Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.



MAINS MASTERY 2026 · GS PAPER II · QUESTION 14 · STUDENT EDITION

Separation of Powers: India and the USA

THE QUESTION, AS SET IN UPSC CSE MAINS 2026

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

Directive: Examine and compare | 15 marks | 250 words

Polity: Separation of powers and comparative executive authority

1 **PYQ Deep Decode**
Demand, hidden demand, structure, form

2 **PYQ Intelligence**
2013 to 2026: institutions, executive power, checks

3 **Additional information**
Comparative framework, constitutional cases, two debates

4 **Pitfalls and variations**
Six corrections and changed comparative demands

5 **The model answer**
A comparison table, headed points, an analytical verdict

6 **Other ways to write it**
Six outlines, and when each works

7 **Quick recall**
Sixteen constitutional facts for Mains and Prelims

8 **Write it yourself**
A seven-point self-check

Guranchal Ma'am, Founder, UPSC Gurus · upscgurus.in

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

1 PYQ Deep Decode

Read the question through its two explicit comparisons and its deeper constitutional test: the difference between formally separated institutions and the power that political executives actually exercise.

1.1 The demand

The question asks first **how separation of powers operates in India compared with the rigid presidential model of the United States**, and then **how the actual authority of the Indian Prime Minister compares with that of the US President**. **"Examine"** requires testing constitutional design against institutional practice; the subsequent comparison requires judging **effective powers and constraints**, not merely contrasting official titles. The answer must therefore move from the **relationship among institutions** to the **power of the executive leader within those institutions**.

Words in the question	What they ask you to do	What goes wrong if you miss them
Examine how ... is practised	Test the constitutional arrangements against their operation. Show where powers are institutionally separated, where they overlap, and what checks actually work.	Merely listing constitutional provisions without explaining their consequences.
separation of powers	Compare the distribution of legislative, executive and judicial functions, including institutional independence, interaction and restraints on power.	Reducing the doctrine to the proposition that there are three organs of government.
in India compared to the rigid presidential model of the United States of America	Contrast India's parliamentary fusion of executive and legislature with the United States' separately constituted branches. Explain why even the US model includes checks and functional interaction.	Calling India a system without separation, or America a system without overlap.
In this context, compare	Use the preceding institutional comparison to explain the authority of the two executive leaders. The second demand must follow logically from the first.	Writing two unrelated notes, one on separation of powers and another on the offices.
actual authority	Distinguish formal constitutional powers from effective political capacity, including legislative support, cabinet control, appointments, agenda-setting and implementation.	Assuming that the US President must always be stronger because executive power is constitutionally vested in that office.
Indian Prime Minister with ... President of the USA	Compare the real executive head of India, not its ceremonial constitutional head, with America's independently elected executive head.	Comparing the US President only with the Indian President, or ignoring coalition politics and divided government.

THE DEMAND IN ONE LINE

Explain how India's parliamentary overlap differs from America's stricter institutional separation, then judge how each system gives its executive leader power and subjects that power to political and constitutional checks.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

1.2 The hidden demand

Does a formally stricter separation of powers necessarily produce stronger checks on executive authority than a parliamentary system?

This is the central constitutional tension. America's President is institutionally independent of Congress, but presidential initiatives may encounter legislative refusal, judicial invalidation and confirmation barriers. India's Prime Minister is dependent on parliamentary confidence, yet a cohesive majority can permit extensive executive influence over the legislature that is supposed to hold the government accountable.

The distinction is between **separation on paper** and **accountability in operation**. A parliamentary government may be highly effective but insufficiently scrutinised; a presidential government may face strong institutional veto points but also overcome practical resistance through party alignment, delegated powers and executive action. The final part should therefore assess **the real distribution of authority, not declare one constitutional model automatically superior**.

Three concrete tests help answer the hidden demand. Each demonstrates that the extent of executive control depends on institutional practice, not simply constitutional labels.

Test	Evidence	What it establishes
Parliamentary confidence and party strength	India's BJP won **240 of 543 Lok Sabha seats in 2024**, below the 272-seat majority threshold; the NDA formed the government with coalition support.	A Prime Minister's practical authority changes with parliamentary numbers even though Articles 74 and 75 remain unchanged.
Judicial review against an executive	In **Learning Resources, Inc. v. Trump** (20 February 2026), the US Supreme Court held that the International Emergency Economic Powers Act did not authorise the President's tariffs.	Independent constitutional office does not establish unlimited statutory authority.
Judicial independence against legislative design	In **Madras Bar Association v. Union of India** (19 November 2025), India's Supreme Court struck down provisions governing tribunals for violating principles including judicial independence and separation of powers.	Indian institutional overlap coexists with enforceable limits on legislative and executive control.

WEAK

In India there is fusion of powers, whereas in the USA there is separation of powers. Therefore, the American President has more power than the Indian Prime Minister.

STRONG

The Indian Prime Minister can combine executive leadership with substantial control over the parliamentary agenda when supported by a disciplined majority. The US President possesses an independent constitutional mandate but must obtain congressional cooperation for legislation and appropriations. Thus, executive strength depends on political conditions within each constitutional design.

1.3 The structure

The question has **two explicit demands in order**, each requiring substantial treatment. The hidden demand, whether stricter separation necessarily delivers stronger checks, is a **smaller final part**. The shares refer to the body between the introduction and conclusion and are a teaching guide, not a UPSC rule.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

Introduction	1. Separation of powers: India and USA about two-fifths	2. Actual executive authority: PM and President about two-fifths	3. Separation, concentration, accountability about one-fifth	Conclusion

Part 1 Practice of separation of powers in India compared with the rigid presidential model of the USA about two-fifths

Constitutional design in both systems	India: Articles 50, 74 and 75, parliamentary executive and judicial independence. USA: Articles I, II and III establish separate branches.
Relationship between legislature and executive	India: ministerial membership of Parliament and collective responsibility. USA: distinct tenure and membership, with Congress controlling legislation.
Judicial role and institutional checks	India: judicial review and basic structure. USA: judicial review, veto and override, Senate confirmation and impeachment.
Separation and overlap in actual practice	Indian ordinances and delegated legislation; US executive orders, presidential vetoes, party coordination and Senate advice and consent.

Part 2 Actual authority of the Indian Prime Minister compared with the President of the USA about two-fifths

Sources of executive authority	PM: Article 75, parliamentary confidence and leadership of the Council of Ministers. President: Article II, an independent four-year mandate.
Control over government and legislative agenda	PM: ministerial appointments, cabinet coordination and government business. President: executive departments, appointments, executive orders, veto and legislative recommendations.
Political and institutional constraints	PM: confidence, coalition allies, Rajya Sabha, courts and federalism. President: Congress, appropriations, Senate confirmation, courts and federalism.
Effective decision-making power	A disciplined parliamentary majority may confer greater legislative leverage on the PM; presidential independence may confer continuity while divided government limits legislation.

Part 3 Constitutional separation versus actual concentration and accountability of power about one-fifth

India's tension	Fusion improves policy coordination but can weaken parliamentary oversight through party discipline and executive dominance.
America's tension	Separate branches create institutional veto points, but executive initiative and party alignment can concentrate effective authority.
The verdict	**Effective accountability depends on working checks, independent institutions and political conditions, not rigid separation alone.**

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1.4 How to present it

The question is comparative throughout. The most efficient form is a **compact India-USA comparison table for Part 1**, followed by **headed comparative points for Part 2**. The table prevents repeated explanations of the same distinction; the headed points permit a more discriminating judgment of actual authority. A short final paragraph should test whether either arrangement necessarily limits executive power better.

