

Formal Separation and Practical Concentration: Re-examining the Doctrine of Separation of Powers in the Indian Constitutional Order

NIKSHEPAVITH A G

Student, Department of Law, Amity University, Noida

Abstract- *The doctrine of separation of powers is conventionally treated as a foundational safeguard of constitutional democracy, dividing governmental authority among the legislature, the executive, and the judiciary so that no single institution may dominate the others unchecked. This paper examines whether that doctrine operates as a substantive constraint on power in India or whether it survives chiefly as a textual and symbolic arrangement while practical authority concentrates within the political executive. Drawing on constitutional text, landmark judicial pronouncements, and recurring patterns of institutional practice, the paper argues that India's constitutional design deliberately departs from the rigid tripartite model associated with classical separation-of-powers theory, opting instead for a system of distributed but overlapping authority suited to parliamentary government. It further argues that this design, while resilient in form, has proved vulnerable in operation: executive control of the legislative agenda, strict party discipline reinforced by anti-defection law, routine recourse to ordinances and delegated legislation, contested judicial appointments, tribunal dependence on the executive, and the politicisation of the permanent civil service have together produced a pattern of formal separation coexisting with practical concentration. The paper concludes that separation of powers in India is best understood not as an illusion in existence but as an illusion in operation: a framework whose institutional promise depends less on constitutional text, which is already substantial, and more on political restraint, procedural integrity, and public vigilance.*

Index Terms- *separation of powers, Indian Constitution, basic structure doctrine, executive dominance, anti-defection law, judicial review, administrative neutrality, constitutional morality*

I. INTRODUCTION

The doctrine of separation of powers occupies a central position in modern constitutional governance. It holds that the powers of the State ought not to be concentrated in a single authority but distributed among distinct institutions, traditionally the legislature, the executive, and the judiciary, each entrusted with a separate governmental function. The legislature enacts laws, the executive implements and administers them, and the judiciary interprets the law and resolves disputes. This division is

intended to prevent arbitrariness, protect liberty, and preserve democratic accountability.

Historically, the doctrine emerged as a response to systems in which a single ruler or ruling elite exercised law-making, administrative, and judicial power simultaneously. Concentration of this kind produced oppression, favouritism, and an absence of legal restraint; diffusing authority so that no branch could dominate the others unchecked became, in this sense, not merely an institutional arrangement but a safeguard against tyranny. The doctrine is also closely bound up with the rule of law: where governmental functions are distributed, public power is exercised through procedure rather than personal will, and citizens gain protection against arbitrary exercise of authority.

Contemporary constitutional systems, however, rarely apply the doctrine in a rigid or mechanical form. Modern governance, which now stretches across welfare administration, economic regulation, emergency response, and specialised adjudication, makes complete institutional isolation neither practical nor desirable. Most democracies today operate a moderated version of the doctrine, understood less as a formula of institutional isolation and more as a functional standard: can one branch dominate the others unchecked; are institutions independent enough to perform their assigned roles; are there remedies against abuse; is accountability meaningful; do procedures restrain arbitrary action?

This functional approach is particularly well suited to an analysis of India. The Constitution of India does not proclaim rigid separation of powers in the classical sense. It establishes separate institutions and allocates distinct functions to Parliament, the executive, and the judiciary, but it also embeds substantial overlap: the executive is drawn from and answerable to the legislature, Parliament can amend the Constitution subject to judicial review, courts exercise both interpretive and, at times, quasi-legislative functions, and administrative bodies combine rule-making, executive, and adjudicatory power. The framers consciously rejected the strict

compartmentalisation associated with the classical three-branch model in favour of a system oriented toward responsible, accountable, and effective governance in a large and diverse democracy.

The central question this paper investigates is whether that constitutional design continues, in practice, to check the concentration of power, or whether formal institutional plurality has increasingly coexisted with, and at times enabled, a practical concentration of authority in the political executive. The paper proceeds on the working hypothesis that India does not practise a strict or fully effective doctrine of separation of powers. Instead, it operates through a formally divided but practically imbalanced constitutional structure, in which executive dominance, weakened legislative independence, contested judicial expansion, and politicised administration together produce only a partial, and at times illusory, form of institutional separation.

