

Abstract

The purpose of this paper is to critically analyze the Doctrine of Separation of Power along with the consequence and limitations. The paper attempts to provide constructive understanding of the difficulties faced by the three wings- Legislature, Executive and Judiciary of the government in practice while implementing the provisions of Constitution in letter and spirit. This paper is composed of three main parts; the first part examines the history and essence which includes exploration of the concept of separation of power as it comes as a better alternative of monarchy and its existence as present in the contemporary scenario and then meaning of Doctrine of Separation of Power, here the doctrine will be explained along with its object and development. Also examines the three exponent of this doctrine ,Aristotle - who originates this concept, John Locke –who developed and defined the principle of Separation of Power and Montesquieu- who best known for his thought on Separation of power. In his famous book – “Spirit of Laws”, he formulates this theory and mentions that in free democracy the government should have three main organs Legislature, Executive & Judiciary and the function and power of all these organs must be distinct and separate. The second part examines this doctrines with respect two countries i. e., US and its present status in India as US is the first country which adopt this doctrine of Separation of Power where it's strictly follows. In India, Separation of Power can be enumerates in various articles of our Constitution such as Article 50 which states the 'Separation of judiciary from executive'. In India this doctrine follows in broader sense unlike US or Australian Constitution, where Separation of Power follows in rigid and strict sense. Therefore, Deviation from strict Separation of Power can be followed in various cases for example- the impeachment of president (judiciary) can be done in parliament (legislature) also. Then the Third part intends to broaden the understanding the system of Check and Balance. The natural extension of Separation of Power is system which simple means when any organ among Legislature, Executive & Judiciary interferes or intervene in the function of the other organ also in case of exercising its own power unduly then the other

administrative force, the control over the life and freedom of resident would be self-assertive, for the adjudicator would be the official. In the event that it was joined to the chief force, the adjudicator could have the power of an oppressor.

Constitution.

Objectives

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17. Locke J (2015) The second treatise of civil government.. Broadv Press United Kingdom 240. of
18. Teitelbaum J (2004) The Muslim Brotherhood and the 'Struggle for Syria', 1947–1958 between Accommodation and Ideology. Middle East Stud Israel 40: 134-158.
19. <http://classics.mit.edu/Aristotle/politics.4.four/>
20. Riklin A(1999) Montesquieu's so-called separation of powers in the context