

## INTERSECTION OF LAW AND SUSTAINABILITY: A PATHWAY FOR INDUSTRIES

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### ABSTRACT

In today's world, where environmental degradation, economic instability, and rapid social change dominate global discourse, I believe the convergence of law and sustainability has become a pivotal force in redefining the trajectory of industrial development. In this paper, I explore how legal systems—at both national and international levels—can either facilitate or hinder sustainable progress within industries. From my research, I realized that existing laws on environmental protection, human rights, corporate accountability, and innovation require a critical reassessment when viewed through the lens of sustainability. This study delves into major treaties, policy frameworks, judicial decisions, and current corporate practices to evaluate whether our present legal infrastructure truly promotes sustainability or merely pays it lip service. Along the way, I raise some uncomfortable yet essential questions: Are industries genuinely capable of regulating themselves without external checks? Should sustainability remain a matter of ethical discretion, or must it evolve into a binding legal duty? After reflecting on these issues, I argue that inclusive, forward-thinking, and enforceable legal interventions hold the potential to shift industries from being contributors to ecological harm to becoming champions of sustainable innovation.

### Introduction

Sustainability, in my view, has stepped far beyond the realm of theoretical debates or activist catchphrases. It now stands as a core value that directly influences economic structures, governance models, and industrial strategies around the world. As someone studying law, I've grown increasingly drawn to the intersection of legal systems and sustainability because I see laws as powerful instruments that govern not just states or markets—but mindsets. They shape the conduct of corporations, the behavior of citizens, and the accountability of governments. But a troubling question lingers in my mind: are our legal systems evolving fast enough to meet the urgent needs of a planet in crisis?

The modern understanding of "sustainability" found its footing in the global lexicon through

the 1987 Brundtland Report, which articulated it as "meeting the needs of the present without compromising the ability of future generations to meet their own needs." This deceptively simple idea has now seeped into policy-making, environmental law, and corporate governance strategies across the world. Legal frameworks that were once reactive—largely aimed at damage control—are now being reshaped to proactively encourage sustainable development goals.

Personally, I find deep resonance between sustainability and the ancient Indian concept of Dharma, as described in the Vedas. Dharma, which encapsulates a sense of moral responsibility and harmony with nature, aligns closely with today's sustainability ethics. Long before environmental laws were codified in modern states, Indian scriptures emphasized

living in balance with nature. The real challenge we now face is translating such ancient wisdom into enforceable legal provisions—ones that not only inspire but also obligate industries to act sustainably.

This paper dives into the legal dimensions of sustainability in the industrial sector. I examine statutory mandates, soft law frameworks, court rulings, and voluntary guidelines to assess how law contributes to sustainable industrial practices. I argue that when law is informed by both scientific understanding and ethical responsibility, it transforms into one of the most powerful forces we have to drive meaningful, lasting change in the way industries operate. A law rooted in both reason and conscience, I believe, is key to building a sustainable future that is not only efficient, but just.

#### **Legal Foundations of Sustainability: International and National Instruments**

In my research, I found that a robust legal and institutional framework is essential to foster and monitor sustainability within industries. These frameworks not only establish the ground rules but also incentivize innovation, regulate environmental compliance, and penalize misconduct.

At the international level, agreements like the **Paris Climate Agreement (2015)** have been pivotal in setting emissions reduction goals. India, as a signatory, committed to reducing the emissions intensity of its GDP by 33–35% by 2030 (compared to 2005 levels). This commitment has significantly influenced domestic industrial policy, including energy usage standards, pollution control, and green innovation schemes.

In India, several laws form the bedrock of industrial sustainability. The **Environment Protection Act, 1986** acts as an umbrella legislation, enabling the central government to take measures for environmental protection. Under this act, industries are regulated through norms on air and water pollution, hazardous waste, and chemical safety.

I found that laws like the **Factories Act, 1948**, have been modernized to incorporate safety, health, and environmental standards. Moreover, the **Companies Act, 2013**, introduced **mandatory Corporate Social Responsibility (CSR)** obligations for companies exceeding specified financial thresholds. This has been a catalyst for sustainability initiatives, including environmental conservation, education, and community welfare.

