

alone will decide its success when success is understood in terms of time, cost and distance with special reference to Right to Constitutional Remedy as enshrined under Constitution of India which is not suspended in case of defence personnel.

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## ALL IS WELL WHEN DOCTRINES RULE THE LAW AND NOT OTHERWISE – AN OVERVIEW

*By*

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Ours is a 60 years old Constitution. It is amended on as many as 94 occasions. As each of the amendment stands to be by way of majority sitting in the parliament ought to be perceived as legal and constitutional. Practically and scientifically the social scenario has been constantly changing in India, period by period, due to each such change in the constitutional law and consequently other laws. Considering the social changes the law is taken for change and such changes shall have bearing on the social picture again. Like this the influence of society on law and law on society is a continuous process. Here comes the survey as to the status of doctrines whether they continue to be sanctions or otherwise. Every change in the law, especially the constitution of India, do have essential change in the functioning of the instrumentalities.

At times such changes throw overweight on some instrumentalities. Though it is hardly arguable, the instrumentalities compete with each other and most often they try to assert their status over each other. In this process the doctrines are sacrificed. In the interpretation process the fate of doctrines is required to be examined as the doctrines are the fundamentals of law with which alone the welfare state could be built as otherwise the outcome would be unscientific and chaotic. One of the most significant doctrines of such

prominence is Doctrine of 'Checks and Balances'. Without seeking the doctrines to lose their essence in law, the laws are required to be framed doctrinally centric and flavoured. Sacrificing the doctrines is serious flaw and idiocy as Doctrine free law is directionless for a state truly wanting to be a welfare state. Long term injustice and short term justice would surface due to such laws.

The survival of the doctrines in the texts of law alone can secure the nation both pride and welfare. Otherwise, the converse is a cold war with tendency to topple each instrumentality by the other. Therefore, the doctrine of 'checks and balances' must be taken as the basis for postulation of laws rather than sacrificing or cutting short the doctrine itself for postulating the law whatsoever wished by an instrumentality just for asserting its power and strength for extraneous reasons rather than in the name of welfare state. It means, together with doctrines, the law becomes virtue and in any other case it is evil.

As propounded, it is the Constitution which is supreme and no instrumentality made under it is supreme. While it stands thus and continues to stand thus, the impact of the doctrine is fast changing in its cause and effect on each of the instrumentality besides the society. The moment law is amended,

the test as to the existentiality of this Doctrine becomes imperative. Subject to the existentiality of doctrines alone the law could be declared as viable and vibrant and otherwise not. It is thus assertive that the doctrines should not be sacrificed in the face of law as such law would always be draconic and idiotic. Whenever the law changes the face of the society changes and the status of the instrumentality changes. It is felt that law is changed subject to the change in the society. Whereas the changed law will change the face of the society more rapidly which is happening in the country in the present we changing the law based on change in the society. It is propagated that due to change in the society the law is changed. It is hypocritical and far from truth.

These reactions make platform for their further existence as well as functioning. This in an inevitable change or the consequence of such amendments. We are the masters of our actions but servant of the consequences. Each amendment may be justified or may not be faulted, but they have changed the characteristics of the instrumentalities of the state as a follow on. Consequently the functional differences and differences in efficiency of each instrumentality and

consequent other causes and effects and so on and so forth. It appears that the doctrines such as 'checks and balances' ought to be considered as the basis and foundation of law around which the law is to be built rather than trying to seek adjustment of those doctrines to the law. It is something like 'putting the horse before the cart'.

It is beyond any debate that the doctrine free laws are destined to malfunction and the country has to pay high price for it. Therefore, the doctrines are the foundations and there are no substitutes to those doctrines and accordingly they are to be strictly adhered to as otherwise the edifice built over land without foundation would fall like pack of cards. Thus, the doctrinal legislation would alone work for survival of the society in welfare and well being and not otherwise. Various Legal Maxims and doctrines of law form foundation for any well constructed legislation for they are propounded by the exemplarily intellectual jurists who practiced checks and balances in their thought, word and deed in making their personality and wisdom and then subsequently those principles of law. For example, Vidura, Sanjaya and Bhishma are indomitable jurists on law as well as political science.

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## NEED FOR CORPORATE SOCIAL RESPONSIBILITY ACT AND ITS MODEL

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### *Abstract*

In this article I would like to bring down the significance of an Act on corporate social responsibility to the society and an effective model for its efficient functioning without many hindrances in implementation.

### *Introduction:*

Corporate Social Responsibility is like a wind, where most of the activity is invisible; it is often delivered at an erroneous time in an erroneous manner. It is time and again an active attempt to increase corporate