This is not, however, a claim of inevitable failure. The paper's purpose is to examine whether the available evidence, drawn from constitutional text, doctrinal jurisprudence, and institutional practice, supports or complicates that hypothesis, and to identify the structural conditions under which India's constitutional design either sustains or erodes meaningful institutional balance.

II. METHODOLOGY AND SCOPE

This paper adopts a doctrinal, analytical, and comparative methodology. The doctrinal component examines constitutional provisions, statutes, and judicial decisions bearing directly on separation of powers, including judicial review, the basic structure doctrine, appointment mechanisms, and administrative accountability. The analytical component goes beyond textual description to consider how institutions actually function in practice, and whether formal constitutional powers correspond to operational realities, including political incentives, procedural conventions, and institutional behaviour. The comparative component draws selectively on the United States, the United Kingdom, Germany, and France, not to suggest that foreign models should be transplanted onto India, but to illuminate alternative institutional solutions to problems India shares with other constitutional democracies.

The analysis is primarily legal-analytical rather than empirical; it does not attempt to statistically measure every institutional interaction, but instead studies recurring patterns through constitutional text, case law, and reasoned analysis of institutional practice. The scope is

limited to the relationship among the legislature, executive, and judiciary principally at the Union level, together with select illustrations at the state level where they clarify broader constitutional trends. Matters such as local self-government, electoral sociology, and a comprehensive political history of Indian governments fall outside its focus, in the interest of analytical coherence.

III. THE DOCTRINE OF SEPARATION OF POWERS: ORIGINS AND CONTEMPORARY MEANING

The theoretical foundations of separation of powers trace to early functional distinctions in classical political thought and were substantially developed by John Locke's conception of limited government and, most influentially, by Montesquieu's tripartite model distinguishing legislative, executive, and judicial power. The classical model treated these three functions as properly exercised by distinct institutions, each restraining the others through structural independence. This model informed the drafting of numerous modern constitutions, most visibly that of the United States, where the legislature, the presidency, and the judiciary are institutionally and electorally distinct, generating a system of mutual checks through separately legitimated authority.

Parliamentary democracies, by contrast, developed a different response to the same underlying concern. The British constitutional tradition fused the executive and the legislature (the Prime Minister and Cabinet are drawn from and remain accountable to Parliament) while relying on political accountability, robust debate, and constitutional convention rather than structural isolation to prevent domination. This "fusion with accountability" model demonstrates that separation of powers, properly understood, is not synonymous with structural isolation; it is a functional commitment to preventing unchecked concentration of power, which different constitutional traditions pursue through different institutional means.

The rise of the modern administrative and welfare state complicated the classical model further. Economic regulation, social welfare administration, and technical governance increasingly required specialised bodies exercising rule-making, implementation, and adjudicatory functions simultaneously, functions that do not map neatly onto the legislative-executive-judicial trichotomy. At the same time, the growth of disciplined political parties introduced a variable absent from the classical model altogether: where party leadership controls candidate selection, legislative discipline, and executive advancement, formal constitutional institutions may retain

their structural independence on paper while becoming, in practice, less autonomous of one another. A legislature may possess full constitutional law-making power, and yet its individual members may rarely act independently of party command, which illustrates that constitutional design can be substantially altered in practice by political organisation that lies outside the constitutional text altogether.

The contemporary, functional understanding of the doctrine therefore asks not merely whether three institutions exist, but whether any one of them can dominate the others unchecked; whether institutions possess sufficient independence to perform their assigned constitutional roles; whether meaningful remedies exist against abuse of power; and whether accountability, in substance rather than form, restrains arbitrary action. This functional standard, rather than a formal institutional headcount, provides the appropriate lens through which to examine the Indian constitutional order.

