheme of Fundamental Rights and a system of judicial review. These rights, particularly the right to life and liberty under Article 21,<sup>47</sup> as protection against the arbitrary action of the state, make provision for their enforcement by the judiciary through prerogative writs like habeas corpus and mandamus.<sup>48</sup>

The framers of the Constitution were fully aware of India's complex social realities and political problems, setting the rule of law as an important restraint on power. Rights and principles have been creatively construed by the Indian judiciary proactively, with public approbation of its writ jurisdiction in sustaining civil liberties. The journey has not been without impediments, though. In fact, early key decisions like A.K. Gopalan v. State of Madras<sup>49</sup> case show how judges could be deferential to executive power in matters of security legislation, hence narrowing the scope for due process. That was a debate during drafting about whether to insert "procedure established by law" rather than due process, thereby limiting initially the scope for judicial examination of violations of rights.<sup>50</sup>

It is through judicial activism that has developed mostly in the post-emergency period, providing wider judicial safeguards by reading the rule of law with fundamental rights, that all this has been made possible.<sup>51</sup> The emergence of a constitutional state is seen in the willingness of the Supreme Court to enforce constitutional rights against the assault of so-called states and its willingness to encourage Directive Principles as fishing expeditions, having symbolic value; moreover, their articulation evidences that the principles of the rule of law operate as restraints on majoritarian and authoritarian tendencies.

Executive overreach, delays in justice, and sociopolitical inequalities continue to be the challenges that confront India. The rule of law at the constitutional level often gets marred by political pressure on the inadequate resources of courts and complicated federal structures. Another aspect is that, though theoretically there are limitations on rights in the constitution through "procedure established by law," ample scope still remains open for legislative bodies to infringe upon liberties.

The rule of law is firmly established within a written Constitution in the United States, which is regarded as the supreme legal authority there. By the principle of judicial review expressed in *Marbury v. Madison*<sup>52</sup> therefore, courts have long been empowered to strike down any legislation that violates the prescriptions of the Constitution. It is this concept, not finding elsewhere, that makes for the American democracy, giving effect to meaningful restraints on both the Legislature and the Executive.

The constitutionalism of America emphasises due process, equal protection, and separation of powers, which results in a strong system protecting individual rights from arbitrary government action.<sup>53</sup> Landmark decisions continuously emphasise civil liberties as they reinforce the rule of law principle that makes the government answerable for its actions. The United States represents a strong and well-institutionalised ethos of the rule of law with active civil society engagement, transparent legal processes, and an independent judiciary. The federal structure and separation of powers in the country add up to checks and balances in the system.

Though these strengths have been delivered, critiques about disparities in legal outcomes by race and class and economic inequalities continue to flow. It is in this respect that critics indicate the uneven effects of the law on various strata of marginalised communities, thereby questioning the practical realisation of equal justice under the law. Political polarisation can unsettle legal norms. This has been seen in highly contested Supreme Court appointments and legislative gridlocks.

The United Kingdom is an example of a constitutional democracy with an unwritten constitution. Its constitution develops from statutes, judicial decisions,

and conventions. The principle of the rule of law is thoroughly associated with the sovereignty of Parliament. It means that Parliament can legislate on any matter without any legal limitation, placing the legislature ostensibly above the judiciary.

Even so, the courts have contributed greatly to the sustainment of legality and the protection of rights by means of common law principles and judicial review of administrative action, as was demonstrated in the classic case of *Entick v. Carrington*,<sup>54</sup> which laid down limits on executive power. The assimilation of the European Convention on Human Rights through the Human Rights Act 1998 has, to some extent, infused another stratum for individual rights.<sup>55</sup>

The rule of law emerges from a flexible structure that reconciles parliamentary supremacy with the evolving norms of human rights and independent judicial oversight. It is the common law tradition that leads to both adaptability and continuity inculcated in the legal system. No codified and supreme constitution creates uncertainty about the extent of parliamentary power because the courts cannot strike down primary legislation. This has led to concerns about how much room it gives political majoritarianism to invade the domain of fundamental rights.