Form	Fit here	Reason
Comparison table, headed points, analytical verdict	**Best**	Directly answers both comparisons, distinguishes institutional rules from actual authority and preserves space for the hidden demand.
Two parallel institutional profiles	Good	Useful if each point explicitly compares India and the USA; risks some repetition.
Three-branch diagram with comparative explanation	Good for revision	Clarifies the architecture but cannot alone judge effective executive power.
Two descriptive essays on India and America	Weak	The comparison becomes implicit, and the answer may not assess actual power or accountability.

1.5 The introduction and the conclusion

The introduction serves the whole question. Introduce separation of powers as the constitutional distribution of functions and accountability; immediately establish the central contrast between India's parliamentary fusion and America's institutionally separated presidential executive. This creates the basis for comparing the real authority of both leaders.

The conclusion settles both comparisons. Explain that neither constitutional fusion nor institutional separation predetermines executive strength or accountability. A parliamentary majority can make the Prime Minister politically formidable, while the President's independent mandate offers continuity but not unrestricted control. The decisive test is whether the constitutional checks function effectively.

2 PYQ Intelligence 2013 to 2026

How this question connects to institutional developments before the 2026 examination, how earlier UPSC questions have tested the same constitutional relationships, and which concepts should be prepared next.

2.1 Why the subject was topical in 2026

Between 2024 and August 2026, developments in India and the United States brought the relationship between executive power and institutional restraint into sharp focus. India's return to coalition-dependent government, judicial decisions on tribunal independence and gubernatorial powers, and Parliament's response to tribunal judgments offered different examples of constitutional checks in operation. In America, Supreme Court decisions on presidential immunity, judicial remedies and emergency tariffs raised questions about both presidential authority and its limits. **GS Paper II was held on 22 August 2026.** These developments provide context, not evidence of why UPSC selected the question. All events below predate the examination.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

When	What happened	Why it matters for this question
4 June 2024	Results of India's 18th Lok Sabha election: **BJP won 240 seats** against a majority threshold of 272 in the 543-member House. The NDA secured a majority with its allies and formed the government. Sources: Election Commission results and PRS Legislative Research's June 2024 review.	The Prime Minister's constitutional position remained unchanged, but the government's reliance on coalition partners changed its political constraints. The distinction is between **formal authority and effective authority**.
1 July 2024	In **Trump v. United States**, the US Supreme Court held that a former President enjoys absolute criminal immunity for conduct within exclusive constitutional powers, presumptive immunity for other official acts, and no immunity for unofficial acts.	Shows how judicial interpretation of separation of powers can protect presidential autonomy while raising questions about accountability. It did not confer unlimited immunity for every presidential act.
27 June 2025	In **Trump v. CASA, Inc.**, the US Supreme Court held that universal injunctions likely exceed the equitable authority granted to federal courts. The litigation arose from a presidential executive order concerning birthright citizenship; the Court did not decide the order's constitutional validity.	Demonstrates that checks operate in both directions: courts review executive action, but their own remedial powers have limits.
9 October 2025	The Supreme Court of India discussed the **doctrine of separation of powers and independence of the judiciary** in its judgment in Civil Appeal No. 3947 of 2020 and connected matters, emphasising Article 50.	Reinforces that India's flexible separation does not mean an absence of constitutionally protected institutional independence.
19 November 2025	In **Madras Bar Association v. Union of India**, the Supreme Court struck down provisions of the Tribunals Reforms Act, 2021, concerning tribunal appointments and service conditions, and directed the establishment of a National Tribunals Commission. The judgment invoked judicial independence and separation of powers.	Legislative power remains subject to constitutional limits; executive influence over adjudicatory institutions is not unrestricted.
20 November 2025	In **In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India**, the Supreme Court delivered its advisory opinion in Special Reference No. 1 of 2025. Among other conclusions, it rejected judicially prescribed timelines and deemed assent for bills under Articles 200 and 201.	Shows the continuing contest over boundaries among constitutional offices and the judiciary. The opinion concerned Indian constitutional authorities, not the US presidential system.

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When	What happened	Why it matters for this question
20 February 2026	In **Learning Resources, Inc. v. Trump**, decided with the related V.O.S. Selections litigation, the US Supreme Court held that the **International Emergency Economic Powers Act did not authorise presidential tariffs**. Source: Supreme Court of the United States, opinion and Congressional Research Service analysis.	An especially direct example of separation of powers in practice: the President cannot turn a claimed statutory delegation into an unlimited taxing or tariff-making authority.
25 July 2026	The Ministry of Law and Justice, in a parliamentary reply reported by PIB, acknowledged the Supreme Court's 19 November 2025 tribunal judgment and stated that future statutory provisions would account for judicial directions on independence, appointments and tenure.	Illustrates how judicial decisions can shape the executive's legislative proposals without making the judiciary the legislature.
10 to 13 August 2026	The **Tribunals Reforms Bill, 2026** passed the Lok Sabha on 10 August and the Rajya Sabha on 11 August. It received presidential assent on **13 August**, becoming the **Tribunals Reforms Act, 2026 (Act 17 of 2026)**. The Act provided for a National Tribunals Commission. Its commencement was subject to notification; it had **not commenced by the 22 August examination**.	A complete institutional sequence: judicial invalidation, executive legislative initiative, parliamentary enactment and presidential assent. This demonstrates constitutional interaction without erasing functional boundaries.

2.2 The skill UPSC keeps testing

UPSC has repeatedly examined the relationship among constitutional organs. Earlier questions tested cabinet leadership, ordinances, parliamentary accountability, judicial intervention and comparison with the USA. The 2026 question brings these strands together and adds a sharper requirement: **compare the actual authority of the two executive leaders as a consequence of their constitutional systems**. The questions below reproduce the previously asked wording verbatim, with their question numbers.

Year	The question as UPSC set it	What it asked of you	What changed in 2026
2014 GS II, Q6	The size of the cabinet should be as big as governmental work justifies and as big as the Prime Minister can manage as a team. How far is the efficacy of a government then inversely related to the size of the cabinet ? Discuss.	Cabinet size, Prime Ministerial management and effectiveness.	Broader judgment of the PM's effective authority against that of the US President.
2015 GS II, Q5	Resorting to ordinances has always raised concern on violation of the spirit of separation of powers doctrine. While noting the rationales justifying the power to promulgate ordinances, analyze whether the decisions of the Supreme Court on the issue have further facilitated resorting to this power. Should the power to promulgate ordinances be repealed?	Executive lawmaking and its constitutional limits.	Ordinances become an example within an India-USA comparison of separation and overlap.
2018 GS II, Q13	India and USA are two large democracies. Examine the basic tenets on which the two political systems are based.	Foundational comparison of parliamentary and presidential democracies.	Moves beyond design to institutional practice and the power of executive leaders.