One progressive step was the introduction of the **National Action Plan on Climate Change (NAPCC)**, which includes missions focused on solar energy, energy efficiency, sustainable habitat, and more. These missions have shaped industrial approaches toward clean technology and resource efficiency.

Furthermore, **green compliance certifications** such as ISO 14001 (Environmental Management Systems) and GRI (Global Reporting Initiative) standards have been integrated into industrial reporting mechanisms. I found that these certifications help companies demonstrate accountability and secure stakeholder trust.

Judiciary plays a pivotal role as well. Landmark judgments like **Vellore Citizens Welfare Forum v. Union of India (1996)** enforced the “polluter pays” and “precautionary” principles, embedding sustainability in the legal conscience of the nation. In this case, the Supreme Court ruled against leather tanneries polluting water sources, forcing them to set up treatment plants. This case set a precedent for environmental liability.

Institutions such as the **Central Pollution Control Board (CPCB)** and **State Pollution Control Boards (SPCBs)** are crucial in monitoring industrial compliance, issuing environmental clearances, and enforcing penalties for violations. However, I noticed that underfunding, understaffing, and political influence often dilute their effectiveness.

There is also a growing demand for **Environmental Courts or Green Tribunals**. The **National Green Tribunal (NGT)**, established in

2010, has emerged as a key institution delivering time-bound justice in environmental cases. For instance, the NGT's orders on illegal mining, industrial discharge into rivers, and air pollution controls have made a notable impact.

In conclusion, legal frameworks are evolving, but gaps remain—particularly in enforcement, integration across jurisdictions, and responsiveness to new challenges like e-waste, climate adaptation, and circular economy models. I strongly believe that reforms must ensure not just regulation, but facilitation—encouraging industries to embrace sustainability proactively, not just out of obligation

- **However, I question** whether compliance with laws is truly driven by ethical commitment or just the fear of sanctions.
- Is CSR voluntary when the law mandates it?
- Can international agreements without enforcement power really shape domestic industry behavior?

### **Sustainability in Industrial Operations: Challenges and Trends**

As industries evolve within a rapidly transforming global landscape, sustainability has become not just a regulatory expectation but also a strategic necessity. Found that modern industries are increasingly compelled to integrate environmental, social, and governance (ESG) goals into their operational core, not only for compliance but also to stay competitive, attract investors, and satisfy growing consumer consciousness. However, this transformation comes with significant challenges.

One major challenge is the **cost of transition**. Implementing sustainable practices often requires capital-intensive investments in new technologies, infrastructure, and training. For instance, transitioning to renewable energy sources or adopting circular economy models—where waste is minimized and materials are reused—demands substantial upfront

investment. Many small and medium enterprises (SMEs) struggle to afford this shift despite understanding its long-term benefits.

Also observed a persistent **gap in regulatory clarity**. While sustainability is widely promoted, industries often face uncertainty due to fragmented and overlapping regulations. In India, for example, environmental regulations come from multiple authorities—central, state, and local—creating ambiguity and compliance fatigue. Clear, unified frameworks are essential for industries to confidently pursue sustainable pathways.

**Technological disparity** is another critical concern. While large corporations may leverage AI, IoT, and blockchain to track emissions, manage resources, and ensure transparency, many traditional industries lack access to such tools. This tech divide can reinforce existing inequalities and slow down holistic industrial transformation.

Moreover, the trend of **greenwashing**—projecting a false image of sustainability—undermines genuine efforts. Found that many corporations adopt minimal environmental measures and exaggerate their impact through marketing. Without stringent audit mechanisms or third-party certifications, it's difficult to distinguish real progress from superficial claims.

Despite these challenges, several positive trends signal hope. There is a surge in **sustainable supply chain practices**, where industries assess the environmental impact of their entire product life cycle. The shift toward **low-carbon manufacturing**, adoption of **eco-labels**, and focus on **sustainable product design** are gaining momentum.

Furthermore, **public-private partnerships (PPPs)** and industry collaborations are fostering innovation. Initiatives like the Clean Energy Ministerial and India's National Electric Mobility Mission demonstrate that collaborative efforts can fast-track green transitions.