#### V. DEVELOPMENT OF FORMS OF GOVERNMENT WITH HISTORICAL BACKGROUND

The government concept, which includes the arrangement and functioning of state power, has seen great historical changes. Systems, monarchies and empires to modern-day democracies, tried by sundry societies in their quest for reconciliation of authority with responsibility as well as participation. The governmental systems of India, the United States, and the United Kingdom represent different paths: one political strife and revolution, another colonial legacy, yet a third through philosophical thought about governance.

The United Kingdom represents the most ancient and effective type of parliamentary democracy. In the old British system, what took place was a shift from absolute monarchy to constitutional monarchy achieved by progressive reforms and not by any dramatic revolutions.<sup>56</sup> The transformation began with

the Magna Carta in 1215, which limited the monarch's arbitrary powers and introduced a principle for all rulers to be under the law.<sup>57</sup>

The struggles of the monarchy and Parliament over issues of taxation and representation that erupted in the English Civil War of 1642–1651 resulted in the beheading of Charles I.<sup>58</sup> The Glorious Revolution of 1688 became a turning point; it came up with a Bill of Rights in 1689 that assured Parliamentary Supremacy while drastically limiting the powers of the Monarch.<sup>59</sup> All these were enshrined into constitutional settlements to form today's British government on the rule of law, limited separation of powers and responsible government.

The Reform Acts gradually widened the vote, allowing the government to move from aristocratic rule to representative democracy. It is this House of Commons that became the world's most powerful legislative body, with the Prime Minister and his Cabinet answering together to it.<sup>60</sup> Unlike written constitutions, unwritten conventions, common law, and principles of a constitution derived from ancient political practices govern the British system of government. Today, that system works out as a unitary parliamentary government within a constitutional monarchy, which reconciles continuity in the Crown and democratic governance through Parliament.<sup>61</sup>

The United States put into place an uncommon type of government with a presidential system and an absolutely rigid separation of powers. This came out of the colonial antagonism toward the British crown, as seen in the American Revolution (1775–1783),<sup>62</sup> followed up immediately by the Declaration of Independence, which stated the principles of freedom, equality, and self-rule. Institutionalisation took place via the U.S. Constitution, one of the written constitutions still functioning today that dates from 1787.

The natural rights theories of John Locke and the principles of separation of powers, as observed by Montesquieu, inspired the framers to set up a structure designed to prevent any easy accumulation of power or usurpation thereof.<sup>63</sup> The three branches—executive, legislative, and judicial—act independently and are equal in strength with a very strong system of checks and balances. The President sits in an office that is

separately elected from the Congress, being both head of state and head of government; thus, it provides administrative stability while also ensuring direct democratic accountability.<sup>64</sup>

The Federalist Papers were written by Alexander Hamilton, James Madison, and John Jay to explain how the newly proposed system of government would be able to avert despotism.<sup>65</sup> Indeed, later constitutional interpretation by the U.S. Supreme Court in such emblematic judgments as *Marbury v. Madison*, which solidified the practice of judicial review, and *Brown v. Board of Education*, promoting further development of rights, has served to enhance this American constitutional structure.<sup>66</sup>

The federal system is another feature; consequently, in the operation of sovereignty sharing between the central government and the states, regional autonomy is adequately secured with an effective provision for national unity.<sup>67</sup> Thus, the American system of government happens to ensure a republican regime operating under a constitution that centres on individual rights involving limited government and places the Constitution as the supreme law above all else. This has been copied by many democratic constitutions worldwide, especially after colonisation.