IV. CONSTITUTIONAL DESIGN IN INDIA: DISTRIBUTED AUTHORITY WITHOUT RIGID SEPARATION

The makers of the Indian Constitution deliberately rejected a strict application of separation of powers in favour of a system suited to a large, diverse, and newly independent parliamentary democracy. This choice was neither accidental nor a matter of oversight; it reflected a considered judgment that rigid institutional isolation would obstruct the kind of active, socially transformative governance the founders believed independence required. Nonetheless, the Constitution clearly distributes authority among separate institutions and constrains each of them. Parliament possesses the primary law-making function, but it operates under constitutional limits, including fundamental rights, federal distribution of powers, and the requirement of presidential or gubernatorial assent. The executive derives its authority from, and remains collectively responsible to, the legislature, embedding accountability directly into the structure of the parliamentary system, while simultaneously enjoying a range of powers, including ordinance-making and extensive rule-making authority, that overlap functionally with the legislative domain. The judiciary is established as an independent branch empowered with the authority of judicial review, entitled to test both ordinary legislation and, ultimately, constitutional amendments against the Constitution's essential features.

This structure created inherent tensions from the Republic's earliest years. Because the Constitution binds

even a democratically elected Parliament to constitutional limits, questions inevitably arose as to how far Parliament could go in amending the Constitution to pursue its legislative and reformist agenda, and how far courts could go in restraining that agenda in defence of individual rights and constitutional structure. These tensions were not merely theoretical; they concerned land reform, property rights, and the very nature of constituent power, and they would come to define the doctrinal relationship between Parliament and the judiciary for decades.

At the same time, the Constitution says comparatively little about how political parties will function internally, notwithstanding the profound influence party systems exert over institutional balance. Where party leadership commands candidate selection, legislative discipline, and ministerial advancement, formally independent institutions may operate with diminished practical autonomy, a vulnerability inherent in the constitutional design from the outset, though its consequences would only become fully visible through subsequent practice.

The overall picture, then, is of a constitutional order that embeds distributed authority and multiple accountability mechanisms, among them federalism, fundamental rights, judicial review, bicameralism, ministerial responsibility, and service protections, without adopting the rigid compartmentalisation of the classical model. Constitutional design of this kind is capable of sustaining institutional balance, but it does not guarantee that balance by text alone. Whether the balance holds depends substantially on whether institutions retain genuine independence, whether unwritten conventions of restraint are respected, whether oversight mechanisms function effectively, and whether political incentives reward institutional restraint rather than concentration.

V. DOCTRINAL CONFLICT AND THE JUDICIARY AS GUARDIAN OF CONSTITUTIONAL BALANCE

Nowhere is the negotiated character of India's separation of powers more visible than in the decades-long conflict between Parliament and the judiciary over the scope of the constitutional amendment power, a conflict that ultimately produced one of the most consequential doctrines in comparative constitutional law.

In the Republic's early years, Parliament enacted land reform and welfare legislation that was frequently challenged before the courts as inconsistent with fundamental rights, particularly the right to property. This produced an underlying constitutional dilemma: should

Parliament enjoy broad freedom to restructure society through a democratic mandate, or should courts strictly enforce constitutional rights against reformist legislation? The Supreme Court's early answer, in *Shankari Prasad v. Union of India*, favoured Parliament, holding that the power to amend the Constitution under Article 368 was a constituent power distinct from ordinary legislative power and therefore not subject to the same rights-based restrictions as ordinary law. This position was substantially reaffirmed in *Sajjan Singh v. State of Rajasthan*, although judicial doubts about the wisdom of an unlimited amendment power had already begun to surface.

The landscape shifted dramatically in *I.C. Golak Nath v. State of Punjab*, where a narrow majority held that Parliament could not amend the Constitution so as to abridge or take away fundamental rights, reasoning that such rights occupied too special a constitutional position to be vulnerable to amendment. The decision generated significant political controversy, with critics arguing that unelected judges had obstructed democratically mandated social and economic transformation. Parliament responded legislatively, notably through the Twenty-Fourth Amendment, reasserting a broad constituent power to amend any part of the Constitution, including its rights provisions, illustrating a recurring institutional pattern in Indian constitutionalism in which courts limit Parliament, Parliament legislates in response, courts review that response, and a new equilibrium gradually emerges.