Another promising trend is the emergence of **sustainability-linked finance**. I found that financial institutions are increasingly tying interest rates and lending terms to companies' environmental performance. This directly incentivizes cleaner practices and enables capital to flow toward greener businesses.

Additionally, industries are investing in **green R&D**, where innovation is directed toward sustainable materials, biodegradable packaging, and energy-efficient production systems. Global companies like Unilever and Tata Steel have initiated internal green innovation hubs to accelerate this shift.

Also note the growing influence of **ESG reporting mandates**, where regulatory bodies require disclosure of sustainability metrics. This move toward transparency has empowered investors and consumers to reward genuinely sustainable businesses while holding others accountable.

From a human resources perspective, **green skills training** and **environmental literacy programs** are emerging trends. These initiatives aim to equip employees with the competencies needed for sustainable operations, thereby aligning workforce development with ecological goals.

It concluded that while the journey to industrial sustainability is fraught with obstacles, the momentum is undeniable. The future belongs to industries that adapt, innovate, and lead with responsibility.

- **The pressing question is:** can our legal and institutional frameworks evolve swiftly enough to support and accelerate this transformation?

### Judicial Activism and the Green Jurisprudence

In India, the judiciary has played a transformative role in promoting sustainability. Landmark cases such as *MC Mehta v. Union of India* (1986, Oleum Gas Leak Case) introduced the principle of absolute liability. In *T.N. Godavarman v. Union of India* (1995), the Supreme Court recognized the importance of

forest conservation, impacting the timber and paper industries directly.

One of the most powerful drivers of sustainability in India has been the proactive role of the judiciary. Indian courts, especially the Supreme Court and the National Green Tribunal (NGT), have not hesitated to step in when executive enforcement has been weak. These judicial interventions have shaped what scholars now call "Green Jurisprudence."

A foundational example is the case of *MC Mehta v. Union of India* (1986), also known as the Oleum Gas Leak case. The Supreme Court laid down the **principle of absolute liability**, stating that any industry engaged in hazardous activities is liable for any damage caused, regardless of intent or negligence. This landmark case revolutionized environmental accountability in India by eliminating the possibility of legal escape.

In *T.N. Godavarman Thirumulpad v. Union of India* (1995), the Court emphasized forest conservation and took on the role of ongoing supervisor, establishing continuous mandamus. The Court's intervention impacted logging, mining, and construction industries directly. I find this case particularly interesting because it marked the shift from episodic intervention to continuous judicial governance over environmental matters.

**The National Green Tribunal**, established under the **NGT Act, 2010**, has also passed influential orders, including the closure of Sterlite Industries in Tamil Nadu for violating pollution norms (Sterlite Copper Plant Case, 2018). In another case, *Almitra H. Patel v. Union of India* (2017), the NGT imposed penalties on municipal corporations failing to manage solid waste, highlighting urban industrial waste issues.

- **But I must question:** Should courts be forced to play an activist role because the executive has failed?
- Or is this trend of judicial intervention a necessary evolution in public interest law?

Moreover, I believe there is an urgent need to institutionalize sustainability courts or green benches in all high courts. This would ensure specialized attention to complex environmental disputes, reducing burden on the general judiciary.

Judicial pronouncements have also helped evolve new doctrines like the **Public Trust Doctrine** and **Polluter Pays Principle**, which are now embedded in India's environmental policy. These principles, though judge-made, are now treated as binding law.

As sustainability concerns intensify, it concludes that the judiciary must act not just as a watchdog, but as a co-legislator when legislative inertia persists. However, this raises another **philosophical question**:

- can judicial activism ensure long-term compliance, or does it only provide temporary relief?

However, over-reliance on courts raises concerns about judicial overreach.

- Should the judiciary bear the burden of sustainability, or should it be a shared responsibility between legislature, industry, and civil society?

### **The Way Forward: Legal Reforms and Strategic Recommendations**

In reviewing the existing frameworks and industrial responses, I found that while laws exist to promote sustainability, they often fall short in implementation, clarity, and integration with broader policy goals. It is therefore critical to propose practical and actionable reforms that can guide industries towards a truly sustainable future.