The government of India takes elements from the British parliamentary setup and mixes them with the American federal structure, creating a unique hybrid model that fits the vast diversity within the nation. The historical background of India's political system has its main origins in colonial rule and the national movement for freedom. The Government of India Acts 1858, 1909, 1919, and 1935, gradually staged the setting up of representative institutions while keeping intact the dominance of Britain.<sup>68</sup>

The Indian National Congress, under the leadership of Mahatma Gandhi, Jawaharlal Nehru, and B.R. Ambedkar, pressed for democracy-based self-rule on foundations involving both equality and social justice. When the country became independent in 1947, drafting an appropriate Constitution for a pluralistic nation in the post-colonial setup was thus left as one of the major tasks for the Constituent Assembly. Promulgated in 1950, henceforth this was to be described as a sovereign, socialist, secular, democratic republic with a parliamentary system of government.

Taking features from the setup in Britain, India adopted the rule of joint duty of the Council of Ministers to the Lok Sabha (House of the People), thus ensuring executive accountability to the legislative body. At the same time, the President acts as the charter head of state, like the British king, while the Prime Minister has the role of real executive power. From America, India adopted ideas such as federalism, checks and balances, and a written Constitution, finding a middle ground between national unity and state freedom.

Also, the Indian scheme laid down by way of Directive Principles of State Policy, a vigorous obligation to social and economic democracy and through the large matrix of Fundamental Rights.<sup>69</sup> Since then, the basic structure doctrine has been strengthened by a series of amendments to the Constitution and judgments of courts against changes in it, particularly in the *Kesavananda Bharati v. State of Kerala* case, which bars Parliament from tinkering with the real essence of such great concepts as democracy, federalism, and the rule of law.

Though all three countries are democratic in their setup, significant differences mark the structure of the government and the basic philosophies. The U.K. is a classic example of parliamentary sovereignty in a unitary setup; the U.S.A. has adopted constitutional supremacy under a presidential federal republic; and India has mixed both these concepts by having a parliamentary federal republic, laying more stress on social justice with unity in diversity.

Traditionally, the evolutionary continuity of the UK, the revolutionary innovation of the US, and the constitutional synthesis in India put on view how different historical backgrounds can produce different models of governance. All three have exercised some degree of influence over one another-British traditions were inspirational both for American constitutionalism and Indian parliamentary practice. In contrast, American federalism and judicial review inspired India's constitutional structure.

Thus, the evolution of systems of government in these three democracies reflects a commitment to representative governance and the rule of law, besides rights. Each has, however, taken its principles through a different route according to its historical experience,

political culture, and the relationship between society and state.

#### VI. CRITICAL ANALYSIS OF FORMS OF GOVERNMENT IN INDIA, USA AND UK

The government of a nation speaks much of its historical evolution, socio-political circumstances, and constitutional philosophy. India, the United States, and the United Kingdom are great examples because even though they implement democratic principles under constitutions or constitutionalism, significant institutional design diversity exists to distribute power.

The United Kingdom runs what can be described as a unitary parliamentary system in which a constitutional monarchy is one of the most ancient and flexible systems of governance.<sup>70</sup> Formally speaking, power lies within the Crown, but realistically it is exercised by the Prime Minister and his Cabinet, who are collectively responsible to the House of Commons for their actions.<sup>71</sup> Direct political accountability is thus ensured because the executive emanates from within the legislature.

It works under the concept of parliamentary sovereignty, which means that Parliament is the highest legal authority. In such an environment, there is no written constitution to define the powers of the legislature; therefore, no court has any power to strike down a statute for being unconstitutional. It promotes flexibility and adaptability, but arises due to a lack of constitutional protection being enshrined. The Human Rights Act and provisions brought in via judicial review through the European Convention on Human Rights may have slightly watered down this principle, but in every respect, Parliament remains the ultimate law-making body.<sup>72</sup>

The British system has a high degree of political stability. It is also known as the fusion of powers leads to good governance since the executive being responsible to parliament makes it so responsive, but at the same time, it can mask the actual separation of powers, leading to executive dominance, especially when there is a single party with a large majority support in parliament.<sup>73</sup> This has made critics say that indeed this fusion undermines proper legislative scrutiny and thus reduces the democratic checks. A further great challenge has been the asymmetrical

devolution of powers to Scotland, Wales, and Northern Ireland, which has created quasi-federal features within a formally unitary structure.<sup>74</sup> In this context, constitutional conventions take on enhanced importance. However, since they are not legally enforceable, this can lead to uncertainty, as was dramatically demonstrated in the Brexit process.<sup>75</sup> Much debate was then triggered about where ultimate parliamentary sovereignty had previously rested and what royal prerogative powers could be exercised against that background.