That equilibrium arrived, definitively, in *Kesavananda Bharati v. State of Kerala*, decided by a thirteen-judge bench, the largest in the Supreme Court's history, reflecting the case's constitutional magnitude. The Court held that while Parliament possesses wide power to amend the Constitution, it cannot alter or destroy the Constitution's "basic structure." Although the Court declined to provide an exhaustive list of basic features, principles subsequently recognised as forming part of that structure have included the supremacy of the Constitution, the rule of law, judicial review, democracy, federalism, secularism, judicial independence, and, notably, separation of powers itself.

The basic structure doctrine rejected two extremes: the proposition that Parliament possesses no meaningful amending power, and the proposition that its amending power is unlimited. In doing so, it fashioned a middle path, broad amendment authority subject to structural limits, that has since become foundational to Indian constitutionalism. The doctrine placed the Constitution above transient parliamentary majorities, positioned the

judiciary as guardian of constitutional identity, and reinforced separation of powers by preventing Parliament from converting its amending power into unconditional supremacy. It has not been free from criticism: because the phrase "basic structure" appears nowhere in the constitutional text, and because the list of basic features has evolved incrementally through subsequent case law, critics contend that the doctrine lacks textual grounding and predictable boundaries, and that it enables unelected judges to override amendments passed by elected supermajorities. Its defenders respond that written constitutions require implied limits on amendment power, since without them, the amendment process could in principle be used to dismantle constitutional democracy itself through ostensibly lawful procedure.

For present purposes, the amendment conflict illustrates a broader truth about the Indian constitutional order: separation of powers here is not a fixed institutional map but an ongoing constitutional negotiation, in which Parliament's claim to democratic legitimacy and the judiciary's claim to constitutional guardianship each operate as a check on the other, without either becoming absolute. That negotiated equilibrium, Parliament may amend, the judiciary may review, and the Constitution remains supreme, lies at the heart of India's constitutional identity, and it demonstrates that the judiciary has functioned, at critical junctures, as an effective guardian of institutional balance even where the constitutional text alone might not have supplied one.

VI. STRUCTURAL FAILURES IN PRACTICE: EXECUTIVE DOMINANCE AND LEGISLATIVE WEAKNESS

Constitutional democracies rarely fail through sudden rupture, through coups or the overt suspension of constitutional government. More commonly, democratic erosion occurs gradually, through institutional imbalance that leaves formal structures intact: legislatures continue to meet, elections continue to be held, and courts continue to function, even as the substance of institutional accountability weakens.

India's parliamentary system, precisely because it fuses the executive and legislative branches, contains a structural advantage available to any government commanding a stable legislative majority. The government controls cabinet formation, a disciplined majority typically controls legislative outcomes, ministers set the policy agenda, and the executive enjoys superior access to state information and the administrative machinery of government. The same mechanism designed to secure democratic

responsiveness, an executive answerable to, and drawn from, the legislature, can therefore, under conditions of strong party discipline, facilitate a practical dominance of the legislature by the executive rather than genuine mutual accountability.

This dominance manifests concretely in several recurring patterns. Control over the legislative agenda, determining which bills are introduced, when they are debated, how much time is allocated, and whether urgent procedures are invoked, represents an understated but powerful form of executive influence: a legislature that cannot independently set its own priorities retains only a diminished form of practical autonomy, even where its formal law-making power remains undisturbed. Compressed legislative procedure, including limited discussion time, reduced clause-by-clause scrutiny, inadequate examination by parliamentary committees, and the rapid passage of complex legislation, has periodically drawn criticism for producing lower-quality legislation, reduced transparency, and diminished opportunities for opposition participation, even though formal legislative procedure has technically been observed.

The anti-defection framework, introduced through the Fifty-Second Constitutional Amendment to curb unstable party-switching and legislative corruption, illustrates a deeper structural paradox. By discouraging legislators from voting against their party's official position on pain of disqualification, the law has tended to make government majorities considerably more secure, while narrowing the practical space within which individual legislators may exercise independent judgment. Debate may proceed at length while its outcome remains substantially predetermined by party direction, a dynamic the Supreme Court addressed, without dismantling the framework itself, in *Kihoto Hollohan v. Zachillhu*. A law enacted to preserve legislative stability can thus, in practice, narrow deliberative democracy within the legislature itself, particularly where it operates alongside highly centralised party structures in which candidate selection, ministerial advancement, and legislative discipline all depend on the approval of party leadership.

