# Polity & Governance · GS - II

**Do you think that constitution of India does not accept principle of strict separation of powers rather it is based on the principle of ‘checks and balance’? Explain.**

| EXAM YEAR | PAPER | SUBJECT |
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| MARKS | WORD LIMIT |
|---|---|
| 10 | ~150 words |

## Answer Hint

**Separation of powers; constitutional scheme; parliamentary system; checks and balances; judicial review; legislative oversight; executive accountability; constitutional supremacy**

## Model Answer

### Introduction

The Indian Constitution does not prescribe a rigid separation of powers. Instead, it establishes a functional distribution of authority among the legislature, executive and judiciary, supported by checks and balances to prevent the concentration and misuse of power.

### Constitutional Framework

- **Legislature:** Parliament and state legislatures enact laws, approve budgets and hold governments accountable.
- **Executive:** The executive implements laws but remains collectively responsible to the legislature under Articles 75(3) and 164(2).
- **Judiciary:** Independent courts interpret the Constitution and review legislative and executive action.
- **Judicial review:** Articles 13, 32 and 226 empower courts to protect constitutional rights and examine the validity of laws and government actions.

- **Executive checks:** The President's constitutional powers, including returning certain bills for reconsideration, operate within the constitutional framework.
- **Legislative checks:** Parliamentary questions, committees, debates and no-confidence motions ensure executive accountability.

**Judicial Interpretation**

In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court recognised the basic structure doctrine. In *Indira Nehru Gandhi v. Raj Narain* (1975), constitutional principles concerning democracy and judicial review were reinforced.

**Conclusion**

India follows functional separation rather than strict institutional isolation. Checks and balances preserve constitutional supremacy, accountability and institutional independence while enabling coordination among the three organs of government.

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