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Year	The question as UPSC set it	What it asked of you	What changed in 2026
2019 GS II, Q1	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.	Flexible separation and checks and balances within India.	Adds the American comparison and asks whether institutional design predicts executive strength.
2020 GS II, Q12	Judicial Legislation is antithetical to the doctrine of separation of powers as envisaged in the Indian Constitution. In this context justify the filing of large number of public interest petitions praying for issuing guidelines to executive authorities.	Limits of judicial intervention when executive action or legislation is inadequate.	Judicial boundaries become one element of the broader institutional comparison.
2021 GS II, Q4	To what extent, in your view, the Parliament is able to ensure accountability of the executive in India?	Parliamentary control and its practical limitations.	Compares parliamentary confidence-based accountability with congressional checks on a separately constituted President.
2024 GS II, Q3	"The growth of cabinet system has practically resulted in the marginalisation of the parliamentary supremacy." Elucidate.	Cabinet dominance over Parliament in practice.	Sets this concentration of authority against the powers and constraints of a US President.
2025 GS II, Q3	Compare and contrast the President's power to pardon in India and in the USA. Are there any limits to it in both the countries? What are 'preemptive pardons'?	Comparative constitutional powers of two Presidents, with their limits.	Shifts from a specific power of two heads of state to the effective powers of two real executive leaders.

Also related, verbatim: 2017 GS II, Q5: "Discuss the role of Public Accounts Committee in establishing accountability of the government to the people." 2025 GS II, Q13: "Discuss the evolution of collegium system in India. Critically examine the advantages and disadvantages of the system of appointment of the Judges of the Supreme Court of India and that of the USA."

CARRY THIS METHOD TO ANY COMPARATIVE CONSTITUTIONAL QUESTION

1. **Identify** the constitutional principle and the two institutional arrangements being compared.
2. **Compare** the same dimensions in both systems, rather than describing each country separately.
3. **Test** what the formal rules produce in actual political and institutional practice.
4. **Distinguish** independent constitutional powers from power that requires cooperation or majority support.
5. **Use** a judicial decision or political example to establish where a check really operates.
6. **Conclude** with the constitutional significance of the comparison, rather than a simplistic ranking of countries or offices.

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2.3 What to prepare next

INDIAN CONSTITUTIONAL FOUNDATIONS

Articles 53, 74 and 75	Formal vesting of Union executive power, ministerial advice, appointment of the PM and collective responsibility.
Articles 75(5), 78 and 85	Ministerial membership requirement, PM's duties to the President, and parliamentary sessions and dissolution.
Articles 50, 121, 122, 124 and 226	Judicial separation, institutional protections, legislative procedure and constitutional review.
Articles 110, 111, 123 and 368	Money Bills, assent, ordinances and constitutional amendment.
Case law	Ram Jawaya Kapur (1955); Kesavananda Bharati (1973); Asif Hameed (1989); NJAC judgment (2015); Madras Bar Association (2025).

AMERICAN INSTITUTIONS AND COMPARATIVE IDEAS

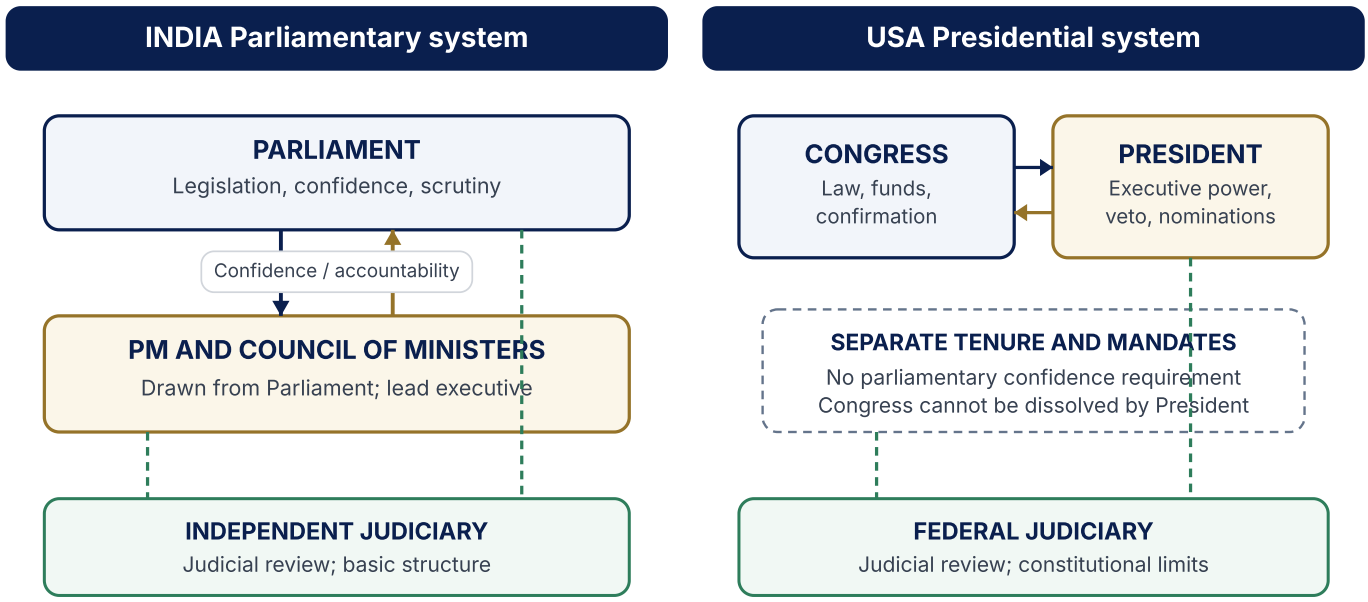
Articles I, II and III	Congress, Presidency and federal judiciary; separately vested powers.
Congressional checks	Appropriations, legislation, veto override, impeachment and Senate confirmation.
Presidential instruments	Executive orders, veto, nominations, treaty negotiation and Commander-in-Chief functions.
Case law	Marbury v. Madison (1803); Youngstown (1952); Trump v. United States (2024); Trump v. CASA (2025); Learning Resources (2026).
Political practice	Unified versus divided government; coalition versus single-party majority; party discipline and legislative bargaining.

3 Additional information

Everything needed to answer this question well. Tier 1 follows the three parts of the demand. Tier 2 explores the wider constitutional debate about parliamentary government, presidentialism, judicial independence and effective limits on executive power.

TIER 1 · ESSENTIAL: INSTITUTIONAL PRACTICE, EXECUTIVE AUTHORITY AND ACCOUNTABILITY

How executive authority sits within the two constitutional systems



Different executive-legislative relationships; judicial checks in both

Teaching schematic: arrows show relationships, not hierarchy between constitutional organs

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Draw by hand as two institutional columns. India: Parliament and executive linked by membership and confidence. USA: Congress and President have distinct constitutional mandates, with reciprocal checks. In both, judicial review limits unconstitutional government action. The American Vice President's constitutional role in the Senate is a specific qualification to the general institutional separation.

