

Montesquieu

(Lord Acton) Every Power tends to corrupt an absolute

1 Intro Power tends to corrupt absolutely

Montesquieu's Theory of separation
of power states that in every democracy
there are 3 pillars

Judiciary executive legislation

He also aimed in his history
that no pillar should be more powerful
than other pillars.

✓ 2 - Life

M. is a French philosopher
He developed the most sensible

theory of separation of powers
He was a successful
philosopher.

3. theory of separation of powers

✓ a. Meaning of separation of power

Power equally divided in
all organs of state.

b. Definition → Blackstone
Aristotle

of power as propounded by Montesquieu
has tremendous impact on development
of administrative law.

★ System of CHECKS and Balance

F - Three main organs

- i - Legislative
- ii - Judiciary
- iii - Executive

i - Legislature / Congress

This organ of government
makes law for states.

ii - Executive

iii - Judiciary

Implement These Law.

Punished Those who are
not Fullfil these laws.

Advantages

a - Process Liberty of people

b - Separation powers increase
efficiency of people
government

c. Absolute Separation of power is
Never Possible.

d. Only Partial Separation is
possible b/w the pillars

e. The Theory needs modification
and adoption

Conclusion

To conclude that the doctrine
of separation of power implies that
different government should by different
department should be limited to their own
spheres of action.

iii Scientific theory in nature.

Criticism / Details / disadvantage of
This theory

a - Historical misconception

^{Historical speaking}
The doctrine was incorrect.

b - Not entirely acceptable

^{It is impossible}
to take certain actions of this
doctrine entirely

First give the view of separation of power in his book Spirit in Law.

✓ E. Basis of the Theory

This doctrine
is based on the proposition that a concentration of functions is a temptation of tyranny.

G. EFFECT

The doctrine of separation

1. 'All power should not allow to concentrate since it creates a dictator'

C - Historical Background

back Aristotle and plato.

b. second period →

French philosopher Jean

Locke

c. John Locke

D. Montesquieu Theory

"Spirit of Law"
↳ Espirit des Loix