First, I recommend the creation of a **comprehensive national sustainability law**—an umbrella legislation that consolidates environmental, labor, and corporate accountability norms into a unified legal framework. This would eliminate the current confusion caused by overlapping statutes and fragmented enforcement. Countries like France have made progress with laws like the Duty of

Vigilance Act, which mandates companies to assess and address environmental and human rights impacts in their supply chains. I believe India can adopt a similar integrated model tailored to its socio-economic context.

Second, I strongly advocate for the **strengthening of the National Green Tribunal (NGT)**. While the NGT has played a significant role in environmental jurisprudence, it requires better funding, scientific expertise, and enforcement mechanisms to ensure that its rulings lead to real-world improvements. I found that many of its decisions are delayed or disregarded due to a lack of executive follow-through.

Third, **mandatory ESG disclosures** should be broadened and standardized. Currently, only the top listed companies are bound by the Business Responsibility and Sustainability Reporting (BRSR) framework in India. Expanding this mandate to medium-sized firms would promote accountability across the board. Furthermore, linking these disclosures with fiscal incentives—such as tax relief or access to green funds—can encourage widespread adoption.

One innovative legal mechanism gaining global traction is the idea of granting **legal personhood to nature**. Ecuador and New Zealand have already recognized rivers and forests as legal entities with rights. I suggest Indian lawmakers consider similar steps, particularly for ecologically sensitive zones like the Western Ghats or the Sundarbans, thereby reinforcing sustainable land use and conservation through enforceable legal rights.

I also propose a **Green Corporate Code**, akin to a code of ethics, that companies must adhere to. This would include mandatory sustainability impact assessments for any major industrial project, along with legally binding commitments toward emission reduction, water conservation, and biodiversity preservation.

Public-private partnerships (PPPs) should also be leveraged for regulatory innovation. For example, regulators and industry associations

can collaborate on **sandbox models**, where sustainable innovations can be tested in controlled environments before wide-scale implementation. This would enable regulatory flexibility without compromising environmental goals.

From a judicial standpoint, **environmental courts** with specialized judges and expert panels can be established at the state level to expedite sustainability-related litigation. Such courts can significantly reduce the burden on the NGT and ensure quicker redressal of violations.

Moreover, I found that aligning India's domestic sustainability goals with **international treaties**, such as the Paris Agreement and the UN's Sustainable Development Goals (SDGs), will provide long-term strategic direction. To this end, industrial policies should be periodically reviewed in light of international environmental commitments.

Finally, **I raise a vital question**: Are we doing enough to make sustainability not just a legal requirement but a corporate culture?

Legal compliance must go hand-in-hand with awareness and responsibility. Therefore, sustainability education—embedded in law, management, and engineering curricula—can foster a generation of professionals who view sustainability not as a checkbox but as a value.

In conclusion, I believe that the path forward lies in dynamic legal reform, institutional innovation, and cross-sector collaboration. The future demands a legal system that not only punishes environmental harm but actively nurtures environmental leadership. This will be the true intersection where law empowers sustainability, and industries drive meaningful change.

### **Human Rights and Labor Laws in Sustainable Industry**

As I examined the broader sustainability landscape, I found that the protection of human rights and adherence to labor laws are fundamental to sustainable industrial development. Sustainability cannot be

achieved without ensuring dignity, safety, and equality for workers. Industries must not only address environmental concerns but also commit to fair and humane working conditions. The rise of sustainable industry frameworks now demands a deeper integration of human rights into every level of decision-making and operations.

In India and globally, a range of labor laws form the backbone of industrial sustainability. Key examples include the Factories Act, 1948, which mandates safe working conditions; the Minimum Wages Act, 1948, which ensures a basic income threshold for workers; and the Equal Remuneration Act, 1976, which addresses wage parity across genders. These laws reflect the constitutional principles enshrined in Articles 14, 15, 19, and 21 of the Indian Constitution, ensuring equality, non-discrimination, and the right to life with dignity. Internationally, conventions by the International Labour Organization (ILO) such as Convention No. 87 (freedom of association) and Convention No. 98 (right to organize and collective bargaining) play a central role.