Part 1: Separation of powers in practice

Dimension	India: flexible separation	USA: stricter separation
Constitutional allocation	The Constitution establishes distinct organs but does not impose absolute functional isolation. **Ram Jawaya Kapur v. State of Punjab (1955)** recognised differentiated functions without rigid separation.	**Article I** vests legislative power in Congress; **Article II** vests executive power in the President; **Article III** vests federal judicial power in the courts.
Executive formation	The President appoints the PM under Article 75. The PM heads the Council of Ministers; government requires the confidence of the Lok Sabha.	The President is chosen through a distinct electoral process involving the Electoral College, not appointed by Congress or dependent on congressional confidence.
Executive-legislative membership	Ministers ordinarily belong to Parliament; Article 75(5) permits a non-member to serve only for six consecutive months without becoming a member.	The President and executive department heads do not simultaneously serve as voting members of Congress. The Vice President presides over the Senate and may cast a tie-breaking vote.
Survival of executive	**Article 75(3)**: the Council of Ministers is collectively responsible to the Lok Sabha; loss of confidence ordinarily requires resignation.	The President's constitutional term is four years. Loss of legislative support does not terminate the presidency. Impeachment and conviction constitute a separate removal process.
Control of legislative business	The government introduces and steers most major legislation; cohesive party majorities and the parliamentary party system can make legislative passage relatively coordinated.	Only Congress members formally introduce bills. The President can recommend measures, negotiate, threaten a veto and mobilise party support, but cannot enact ordinary legislation unilaterally.
Legislative checks on executive	Questions, debates, committees, confidence motions, financial control and parliamentary privileges. Actual scrutiny depends on parliamentary procedure and political conditions.	Appropriations, hearings, investigative oversight, legislation, confirmations, impeachment and veto override. Party alignment affects how actively these powers are used.
Executive participation in legislation	**Article 123** permits presidential ordinances on ministerial advice when constitutional conditions are met, subject to subsequent parliamentary control.	Presidential veto under Article I, Section 7, and recommendations under Article II, Section 3. Executive orders ordinarily implement constitutional or statutory authority rather than replace congressional legislation.
Judicial independence	Articles 50, 124 and 217, constitutional tenure protections, judicial review and the basic structure doctrine protect judicial functions. The collegium system gives the judiciary a central role in higher judicial appointments.	Article III provides protected judicial tenure during good behaviour and protection against diminution of judicial compensation. Federal judges are nominated by the President and appointed with Senate advice and consent.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

Dimension	India: flexible separation	USA: stricter separation
Judicial review	The Supreme Court and High Courts review legislation and executive action. The basic structure doctrine additionally limits constitutional amendments.	Federal courts review the constitutionality of legislation and executive action, developed prominently through **Marbury v. Madison (1803)**. Constitutional amendments follow Article V.
Federalism	Union and State powers are distributed constitutionally; the PM does not exercise unlimited authority over matters reserved to States.	Federal and State authority is constitutionally divided; the President's federal executive authority does not erase State powers.
Practical overlap	Ministerial membership, delegated legislation, ordinances and parliamentary committees crossing executive policy domains.	Presidential vetoes, Senate participation in appointments and treaties, executive orders, impeachment and judicial review connect otherwise separate branches.

Why India's system is not an absence of separation. **Asif Hameed v. State of Jammu and Kashmir (1989)** explained that the organs must function within their constitutional spheres and cannot usurp one another's essential functions. The judiciary can invalidate unconstitutional executive or legislative action without becoming the policymaking executive.

Why America's system is not absolute isolation. Congressional laws require presidential participation through assent or veto; a veto may be overridden by two-thirds in each House. The Senate participates in appointments and treaties. A stricter organisational separation therefore operates through deliberate, constitutionally structured interactions.

The institutions that actually restrain executive action

Institutional restraint	India	USA
Political survival	Lok Sabha confidence is decisive for the ministry. A coalition partner's withdrawal can put a government at risk.	No-confidence voting does not apply to the President. Removal follows impeachment by the House and conviction by two-thirds of Senators present.
Spending	Parliament authorises expenditure, with Money Bill procedures giving the Lok Sabha primacy. Government formation and party strength strongly influence financial legislation.	Congress exercises the power of the purse through appropriations. Presidential preferences cannot by themselves appropriate public money.
Appointments	The PM's influence is substantial over ministerial composition and many executive appointments, but different constitutional and statutory offices follow different selection procedures.	Principal officers and federal judges generally require Senate advice and consent; the Constitution and statutes permit exceptions for specified inferior officers.
Constitutional invalidation	Judicial review, with the basic structure doctrine protecting essential constitutional features against destructive amendments.	Judicial review of laws and executive actions for consistency with the Constitution and applicable statutes.
Legislative resistance	Rajya Sabha, opposition parties, parliamentary committees and coalition partners can constrain government initiatives, though Money Bills have different procedures.	Either House may obstruct ordinary legislation. Divided government can create bargaining, stalemate or failure to pass legislation.

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Case law that gives the comparison constitutional depth

Case and date	Principle	How to use it
Ram Jawaya Kapur v. State of Punjab 12 April 1955	India does not adopt an absolutely rigid separation; the Constitution differentiates the functions of its organs.	Use as the most direct doctrinal foundation for Part 1.
Kesavananda Bharati v. State of Kerala 24 April 1973	Parliament's constitutional amending power is limited by the basic structure doctrine.	Explain that even an elected legislature with a large majority cannot exercise unlimited constituent power.
Asif Hameed v. State of Jammu and Kashmir 3 May 1989	The organs have constitutionally demarcated spheres, and courts must respect policy choices within constitutional and legal limits.	Clarify why checks and balances do not authorise institutional usurpation.
Supreme Court Advocates-on-Record Association v. Union of India 16 October 2015	The 99th Constitutional Amendment and National Judicial Appointments Commission Act, 2014, were struck down; judicial independence was central to the judgment.	Show the constitutional protection of judicial independence against a proposed change in appointment arrangements.
Madras Bar Association v. Union of India 19 November 2025	Invalidated tribunal provisions inconsistent with constitutional safeguards for judicial independence and separation of powers.	Use as a recent example of enforceable institutional limits in India.
Marbury v. Madison 24 February 1803	Established the US Supreme Court's authority to invalidate legislation conflicting with the Constitution.	Establish the American judiciary's checking role.
Youngstown Sheet & Tube Co. v. Sawyer 2 June 1952	Rejected President Truman's seizure of steel mills without sufficient legal authority.	Show that national emergencies or executive urgency do not automatically create legislative power.
Trump v. United States 1 July 2024	Recognised differentiated presidential criminal immunity for core constitutional acts, other official acts and unofficial acts.	Discuss presidential independence and the contemporary debate over accountability, without claiming blanket immunity.
Trump v. CASA, Inc. 27 June 2025	Restricted the availability of universal injunctions under the relevant federal equitable authority; did not decide the underlying citizenship issue.	Show that courts' methods of restraining the executive are also bounded by law.
Learning Resources, Inc. v. Trump 20 February 2026	Held that IEEPA did not authorise the President to impose tariffs.	A precise and current illustration of judicially enforced limits on claimed presidential statutory authority.

Part 2: Comparing actual authority, not ceremonial position

Power dimension	Indian Prime Minister	US President
Constitutional location	Heads the Council of Ministers under Article 74; appointed under Article 75. The formal Union executive power is vested in the Indian President under Article 53 and ordinarily exercised on binding ministerial advice.	Article II, Section 1, directly vests executive power in the President, who serves as both head of state and head of the federal executive.