In summary, while the UK model effectively synthesises continuity with democratic governance, as long as it continues to rely on unwritten conventions and parliamentary supremacy in action, damage control of the diminishing returns of constitutional accountability has to be instituted concomitantly.

The United States is a model of a federal presidential republic based on a written constitution with enshrined separation of powers and checks and balances.<sup>76</sup> The President is both head of state and head of government, elected separately from the legislature. Therefore, there is a definite distinction between executive and legislative functions.

This separation is meant to guard against the accumulation of power, thereby reflecting the apprehensions of the framers toward potential tyranny. On the flip side, it does create institutional friction. The President cannot dissolve Congress; neither can Congress remove the President except by impeachment.<sup>77</sup> Such rigidity can lead to legislative gridlock, particularly in times of divided government when one party controls the executive and another the legislature.<sup>78</sup> While such tension is effective in safeguarding individual liberty, it militates against achieving policy efficiency.

A strong point of the U.S. system is its practice of judicial supremacy. Ever since the great case of *Marbury v. Madison*, the Supreme Court has allowed itself to keep reviewing whether government actions are indeed based on constitutional principles, thus strengthening both the rule of law and individual rights protection.<sup>79</sup> These lead, on one hand, to an academic debate regarding "activism" by unelected judges sitting rather high up in the policy-making process.

The federal set-up encourages regionalism and allows for state-level experimentation, promoting diversity and innovation. But it also leads to differences between the policies of different states, especially in areas like health and education, among others.<sup>80</sup> The Electoral College has been most seriously indicted on the charge of an assault so grave upon the integrity of democratic representation, particularly in those presidential elections wherein the results of the popular vote do not coincide with those of the Electoral College.<sup>81</sup> A presidential system in America is a democracy of limited government, individual rights, and the Constitution as the supreme law of the land. This system complicates the separation of powers but is most instrumental in preventing any forms of intrusion by authoritarianism. Thus, this brings about the major challenge in an attempt to attain accountable governance that is responsive to the needs of the people amidst increased partisan polarisation within contemporary U.S. politics.

India's governmental structure is a hybrid of the British parliamentary system and the American federal structure.<sup>82</sup> Scholars have aptly termed it a parliamentary federal republic. The President is the constitutional head, whereas real executive powers are exercised by the Prime Minister and his Council of Ministers, who are collectively responsible to the lower house of Parliament, i.e., Lok Sabha.<sup>83</sup> Thus, it ensures executive responsibility in a representative setup.

The parliamentary system fosters the relationship between the legislature and the executive in such a way that makes governance easier than it is in America. But the same has found more space for executive dominance when a single political party accrues big numbers on the floor of the house. Therefore, collective responsibility may at times become a nominal principle with decisions being centralised increasingly in the Prime Minister's Office.

The Constitution of India adopts a federal structure with strong central government control as a means of achieving unity amidst diversity. While in the United States, the federation is considered to be a compact among states, in India, it is viewed as an "indestructible Union of destructible States."<sup>84</sup> The

Union and State powers are defined in the Seventh Schedule, but the Centre has overriding powers which can be exercised during emergencies (Articles 352 to 360).<sup>85</sup> Such a model makes the country quasi-federal in nature, and though highly justified as an imperative for preserving national integration, it has been equally criticised due to its inherent tendencies toward centralisation that undermine the autonomy of the states.<sup>86</sup>

The Supreme Court of India, in its celebrated judgments, has fortified the basic structure doctrine and limited the scope for arbitrary central action. While this makes room for an effective check through judicial review and helps place the principle of constitutional supremacy above political expediency, the working of a parliamentary system pivots more on political morality and coalition dynamics. This often blurs, in practical terms, the distinction between constitutional form and political practice.