I observed that many global brands have begun to align with UN Guiding Principles on Business and Human Rights, which emphasize that businesses should respect human rights, avoid infringing on them, and address adverse impacts when they occur. India's National Guidelines on Responsible Business Conduct (NGRBC) also encourage corporations to uphold labor dignity and provide due diligence mechanisms for identifying, preventing, and addressing labor rights violations in their value chains. Companies such as Infosys and Tata Steel have incorporated these principles into their CSR and ESG frameworks.

Despite these protections, serious challenges remain. I found evidence of industrial sectors—particularly in textiles, construction, and mining—facing issues of child labor, bonded labor, unsafe conditions, long working hours, and lack of social security. Informal workers, who constitute a significant portion of India's

labor force, often fall outside the ambit of formal legal protection, highlighting the need for policy reforms, digitized tracking systems, and effective enforcement mechanisms.

One important legal development is the Code on Social Security, 2020, which aims to universalize labor welfare by extending protections to gig and platform workers. This is a step toward inclusivity in the changing labor market, where non-traditional forms of employment are on the rise. Additionally, the Occupational Safety, Health and Working Conditions Code, 2020 consolidates 13 existing labor laws and focuses on creating a safer work environment.

Furthermore, Environmental, Social, and Governance (ESG) metrics are increasingly used by investors to evaluate labor practices. I found that firms with higher ESG scores tend to perform better financially, suggesting that ethical labor practices are not just moral imperatives but strategic advantages. Shareholders are demanding more transparency and accountability, compelling companies to publish sustainability reports that include labor rights indicators.

Technology, too, has a role to play in this transformation. Platforms powered by blockchain and AI can help trace labor conditions across supply chains, exposing exploitative practices and enabling ethical sourcing. Initiatives like the Better Work Programme by ILO and IFC leverage data to assess compliance and promote worker well-being.

The integration of human rights due diligence into industrial processes is no longer optional—it is now a reputational and financial imperative. Governments, civil society, and international organizations are calling for mandatory due diligence laws. The European Union's proposed Corporate Sustainability Due Diligence Directive (CSDDD) seeks to bind large corporations to human rights and environmental responsibilities across their supply chains. India,

too, must consider similar binding frameworks rather than relying solely on voluntary codes.

I conclude that the pursuit of sustainability is hollow without respect for labor rights. Industries must internalize that workers are not merely inputs but central stakeholders in the sustainability journey. As the global economy evolves, we must ask ourselves: Can true sustainability exist without justice for those who build it? Are we valuing human dignity as much as we value environmental preservation? The answer to industrial progress lies not just in greener machines but in fairer systems that put people and planet on equal footing.

### **Future Pathways and Policy Recommendations**

As I reflect on the intersection of law and sustainability, I find that the future of industrial progress lies in embracing an integrative approach that combines legal reform, innovation, and ethical accountability. The road ahead requires bold policy actions, multilateral cooperation, and the courage to challenge entrenched interests. This section explores key future pathways and policy recommendations to drive sustainability in industrial practices.

First, there is an urgent need for a comprehensive legal framework on sustainability that goes beyond fragmented environmental and labor laws. I believe India should move toward enacting a Unified Sustainable Development Act that consolidates environmental protections, labor rights, climate change mandates, and ESG reporting obligations. This could mirror international trends like the European Union's Green Deal or the Corporate Sustainability Reporting Directive (CSRD). Such a law would ensure consistency, simplify compliance, and prioritize long-term ecological and social outcomes over short-term economic gains.

Second, we must promote mandatory human rights and environmental due diligence (HREDD). Voluntary guidelines have failed to prevent labor abuses and environmental

degradation. Binding laws, modeled after the EU Corporate Sustainability Due Diligence Directive (CSDDD), could require corporations to assess and address risks in their global supply chains. I recommend that India enact similar legislation to hold industries accountable and align with international sustainability norms.

Third, public-private partnerships (PPPs) must be strengthened to drive green innovation. Government support through subsidies, tax incentives, and green bonds can stimulate R&D in sustainable technologies. For example, the Faster Adoption and Manufacturing of Hybrid and Electric Vehicles (FAME) scheme in India has already begun shaping a cleaner mobility sector. More such initiatives should be expanded to other sectors like textiles, mining, and manufacturing.