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Power dimension	Indian Prime Minister	US President
Source of political mandate	Authority rests on leading a ministry enjoying Lok Sabha confidence. The PM need not personally be a Lok Sabha member; membership of either House satisfies Article 75(5).	Authority follows a separate presidential election through the Electoral College for a four-year term, regardless of the composition of Congress.
Ministerial leadership	Advises on appointment of other ministers, allocates and coordinates government responsibilities through established rules, and leads cabinet deliberation. Cabinet solidarity and party leadership increase practical authority.	Nominates executive department heads, subject where applicable to Senate confirmation, and supervises the federal executive within constitutional and statutory limits.
Legislative agenda	A government with a reliable majority can ordinarily schedule, introduce and carry its legislative programme through the Lok Sabha. The Rajya Sabha, constitutional requirements and judicial review remain relevant constraints.	May recommend legislation, propose budgets, negotiate with legislators and exercise the veto. The President cannot personally vote in Congress or introduce a bill as a member.
Law-making leverage	Can be particularly strong where the party organisation, cabinet and Lok Sabha majority are aligned. However, legislation still requires the prescribed parliamentary process.	Direct legislative control is weaker because Congress is institutionally separate, though unified party control can considerably strengthen presidential influence.
Fixed tenure	No independent, guaranteed four-year or five-year personal term: continuation depends on the ministry retaining confidence, subject to constitutional procedures.	Four-year elected term; the President does not resign merely because the opposing party gains congressional control. Constitutional removal or incapacity mechanisms are separate.
Removal and accountability	Continuous political accountability through the Lok Sabha and collective ministerial responsibility. Defeat in a confidence vote can end the government.	Impeachment by the House and conviction by the Senate are exceptional constitutional mechanisms; elections and oversight supply other accountability routes.
Control over legislation	Influences government bills and the parliamentary programme, particularly through majority support and party coordination.	May veto legislation, subject to a two-thirds override by both Houses. Can influence bills politically but cannot bypass constitutional law-making requirements.
Appointments	Major influence over cabinet formation and appointments entrusted to the Union executive, but appointment powers vary by office and may involve statutory committees and judicial safeguards.	Direct constitutional nomination authority for many senior offices, with Senate confirmation where required. This gives initiative but not unqualified appointment power.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

Power dimension	Indian Prime Minister	US President
Foreign affairs and defence	Leads executive policymaking and exercises substantial political control over foreign and defence policy through the Union government, subject to the constitutional system and applicable laws.	Constitutional Commander-in-Chief and principal executive actor in foreign relations; treaty ratification requires the consent of two-thirds of Senators present, and Congress has important war and funding powers.
Independent executive instruments	Executive action is carried through the constitutionally constituted government; ordinances are promulgated by the Indian President on ministerial advice under Article 123.	Executive orders and other presidential directives may implement lawful powers without prior congressional enactment of each action, but remain subject to statutes and constitutional limits.
Practical vulnerabilities	Coalition bargaining, parliamentary defeat, organised dissent, federal opposition, judicial rulings, cabinet differences and institutional scrutiny.	Divided Congress, failed appropriations, Senate resistance, judicial injunctions, statutory limits, State opposition and bureaucratic implementation problems.

The difference between constitutional authority and political capacity

Political condition	What changes for the PM	What changes for the President
Strong legislative support	A disciplined Lok Sabha majority may make government legislation relatively predictable and increase executive influence over parliamentary business.	Unified party control can ease passage of legislation, funding and appointments, although the Senate's procedural rules, internal party disagreements and courts may still constrain the President.
Weak or fragmented support	Coalition negotiation becomes more important; the PM may need to modify cabinet composition, legislation or policy priorities to maintain confidence.	Congressional resistance can block legislation and funding, but the President retains constitutional office and independently exercisable lawful executive powers.
Judicial invalidation	The government must comply with binding judgments or pursue a constitutionally permissible legislative response, subject to further review.	The executive must comply with binding judgments; it may seek legislation, appeal or use another valid statutory power, but cannot lawfully disregard judicial limits.
Party discipline	The Tenth Schedule can reinforce party leadership on votes covered by the anti-defection provisions, although it does not eliminate parliamentary scrutiny or independent political action.	Congressional party discipline is chiefly political rather than a constitutional anti-defection mechanism. Legislators may oppose a President from their own party without thereby losing their seats.

The governing distinction: the Indian PM may possess greater routine leverage over legislation under a stable majority, while the US President possesses stronger institutional independence from the legislature. Neither proposition means unrestricted personal authority.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

Part 3: When constitutional separation does not prevent concentrated power

Question to ask	India	USA
Where can power concentrate?	In a dominant cabinet leadership supported by an organised parliamentary majority, especially when legislative scrutiny is weak.	In a President combining executive initiative, broad delegated statutory authority and strong influence over a politically aligned Congress.
Where can accountability weaken?	When party whips, curtailed deliberation, limited committee examination and executive influence reduce independent parliamentary assessment.	When partisan loyalty reduces oversight, or broad statutory delegations and executive actions displace meaningful congressional deliberation.
What restores restraint?	Meaningful parliamentary debate, committee scrutiny, confidence accountability, constitutional courts, federal checks and internal party deliberation.	Effective congressional oversight, appropriations control, independent adjudication, transparent executive reasoning and meaningful interbranch bargaining.
Constitutional lesson	Fusion does not necessarily mean unaccountable government, because confidence and constitutional review remain available.	Formal separation does not necessarily mean a weak executive, because political alignment and lawful presidential discretion can expand effective influence.

India's accountability advantage. Collective responsibility places the ministry's continued existence within the confidence of an elected House. In principle, this makes executive survival continuously answerable to representatives. Yet a dependable majority and strong party discipline may reduce the likelihood that parliamentary sanctions will actually be used.

America's independence advantage. Separate elections protect presidential continuity even when Congress is hostile. That permits executive initiative but also allows political stalemate. The separation creates multiple decision centres; the quality of accountability depends on whether those centres exercise their checks rather than simply share party allegiance.

TIER 2 · EXTENDED UNDERSTANDING: THE WHOLE TOPIC AROUND IT

Why India chose parliamentary government

1. **Responsible government:** Executive leadership must retain the confidence of the popularly elected House, linking authority to continuing legislative accountability.
2. **Constitutional differentiation:** Parliament, the executive and the judiciary have distinct essential functions despite overlapping constitutional roles.
3. **Collective responsibility:** Article 75(3) makes the ministry accountable as a body, not merely its individual members.
4. **Role of the President:** The Indian President is the constitutional executive head, whereas the Council of Ministers led by the PM exercises ordinary political executive authority.
5. **Continuity with flexibility:** Leadership may change following loss of confidence without requiring a fixed presidential term to expire.

Why the American design is different

1. **Distinct institutional mandates:** Congress and the President derive office through separate electoral processes.
2. **Fixed executive term:** The President does not need the continuing confidence of the House of Representatives.
3. **Bicameral Congress:** The House and Senate exercise legislative functions, with the Senate possessing additional confirmation and treaty powers.
4. **Veto and override:** The President participates in the legislative process without being a congressional member.
5. **Independent federal judiciary:** Protected judicial tenure supports review of legislative and executive constitutionality.
6. **Political trade-off:** Separate power centres create restraints but can generate veto-point congestion and bargaining difficulties.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

6. **Political trade-off:** Close executive-legislative coordination can speed decisions but also enables cabinet dominance over a compliant legislature.

Four advanced distinctions that strengthen an answer

Distinction	Precise meaning	Why it matters
Separation of personnel versus functions	India permits membership overlap between legislature and executive, but constitutional functions retain limits. America largely separates personnel, while permitting functional interaction through veto, appointments and judicial review.	Prevents the mistaken binary that India has fusion without checks and the USA has separation without overlap.
Political responsibility versus constitutional accountability	India's ministry may fall after losing parliamentary confidence. America's President remains in office despite legislative opposition, but is accountable through elections, legal review, oversight and exceptional removal procedures.	Shows that accountability exists through different institutional mechanisms.
Agenda power versus enactment power	Influencing what the legislature considers is not equivalent to personally making law. A PM can direct government business, but requires the prescribed legislative process. A President can promote legislation, but Congress must pass it.	Gives analytical precision to the comparison of actual authority.
Judicial review versus judicial policymaking	Courts can invalidate unconstitutional action. Their authority to prescribe policy or detailed rules is bounded by constitutional jurisdiction and separation-of-powers considerations.	Connects Ram Jawaya Kapur, Asif Hameed and the modern tribunal judgments without presenting judicial power as limitless.