Executive law-making through ordinances and delegated legislation compounds this dynamic. The ordinance power, constitutionally designed for use only when legislatures are not in session and immediate action is required, carries structural risk when relied upon routinely rather than exceptionally: temporary executive legislation substitutes for ordinary law-making, public debate is correspondingly reduced, and an exceptional mechanism risks becoming normalised, a concern the Supreme Court

addressed in *D.C. Wadhwa v. State of Bihar*. Delegated legislation raises a related concern in a different register: where broad statutes are enacted with vague standards and significant policy choices are effectively made through ministerial rules and notifications rather than parliamentary debate, the executive becomes, in substance, both the proposer and the practical maker of law, with Parliament supplying only broad enabling authority.

None of these features, taken individually, is inherently incompatible with constitutional government; each was introduced, or has developed, to serve a legitimate governance need in a large, complex, and fast-moving democracy. The structural concern lies in their cumulative effect: executive control over the legislative agenda, weakened committee and floor scrutiny, disciplined party voting reinforced by legal sanction, and routine reliance on executive law-making together create conditions under which power may become substantially centralised without any formal constitutional amendment or overt institutional collapse.

VII. ADMINISTRATIVE NEUTRALITY: THE HIDDEN FRONT OF INSTITUTIONAL BALANCE

A central finding that emerges from a close study of India's institutional practice is that separation of powers cannot be assessed solely by reference to Parliament, the executive leadership, and the judiciary. The relationship between the political executive and the permanent executive, the civil service, police, and regulatory officialdom that implement policy on a day-to-day basis, constitutes an equally important, if less visible, front of constitutional balance.

Civil servants, police officials, and regulatory officers form the operational backbone of the modern administrative state; if their tenure, postings, and career prospects are governed by the fear of politically motivated transfer, suspension, or sidelining rather than by rule-based service norms, the neutrality on which rule-of-law administration depends is compromised regardless of what constitutional text or service rules formally provide. Politicised personnel control tends to produce a chilling effect on independent professional judgment, to reward loyalty over competence, to disrupt administrative continuity, to weaken anti-corruption enforcement, and to erode public trust in the fairness of government action.

This is not to suggest that democratic government should forgo legitimate supervisory authority over its administration: elected leaders must retain the ability to

direct policy through the permanent bureaucracy, and administrative accountability to elected authority is itself a constitutional value. The constitutional task is one of balance: officials must be secure enough in their positions to act lawfully and professionally even where doing so is politically inconvenient, while remaining answerable through legitimate, rule-based mechanisms of supervision rather than informal patronage or retaliation. Reforms frequently proposed to restore this balance include independent civil services boards insulated from partisan influence, fixed minimum tenure protections for sensitive posts, a requirement that policy directions to officials be given in writing, transparent performance evaluation, whistleblower protections, and structural mechanisms to secure police independence in investigation.

The broader significance of this dimension for the present inquiry is that separation of powers in India may appear intact when assessed only by reference to the visible institutions of Parliament, the executive leadership, and the courts, even as institutional balance deteriorates within the executive branch itself, between its political and permanent components. Where that internal boundary is not meaningfully respected, constitutional administration becomes vulnerable in ways that formal accounts of separation of powers, focused only on the three traditional branches, are liable to overlook entirely.

VIII. COMPARATIVE PERSPECTIVES

Comparative constitutional analysis is useful not because institutional arrangements can be transplanted mechanically from one polity to another, but because it reveals that different constitutional democracies have developed markedly different institutional answers to a shared underlying problem: how to distribute power so that it remains effective without becoming dominant. India's own constitutional order is itself a hybrid, combining a parliamentary structure influenced by Westminster tradition, a written constitution with strong judicial review reminiscent of post-war constitutionalism, and an extensive administrative state, a combination that renders comparative study particularly instructive.