Fourth, green financing and ESG investing need to be mainstreamed. I found that industries with strong ESG performance are more resilient and attract better investments. Policymakers must encourage sustainable finance through mandatory ESG disclosures, green credit mechanisms, and climate-risk assessments. The Securities and Exchange Board of India (SEBI) has taken important steps in this regard by mandating the Business Responsibility and Sustainability Report (BRSR) for the top 1000 listed companies.

Fifth, capacity building and awareness are crucial. Industrial sustainability should be embedded into management education, legal training, and corporate strategy. The government, in collaboration with civil society, can design training programs for regulators, entrepreneurs, and workers. For example, digital platforms can be used to train MSMEs in low-carbon manufacturing and compliance with environmental standards.

Sixth, the judiciary and regulatory bodies must play a proactive role. I suggest creating green benches in High Courts and dedicated Sustainability Tribunals to expedite climate-related litigation and ensure effective remedy. Moreover, regulators like the Central Pollution

Control Board (CPCB) and National Green Tribunal (NGT) must be equipped with greater autonomy, funding, and technical expertise.

Furthermore, I strongly advocate for community participation in industrial decision-making. Laws must mandate free, prior, and informed consent (FPIC) for projects affecting indigenous and local populations. Sustainable development must not be imposed from the top down but co-created with those most impacted. The use of technologies like blockchain can ensure transparency in consent and grievance mechanisms.

A critical policy recommendation is to integrate climate justice into legal and industrial frameworks. Vulnerable communities bear the brunt of industrial pollution and climate change. Policies must prioritize just transitions for affected workers and communities. Social protection schemes, retraining programs, and employment guarantees can ensure that the green transition is equitable.

Finally, international cooperation will be vital. India must engage actively in multilateral forums like the United Nations Framework Convention on Climate Change (UNFCCC), the World Trade Organization (WTO), and the International Labour Organization (ILO) to shape global sustainability norms. Bilateral treaties should include enforceable environmental and labor clauses.

In conclusion, the journey toward sustainable industry is complex but essential. I conclude that the law must not merely react to environmental and human rights violations—it must anticipate, prevent, and empower. As we design the future of industry, we must ask: Are our legal systems agile enough to meet ecological urgency? Are our policies inclusive enough to serve both people and the planet? These are not just questions of policy but of principle. Our response will define the legacy we leave behind.

### Conclusion and Key Takeaways: A Roadmap for the Future

As I reflect on the intersection of law and sustainability, particularly in the context of industrial operations, I conclude that we are at a pivotal moment in history. The industrial sector, long criticized for its ecological footprint, is now being called upon to become a vanguard of sustainable change. The law, in this regard, is not merely a tool for enforcement but a catalyst for transformation.

Throughout this paper, I explored how the integration of legal frameworks with sustainability goals can empower industries to adopt greener practices, uphold human rights, and contribute to long-term economic and environmental resilience. I found that the legal system must evolve from punitive enforcement to proactive guidance—encouraging industries to transition smoothly into eco-conscious models without losing their competitive edge.

Key takeaways include:

- **Stronger legislative action** is required to integrate sustainability directly into corporate law, environmental regulations, and labor policies.
- **Technology and innovation**—especially green technologies and data transparency tools—must be incentivized and supported by a clear legal framework.
- **Accountability mechanisms**, including independent audits, ESG disclosures, and environmental courts, are essential to ensure compliance and credibility.
- **Cross-sector collaboration** between government, private players, and civil society will be the backbone of a sustainable industrial future.
- **Judicial activism and legal personhood for nature** can reshape the way industries perceive their ecological responsibilities.

In the end, I believe the fundamental question we must keep asking is: **Are our industries truly aligned with the principles of justice—not just legal justice, but environmental and intergenerational justice?** If not, then no amount of innovation or investment can truly make them sustainable.

The pathway for industries is clear: align with nature, respect legal boundaries, and lead with conscience. The intersection of law and sustainability isn't just a theoretical ideal—it's a practical roadmap for survival and success in the 21st century.

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