What political history contributes to the comparison

Illustration	What it demonstrates
Indian single-party majority governments	Where the governing party controls a reliable Lok Sabha majority, executive direction of the legislative programme can be substantial. The extent remains dependent on party cohesion, institutions and other constitutional checks.
India's 2024 coalition result	The PM's constitutional role under Articles 74 and 75 is unchanged by election arithmetic, but allied parties become more important to policy decisions and legislative success.
American divided government	The President may continue to administer the executive while finding legislation, appropriations or confirmations contested in Congress.
US presidential tariff litigation, 2026	Even a President asserting emergency powers must identify an applicable constitutional or statutory legal basis. The judiciary can reject an asserted source of authority.
Indian tribunal reform, 2025 to August 2026	A judicial judgment can invalidate the existing legislative arrangement; elected institutions may then adopt a new statutory framework consistent with constitutional requirements.

Separation of powers and the basic structure

The Indian Constitution does not contain one general article stating that all three branches must remain rigidly separate. Instead, it distributes functions across the constitutional text and imposes distinct protections. **Article 50**, a Directive Principle, specifically concerns separation of the judiciary from the executive in the public services of the State. This is not a command for absolute separation of the Union cabinet from Parliament.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

The **basic structure doctrine** prevents destruction of essential constitutional features through amendment. Judicial independence, judicial review and separation of powers in their constitutionally essential sense are therefore not merely administrative preferences. However, the doctrine does not remove the legislature's ordinary lawmaking role or empower courts to replace every policy decision with their own view.

The problem of executive dominance and the problem of gridlock

Parliamentary fusion and presidential separation create different risks. In India, an executive backed by a disciplined majority may dominate the agenda of the very House to which it is collectively responsible. Oversight mechanisms exist, but their use may be weakened by party loyalties, limited sitting time or insufficient committee examination.

In the United States, separated institutions can reject each other's proposals without immediately changing who holds executive office. This makes obstruction possible even when an executive policy has substantial public support. Conversely, where Congress and the President align politically, formal separation need not translate into adversarial scrutiny. **The effectiveness of checks depends partly on political incentives to use them.**

The US presidential immunity question

Trump v. United States (2024) illustrates an important tension between executive autonomy and legal accountability. The Court identified absolute immunity for presidential conduct within exclusive constitutional powers, at least presumptive immunity for other official acts, and no immunity for unofficial acts. This concerned immunity from criminal prosecution, not a general licence to disregard statutory or constitutional limits.

The later **Learning Resources decision (2026)** demonstrates that presidential policies may still be judicially invalidated for lack of statutory authority. These decisions concern different legal questions, and they should not be collapsed into a claim that the American executive is either wholly immune or wholly subordinate to the judiciary.

Two debates worth knowing

Is India's parliamentary fusion an advantage or a threat to legislative accountability?

One view is that collective responsibility, ministerial membership and regular parliamentary scrutiny create an especially accountable executive: the government cannot continue without Lok Sabha confidence. The opposing concern is that disciplined parliamentary majorities may allow cabinet leaders to direct the legislative agenda and weaken independent scrutiny. **The balanced reading:** fusion is constitutionally compatible with accountability, but accountability requires effective parliamentary procedures, opposition scrutiny and genuine deliberation.

Does America's stricter separation produce stronger checks on the President?

One view is that independent congressional tenure, appropriations control, Senate confirmation and judicial review establish more effective veto points against executive concentration. The counterview is that party alignment, delegated statutory powers and unilateral executive initiatives can permit extensive presidential influence, while divided government may create gridlock rather than constructive restraint. **The balanced reading:** institutional independence provides opportunities for checking power, not a guarantee that those opportunities will be used.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

4 Pitfalls and variations

The six most consequential mistakes, assertions that should never appear in an answer, and how the structure changes when the examiner changes the comparative task.

4.1 Six pitfalls, each with its correction

Calling India's separation nonexistent

~~India has fusion of powers, so there is no separation of powers.~~

India rejects absolute rigidity, not constitutional differentiation. Use Ram Jawaya Kapur (1955) and Asif Hameed (1989) to show distinct functions and enforceable limits.

Treating America's separation as absolute

~~The President, Congress and courts have no overlap in their powers.~~

The US Constitution deliberately creates interaction: veto and override, Senate confirmation, impeachment and judicial review.

Comparing titles rather than actual power

~~The US President is both head of state and government, so the President is automatically more powerful than the Indian PM.~~

Compare control over executive administration, legislative success, appointments, tenure and constraints. Formal status does not determine effective political leverage.

Ignoring the political majority

~~The Indian PM can always pass legislation because the executive is drawn from Parliament.~~

A cohesive majority may make passage easier; coalitions, the Rajya Sabha, party disagreement, federalism and constitutional review remain consequential. Use the 2024 election result.

Ignoring the American Congress

~~The US President can independently enact laws, approve all appointments and spend public money.~~

Congress makes laws and controls appropriations, while the Senate participates in specified appointments and treaties. Presidential executive action requires lawful authority.

No answer to the hidden demand

~~Thus both India and America follow democracy and separation of powers.~~

Judge the actual tension: parliamentary fusion may concentrate agenda power; presidential separation creates independent checks but may also permit executive dominance or gridlock, depending on institutional practice.

4.2 Never write these

- "The doctrine of separation of powers does not apply in India."
  India rejects its absolutely rigid form, not the separation of essential constitutional functions.
- "Article 50 requires a complete separation between Parliament and the Council of Ministers."
  Article 50 specifically directs separation of the judiciary from the executive in the public services of the State.
- "The Prime Minister must be a member of the Lok Sabha."
  Membership of either House suffices; Article 75(5) also permits a non-member to serve as minister for up to six consecutive months.
- "The Indian Prime Minister has a guaranteed five-year tenure."
  The ministry must retain Lok Sabha confidence; the normal duration of a Lok Sabha does not guarantee the PM's personal tenure.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

- "The US President is directly elected by a nationwide popular vote."
  The constitutional election uses the Electoral College, with electors chosen under State arrangements and the applicable constitutional rules.
- "The US President can dissolve Congress or be removed through a no-confidence motion."
  The President has no power to dissolve Congress, and removal by impeachment and conviction is distinct from parliamentary confidence.
- "The American President cannot exercise any legislative function."
  The constitutional veto, legislative recommendations and other interbranch interactions give the President a defined role in the legislative process.
- "An executive order is equivalent to a law passed by Congress."
  Executive orders require constitutional or statutory authority and remain reviewable; they do not independently confer unrestricted legislative power.
- "Trump v. United States granted complete immunity for every act of a President."
  The 2024 decision distinguishes exclusive constitutional acts, other official acts and unofficial acts, with different rules.
- "The Supreme Court upheld President Trump's IEEPA tariffs in February 2026."
  Learning Resources, Inc. v. Trump held that IEEPA did not authorise the tariffs at issue.
- "The Tribunals Reforms Act, 2026, was fully in force before the UPSC GS II examination."
  The Act received assent on 13 August 2026 but its provisions commenced on 25 August, after the 22 August examination. Assent and commencement are distinct.