The United States exemplifies the classical model of strong structural separation: an independently elected president, a legislature institutionally distinct from the executive, a cabinet generally located outside the legislature, robust judicial review, and a federal division of authority between the national and state governments. This design produces multiple veto points against the concentration of power and strong traditions of legislative investigation and committee oversight, but it also generates political deadlock during periods of divided

government and creates incentives for the executive to act through administrative orders when legislative gridlock persists. India, having adopted parliamentary rather than presidential government, is unlikely to import structural separation of this kind, but the American experience nonetheless underscores the institutional value of autonomous legislative scrutiny capacity and serious, non-perfunctory confirmation and accountability processes.

The United Kingdom, by contrast, developed a parliamentary system in which the executive is drawn from, and remains continuously accountable to, the legislature, relying heavily on constitutional convention rather than structural separation to prevent domination. This model secures clear political accountability and efficient law-making when a government commands a majority, but it is equally susceptible to majority governments dominating the legislature where party discipline is strong, and its restraints depend on a mature political culture of convention rather than enforceable legal text. India inherited the Westminster structural framework without necessarily inheriting the same depth of unwritten conventions, which suggests that a stronger institutionalised culture of question-hour scrutiny, respect for opposition rights, and routine committee examination of legislation may be necessary to compensate for conventions that in the United Kingdom developed over a much longer constitutional history.

Germany's post-war constitutional order, deliberately designed to prevent any recurrence of unchecked concentration of power, combines parliamentary democracy with a federal structure of strong regional participation, a powerful constitutional court, and a system of proportional representation that tends to encourage coalition government. This arrangement demonstrates that a parliamentary system can sustain strong institutional restraint through meaningful federal participation in national law-making, genuine respect for constitutional adjudication, and a political culture oriented toward consensus-building rather than unilateral dominance, even where, as a trade-off, coalition bargaining slows the pace of decision-making. France's semi-presidential model, combining a directly elected president with a prime minister responsible to Parliament, illustrates yet another hybrid path, with the practical balance of power between the two executive offices shifting according to the composition of the parliamentary majority.

Taken together, these comparative models confirm that India's institutional challenges, among them executive dominance of the legislative agenda, uneven legislative scrutiny, contested appointment processes, and the

politicisation of administration, are not unique to India but recur, in different forms, across constitutional democracies. What varies is not whether these pressures exist, but how effectively each system's particular combination of institutions, conventions, and political culture channels and restrains them.

IX. FINDINGS: AN ILLUSION IN OPERATION, NOT IN EXISTENCE

The evidence surveyed in this paper does not support the proposition that separation of powers in India is wholly illusory. India possesses a functioning judiciary capable of reviewing state action, including through the basic structure doctrine; competitive elections that regularly produce changes of government; federal centres of political power independent of the Union executive; legislatures endowed with substantial constitutional authority; constitutional rights enforceable in courts; and a tradition of public debate and civil society mobilisation around constitutional questions. These are genuine and significant features of a functioning constitutional democracy, and they distinguish India sharply from systems in which institutional plurality exists in name only.

At the same time, the evidence does not support the proposition that separation of powers in India is fully secure in its practical operation. Legislative institutions may be weakened by the combined effect of party discipline and executive control of the legislative agenda; oversight bodies may be vulnerable to politicisation or prolonged vacancy in key positions; administrative neutrality may be compromised by the strategic use of transfers and disciplinary mechanisms; judicial independence may coexist with limited transparency in internal processes such as appointments; and formal procedures may, on occasion, be used to bypass rather than enable substantive scrutiny.

The most defensible conclusion, then, is that separation of powers in India is not an illusion in existence but is, with troubling frequency, an illusion in operation. The institutions required by the doctrine are real, constitutionally entrenched, and, in important respects such as the basic structure doctrine, actively defended by the judiciary. Their equal and consistent practical autonomy from one another, however, is not reliably guaranteed by the constitutional text alone, and depends substantially on political conduct, institutional courage, procedural integrity, and sustained public vigilance. India's constitutional order should accordingly be understood neither through the lens of the American model

of rigid structural separation, nor through the lens of a mature Westminster model governed by longstanding convention, but as a distinctive hybrid combining parliamentary government, written constitutional supremacy, strong judicial review, federal distribution of power, rights-based adjudication, and an extensive administrative state, whose particular vulnerabilities and correctives must be understood, and addressed, in their own terms.