India operates a democratic framework, thereby exercising inclusivity among linguistic, religious, and cultural diversity.<sup>87</sup> The Election Commission and Comptroller and Auditor General, along with the independent judiciary, are very much instrumental in the accountability practice and constitutionalism.<sup>88</sup> The Directive Principles of State Policy, having embraced Fundamental Rights, have injected governance with an aspect of social justice alongside liberal democracy, which makes a difference between India's system and that of the West.

However, problems of executive overreach, independence of the legislature, and judicial delays continue. Building democratic institutions and inculcating political ethics will go a long way toward ensuring the balance that the framers had envisaged in India's Parliamentary Federal set-up.

The United Kingdom puts greater emphasis on parliamentary sovereignty, while the United States is under constitutional supremacy, and India tries to reconcile both through a socio-economic democratic order.<sup>89</sup> Whereas the British model gives primacy to flexibility and efficiency, the American model ensures rigidity and rights protection, the Indian prescription integrates stability with social transformation.<sup>90</sup> Executive dominance in parliamentary systems, institutional deadlock in presidential ones, and federal

imbalance within mixed systems are the organic strains that various forms of government present. Democracy, the rule of law, and accountability are always substantially shared by all three.

No particular system of government can be found to work best. The success or otherwise of a government is dependent on the political culture, institutional setup, and civic involvement, making up both unwritten conventions and such factors as constitutional rigidity and hybrid adaptability. It is at this very point that the issue finds demonstration in the unwritten conventions of the United Kingdom, the constitutional rigidity of the United States, and the hybrid adaptability of India, different ways through which democratic governance continues to assert its presence while history and society put it to the test.

## VII. CONCLUSION

A comparison of the Rule of Law and systems of government in India, the U.S., and the U.K. shows how different historical experiences, political thoughts, and constitutional structures shape democratic governance and the safeguarding of personal rights. Though all three systems share the basic principles of acting within the law, being answerable for actions taken, and ensuring justice, there are very real differences in how these goals are achieved.

The Rule of Law, as presented by A.V. Dicey and later elaborated upon from the bench, becomes the essence of constitutional democracy in all three countries, or rather, it gets to strike roots therein. In the U.K., it has grown over many centuries through conventions of the constitution and supremacy of parliament, which ensures that governance is always anchored on some legal tradition, besides political responsibility. The United States rearticulates this doctrine via constitutional supremacy and judicial review, with its Constitution an ultimate guarantor against arbitrary power. In India, not only was the Rule of Law adopted as a principle that aids legality, but it also allows for infusion with a social and economic content reflecting post-colonial commitment to equality and justice, besides welfare-oriented governance.

The UK's parliamentary monarchy allows for easy, though not necessarily efficient, government due to a

fusion of powers and offers an equal risk of executive dominance when majorities are strong. Guaranteed by the U.S. presidential system is the separation of powers and constitutional checks; however, the system sits frozen in political deadlock most of the time. Drawing from both systems has given the Indian parliamentary federal republic a fine balance between unity and diversity, though tilting toward centralisation and executive control more often than not.

The persistent problem in these democracies is the equilibrium of the two contrasts, liberty with authority and efficiency with responsibility. Despite differences in institutions, they have a common principle of the Rule of Law, which ensures that no organ of government operates beyond constitutional limits. Therefore, this comparative analysis brings out the fact that the vitality of any democracy depends not on constitutional design, rather mainly on institutional strength, an independent judiciary, and the degree of moral integrity found within its leadership. That governance continues to evolve in India, USA, and UK proves that a fair society's freedom finds its real guardian in the Rule of Law, a quintessential element.

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