4.3 If the question changes

If it asks	The structure becomes	What must change
"India does not follow strict separation of powers." Discuss.	Meaning of separation; Indian constitutional provisions; necessary overlap; judicially enforced limits; verdict.	India becomes the centre of analysis; America is only a brief comparative reference, if needed.
Compare parliamentary and presidential government.	Formation and tenure; legislative relations; accountability; stability; checks; comparative assessment.	Broaden from separation of powers to the full institutional differences between the governmental systems.
Is the Indian PM more powerful than the US President?	Meaning of actual power; comparative executive and legislative control; constraints; political conditions; reasoned verdict.	Make the leader comparison dominant. Do not give an unconditional yes or no.
Does cabinet dominance undermine parliamentary accountability?	Constitutional design; reasons for cabinet dominance; evidence of weak scrutiny; available parliamentary checks; reforms.	Focus on intra-parliamentary accountability, party discipline and legislative scrutiny rather than the USA.
Judicial review and separation of powers in India and the USA.	Constitutional bases; scope of judicial review; judicial appointments and independence; limits of intervention; case-law comparison.	Use Marbury, Kesavananda, NJAC and tribunal cases; reduce the discussion of PM and President.
Critically examine presidential executive power in contemporary America.	Article II; lawful executive instruments; Congress and judiciary; immunity doctrine; emergency powers; contemporary cases; judgment.	Make Trump v. United States (2024), Trump v. CASA (2025) and Learning Resources (2026) central, accurately distinguishing their holdings.
Suggest reforms to strengthen separation of powers in India.	Existing constitutional arrangement; risks of executive dominance; parliamentary and judicial safeguards; practical institutional reforms.	Add greater committee scrutiny, reasoned legislative deliberation, tribunal independence and transparent appointments while preserving responsible government.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

5

The model answer

One model answer, written to the UPSC Gurus house range of 250 to 253 words (252 words including headings, labels and table cells; UPSC's printed limit is 250 words). The answer uses a compact comparison table for institutional practice, headed points for actual executive authority, and a short analytical paragraph on concentration and accountability. The introduction covers both systems and the two leaders' institutional context; the conclusion gives a conditional judgment rather than an absolute ranking.

Model answer ## A comparison table, headed points and an analytical verdict **252 words**

Separation of powers restrains arbitrary government. India combines executive-legislative fusion with judicial independence; the USA separates the elected executive from Congress, although both systems allow overlap.

1. Separation of powers in practice

Feature	India	USA
Design	Ministers sit in Parliament; Article 75(3) establishes collective responsibility to Lok Sabha.	Articles I, II and III create branches with separately constituted executive and legislature.
Interaction	Government steers legislation; Article 123 ordinances permit temporary executive lawmaking subject to Parliament.	President recommends measures and vetoes bills; Congress legislates, appropriates funds and can override vetoes.
Checks	Judicial review and basic structure restrain encroachment; confidence disciplines ministers.	Senate confirmations, impeachment and judicial review restrain presidential action.

2. Actual authority of executive leaders

- **Source:** The PM leads ministers through parliamentary confidence; Article II vests executive power in a President with a fixed four-year term.
- **Agenda:** With a cohesive majority, the PM coordinates cabinet policy and legislation; the President directs federal administration but needs Congress for legislation and funding.
- **Constraints:** Coalition allies, Rajya Sabha and courts restrict the PM; Congress, Senate confirmations, courts and federalism constrain the President. India's 2024 coalition illustrates variability.

3. Concentration and accountability

Party discipline can make parliamentary fusion executive-dominated; aligned congressional majorities can similarly weaken American oversight. Conversely, divided government may cause gridlock. Strong checks require independent courts and meaningful legislative scrutiny, not separation alone.

Thus, the PM may exercise greater legislative influence under a stable majority, while the President enjoys greater independence of tenure. Neither wields unchecked power: design matters alongside political practice and accountability.

DEMAND
Examine how separation of powers works in India and the USA, then compare the effective authority and constraints of their executive leaders

HIDDEN DEMAND
A stricter formal separation does not necessarily produce stronger checks than parliamentary government; effective accountability depends on institutional practice

STRUCTURE
About two-fifths on constitutional separation in practice, two-fifths on PM-President authority, one-fifth on concentration and accountability

BALANCE
Introduction 26 words, conclusion 31 words; 252 words in all

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

Why it works: the introduction establishes the constitutional distinction without reducing either system to a rigid formula. Part 1 compares the same three institutional dimensions in India and America, including constitutional provisions, functional overlap and checks. Part 2 examines actual authority through sources of power, agenda control and constraints, using India's 2024 coalition as an example of changing political leverage. Part 3 answers the hidden demand by distinguishing institutional separation from effective accountability. The conclusion makes a precise comparative judgment: the PM may command greater legislative leverage, while the US President enjoys independent tenure, but neither office is invariably stronger or less accountable.

6 Other ways to write it

The model answer above remains the answer. These alternative outlines show how the same constitutional demands can be answered through different forms without losing the comparison or the hidden demand.

Approach	How it is built	When it works
Five-dimension comparative matrix	One table comparing constitutional design, executive-legislative relations, judicial review, executive authority and accountability. A final analytical paragraph tests the practical effectiveness of checks.	When comparative clarity is the priority and each row can explain, not merely name, the institutional difference.
Institution-first, leader-second	Two headed sections: flexible separation in India versus stricter separation in America; then PM versus President on mandate, legislative leverage, appointments and constraints. End with the accountability paradox.	When comfortable with concise constitutional exposition and parallel points. This is the closest prose alternative to the model answer.
Power-versus-constraint matrix	For each leader, compare the power exercised and the institutional check: cabinet leadership versus parliamentary confidence; presidential administration versus congressional appropriations; executive initiative versus judicial review.	When the phrase **"actual authority"** is the analytical centre. It prevents constitutional powers from being presented without their limitations.
Case-law anchored answer	Open with Ram Jawaya Kapur (1955), compare the constitutional designs, then use Madras Bar Association (2025) and Learning Resources (2026) to show actual judicial restraints. Complete the PM-President comparison through legislative authority and tenure.	When recent constitutional judgments are well understood and can be used accurately without displacing the direct comparison.
Open with a constitutional paradox	Begin: a parliamentary leader dependent on legislative confidence may control legislation more effectively than an independently elected President. Explain the institutional design, compare executive authority and finish by testing accountability.	When seeking a strong analytical introduction without turning the answer into a rhetorical essay.
Accountability-led answer	Compare confidence-based accountability with congressional oversight, then trace how those relationships shape government formation, executive tenure and legislative control. Close by comparing executive dominance with presidential gridlock.	When the examiner places greater emphasis on effective checks, concentration of power or democratic accountability.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

7 Quick recall and Prelims crossover

Sixteen constitutional and institutional facts for rapid revision. Distinguish the text of the Constitution from judicial doctrine and political practice.