X. TOWARD INSTITUTIONAL BALANCE: REFORM CONSIDERATIONS

If the central normative claim of this paper is that effective constitutional democracy requires restrained power and not merely elected power, then several reform directions follow, targeted at the specific structural weaknesses identified above rather than at wholesale reconstruction of India's constitutional model.

Strengthening legislative scrutiny would involve more robust committee review of legislation, guaranteed minimum debate time for significant bills, improved independent research support for legislators, and structural protection of opposition participation in parliamentary proceedings. Executive restraint would involve narrowing the routine use of ordinances to genuinely urgent circumstances, greater transparency in appointment processes to constitutional and statutory bodies, and a consistent institutional practice of respecting the independence of oversight bodies rather than treating their scrutiny as adversarial. Judicial legitimacy would benefit from greater transparency in internal processes, particularly around appointments, more timely constitutional adjudication, and continued judicial sensitivity to the limits of institutional competence when courts are invited to resolve essentially political or administrative questions. Administrative neutrality could be reinforced through fixed tenure protections for sensitive posts, independent civil services boards, a requirement that significant policy directions to officials be recorded in writing, and stronger whistleblower protections. Finally, federal trust would benefit from clearer conventions governing gubernatorial conduct and more genuinely consultative centre-state relations, while civic reform, meaning public constitutional literacy and a political culture that defends institutions rather than merely the personalities who occupy them, underlies and sustains all of the above.

None of these reforms requires abandoning India's constitutional model; each is oriented toward its renewal. The parliamentary system, the framework of judicial

review, the federal structure, and the professional civil service remain capable foundations for democratic governance. The recurring problem this paper has identified lies not in the absence of these foundations but in the imbalance, procedural erosion, and weakening of institutional restraint that can develop around them over time, problems of degree and practice rather than of fundamental design.

XI. CONCLUSION

The doctrine of separation of powers, understood functionally rather than as a rigid formula of institutional isolation, asks whether any one branch of government can dominate the others unchecked, whether institutions possess genuine independence, and whether accountability operates in substance rather than merely in form. Applied to India, that inquiry yields a picture more complex than either wholesale endorsement or wholesale dismissal of the doctrine's relevance would suggest.

India's Constitution consciously distributes governmental authority among distinct institutions while rejecting the rigid compartmentalisation of the classical three-branch model, in favour of a system built for responsible, accountable parliamentary government in a large and diverse democracy. That design has proved resilient at critical constitutional junctures, most notably through the judiciary's development of the basic structure doctrine, which has preserved constitutional limits against the risk of unrestrained amendment power. At the same time, the same design contains structural features, among them executive control of the legislative agenda, anti-defection rules reinforced by centralised party discipline, routine executive law-making through ordinances and delegated legislation, contested appointment processes, and vulnerabilities in the neutrality of the permanent civil service, that have, in practice, permitted authority to concentrate in the political executive without any overt constitutional rupture.

India has not experienced a wholesale constitutional collapse, and this resilience owes much to continuing electoral competition, ongoing judicial intervention, the dispersive effect of federal diversity, and a political culture still substantially shaped by constitutional language and rights discourse. But resilience is not the same as security. The doctrine's future in India will not be settled solely in courtrooms or through constitutional amendment; it will be shaped incrementally, in parliamentary procedure, in appointment decisions, in transfer orders, in committee rooms, and in the everyday choices of political and administrative actors. Constitutions are rarely destroyed

suddenly; more often, they are weakened gradually through tolerated imbalance. But the reverse is equally true, and constitutionalism can be renewed gradually through accumulated procedural reform, institutional self-respect, and sustained civic insistence on fair process. Whether India's separation of powers ultimately functions as a lived democratic reality, or persists chiefly as a formal illusion, will depend on precisely that choice, continually renewed.

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