1. **Article 50, India:** Directive Principle concerning separation of the judiciary from the executive in the public services of the State.
2. **Article 53, India:** Executive power of the Union formally vested in the **President**.
3. **Article 74, India:** Council of Ministers headed by the **Prime Minister** advises the President; reconsidered advice is binding.
4. **Article 75(3), India:** Council of Ministers is **collectively responsible to the Lok Sabha**.
5. **Article 75(5), India:** A minister who is not a member of either House for **six consecutive months** ceases to be a minister.
6. **Article 123, India:** Presidential ordinance-making power when **both Houses are not in session together**; ordinances face parliamentary control and constitutional limits.
7. **Ram Jawaya Kapur, 1955:** India's Constitution does not adopt **absolute rigidity** in separation of powers.
8. **2024 Lok Sabha:** BJP won **240 of 543 seats**; the NDA formed the government with its allies.
9. **US Article I:** Legislative powers granted by the Constitution vest in **Congress**, comprising the Senate and House of Representatives.
10. **US Article II:** Executive power vested in the **President**; constitutional presidential term is **four years**.
11. **US Article III:** Federal judicial power vested in the Supreme Court and such inferior courts as Congress establishes.
12. **US veto override:** Requires **two-thirds** of each House of Congress under Article I, Section 7.
13. **US Senate advice and consent:** Applies to specified presidential appointments; treaties require concurrence of **two-thirds of Senators present**.
14. **US impeachment:** House has sole power to impeach; Senate tries impeachments, requiring **two-thirds of members present** for conviction.
15. **Marbury v. Madison, 1803:** Foundational US Supreme Court decision establishing **judicial review** of unconstitutional federal legislation.
16. **Learning Resources, Inc. v. Trump, 20 February 2026:** US Supreme Court held that **IEEPA did not authorise the President to impose tariffs**.

THE ONE SENTENCE TO CARRY OUT OF THIS DOCUMENT

Separation of powers determines where constitutional authority begins, but political majorities and functioning institutional checks determine how far executive power actually reaches.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

8 Write it yourself

Write the answer in 250 words without looking back, then test whether it makes the two comparisons and the final constitutional judgment.

	Check	Yes / No
1	Does the introduction address **separation of powers in both systems** and establish the context for comparing executive authority?	
2	Does Part 1 compare **constitutional design, executive-legislative relations, judicial checks and actual overlap** rather than describing two countries separately?	
3	Is Part 1 approximately **two-fifths of the body**, with India presented as flexible separation and America as stricter but not absolute separation?	
4	Does Part 2 compare the **sources, legislative leverage, executive control, constraints and effective decision-making power** of the PM and President?	
5	Does the smaller final part answer whether **stricter separation necessarily prevents concentration of power**, using parliamentary dominance and presidential checks or gridlock?	
6	Does the conclusion offer a **conditional comparative judgment**, at roughly the length of the introduction, rather than declaring one executive universally stronger?	
7	Is the answer **250 words or a little over**, counting headings and table cells, with no inaccurate claim from section 4.2?	

Sources

- **Constitution of India:** Ministry of Law and Justice, Legislative Department, official Constitution text, especially Articles 50, 53, 74, 75, 78, 85, 110, 111, 123, 124, 200, 201, 226 and 368 and the Tenth Schedule. Legislative Department; India Code.
- **Constitution of the United States:** United States Senate, official constitutional text, Articles I, II and III; presidential tenure, veto and override, Senate confirmation, impeachment, federal judicial tenure and treaty provisions. US Senate, Constitution of the United States. See also the Congressional Research Service and Library of Congress, Constitution Annotated.
- **Ram Jawaya Kapur v. State of Punjab:** Supreme Court of India, judgment dated 12 April 1955, AIR 1955 SC 549. Constitutional distribution of functions and the absence of rigid separation in India's parliamentary system. See the Supreme Court's judicial decisions and case-law references through Supreme Court of India.
- **Kesavananda Bharati v. State of Kerala:** Supreme Court of India, 24 April 1973, (1973) 4 SCC 225. Limits on constitutional amendment through the basic structure doctrine. **Asif Hameed v. State of Jammu and Kashmir:** Supreme Court of India, 3 May 1989, 1989 Supp (2) SCC 364, on constitutionally assigned functions and institutional limits.
- **Supreme Court Advocates-on-Record Association v. Union of India:** Supreme Court of India, judgment of 16 October 2015, striking down the 99th Constitutional Amendment and the National Judicial Appointments Commission Act, 2014. Judicial independence and the appointment framework.
- **Rejanish K.V. v. K. Deepa:** Supreme Court of India, Civil Appeal No. 3947 of 2020 and connected matters, judgment of 9 October 2025, on judicial independence, Article 50, Articles 233 to 235 and separation of powers. Supreme Court judgment.
- **Madras Bar Association v. Union of India:** Supreme Court of India, W.P.(C) No. 1018 of 2021, judgment of 19 November 2025, on tribunal appointments, judicial independence and constitutional limits on the Tribunals Reforms Act, 2021. Supreme Court Observer, judgment summary; Ministry of Law and Justice written parliamentary reply reported by PIB, 25 July 2026.
- **In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India:** Supreme Court of India, Special Reference No. 1 of 2025, advisory opinion delivered 20 November 2025, 2025 INSC 1333. Limits on judicially imposed timelines and deemed assent under Articles 200 and 201. Supreme Court advisory opinion.

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- **Tribunals Reforms Act, 2026:** Ministry of Law and Justice, Act No. 17 of 2026, presidential assent 13 August 2026; commencement notification S.O. 4713(E), 25 August 2026. India Code, enacted legislation; PRS Legislative Research, parliamentary passage and provisions; PIB backgrounder, 12 August 2026. The 25 August commencement postdates the GS Paper II examination and is included only to distinguish assent from commencement.
- **Lok Sabha election, 2024:** Election Commission of India, results announced 4 June 2024; Lok Sabha Secretariat, Parliamentary and Constitutional Developments, September 2024, party-wise result showing BJP 240 seats; PRS Legislative Research, Profile of the 18th Lok Sabha and June 2024 Monthly Policy Review. Election Commission of India; PRS, June 2024.
- **Marbury v. Madison:** US Supreme Court, 24 February 1803, 5 U.S. (1 Cranch) 137, judicial review. **Youngstown Sheet & Tube Co. v. Sawyer:** US Supreme Court, 2 June 1952, 343 U.S. 579, limits on executive authority without sufficient constitutional or statutory foundation. Sources: Supreme Court of the United States and the Constitution Annotated.
- **Trump v. United States:** Supreme Court of the United States, No. 23-939, decided 1 July 2024, on presidential criminal immunity. Official Supreme Court opinion.
- **Trump v. CASA, Inc.:** Supreme Court of the United States, Nos. 24A884, 24A885 and 24A886, decided 27 June 2025, on the scope of universal injunctions under the Judiciary Act of 1789; the underlying citizenship question was not decided. Full judicial opinion, Legal Information Institute; Congressional Research Service, Legal Sidebar LSB11331, 1 July 2025.
- **Learning Resources, Inc. v. Trump:** Supreme Court of the United States, Nos. 24-1287 and 25-250, decided 20 February 2026, holding that the International Emergency Economic Powers Act did not authorise presidential tariffs. Official Supreme Court opinion.
- **UPSC Civil Services (Main) Examination:** Union Public Service Commission, official question-paper archive for GS Paper II, 2013 to 2026, and the Civil Services (Main) Examination, 2026 timetable, confirming GS Paper II on 22 August 2026. Official previous-question-paper archive; 2026 examination page.

Examine how the separation of powers is practised in India compared to the rigid presidential model of the United States of America. In this context, compare the actual authority of the Indian Prime Minister with that of the President of the USA.

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