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Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 - info@iledu.in / Chairman@iledu.in

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A STUDY ON CORPORATE SOCIAL RESPONSIBILITY (CSR) UNDER INDIAN LAW: EFFECTIVENESS AND CHALLENGES

AUTHOR - GODHAWARI P & DR. S.M. AZIZUNNISAA BEGUM

ASSISTANT PROFESSORS AT SCHOOL OF LAW, VISTAS, CHENNAI

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ABSTRACT

This study examines Corporate Social Responsibility (CSR) under the Companies Act, 2013, focusing on its effectiveness and challenges. India stands out for mandating CSR through Section 135, requiring eligible companies to spend 2% of their average net profits on social initiatives. While this framework has increased corporate contributions to sectors like education, healthcare, and environmental sustainability, questions remain regarding its true impact. The research evaluates whether CSR is driven by genuine commitment or mere compliance, highlighting concerns such as CSR-washing, regional disparities, and lack of transparency. By analysing legal provisions and practical outcomes, the study explores CSR's role in enhancing corporate reputation, stakeholder trust, and sustainable development. It concludes by suggesting improvements to ensure CSR becomes a strategic, impactful tool for both business growth and societal welfare.

KEYWORDS

CSR – Company – Transparency – Eradication of poverty – Sustainable Development

INTRODUCTION

In the past few decades, Corporate Social Responsibility (CSR) has become a critical component in the re-evaluation of the role of businesses in society. In the past, the primary goal of corporations was to maximise shareholder value. However, the significance of harmonising economic performance with social and environmental stewardship has been increasingly underscored by changing global paradigms. India has taken a ground-breaking step by mandating CSR activities through its legislative framework, thereby institutionalising corporate accountability and societal contribution, in response to this backdrop. The Companies Act, 2013, was a significant milestone in the development of corporate social responsibility (CSR) in India. Companies that satisfy specific financial thresholds are mandated to allocate at least 2% of their average net profits over the previous three years to corporate social responsibility initiatives under Section 135 of the Act. This legal obligation distinguishes India as one of the few nations in the world where corporate social responsibility (CSR) is not merely a voluntary ethical decision, but a statutory obligation. The legislative framework is further enhanced by comprehensive CSR Rules and guidelines that specify the modalities of fund allocation, project selection, and reporting mechanisms. The objective of this research study, "A Study on Corporate Social Responsibility (CSR) Under Indian Law: Effectiveness and Challenges," is to critically evaluate the extent to which the statutory imposition of CSR has resulted in significant social change. The actual impact and effectiveness of these initiatives remain a topic of debate, despite the fact that the mandatory CSR provision has stimulated an increase in corporate contributions to a variety of social sectors, including education, healthcare, rural development, and environmental sustainability. There is a question as to whether companies are participating in corporate social responsibility (CSR) as a strategic, value-adding endeavour or solely as a compliance-driven obligation. Additionally, the integrity of CSR practices in India is threatened by issues such as the risk of superficial "CSR-washing," the geographical imbalance in fund allocation, and transparency in reporting. The importance of this research is derived from its comprehensive assessment of the challenges and efficacy of India's corporate social responsibility (CSR) framework. The study endeavours to offer a comprehensive comprehension of the practical implications of mandatory CSR by analysing the legal framework, evaluating the socio-economic outcomes of CSR activities, and conducting case studies of corporate implementation. Additionally, it investigates the more extensive influence of corporate social responsibility (CSR) on the sustainability of businesses, the reputation of corporations, and the trust of stakeholders. Consequently, it provides valuable insights into the ways in which CSR can be more strategically aligned with long-term business objectives and social welfare. In an era in which corporations are subjected to unprecedented scrutiny, the research is pertinent and timely. The insights obtained from this study could be beneficial to both corporate leaders and policymakers as businesses navigate an increasingly complex landscape of stakeholder expectations and regulatory demands. The goal is to pinpoint areas for policy improvement, identify best practices, and suggest strategies that guarantee the sustainability and impact of CSR initiatives.

THE LEGAL FRAMEWORK THAT REGULATES CORPORATE SOCIAL RESPONSIBILITY IN INDIA

India is one of the few countries that enforces a mandatory Corporate Social Responsibility (CSR) regime. The legal framework for corporate social responsibility (CSR) in India is predominantly derived from Section 135 of the Companies Act, 2013. This provision requires that companies that satisfy specific financial criteria allocate a minimum of 2% of their average net profit from the previous three years to CSR activities. This is applicable to organisations that have a net worth of ₹500 crore or more, a turnover of ₹1,000 crore or more, or a net profit of ₹5 crore or more.

Furthermore, organisations are required to establish a corporate social responsibility (CSR) committee to supervise the implementation of CSR policies and expenditures. The CSR Rules, 2014, and subsequent amendments provide additional clarification on topics such as penalties for noncompliance and reporting. The Securities and Exchange Board of India (SEBI) is also responsible for assuring that listed companies disclose their CSR activities through Business Responsibility and Sustainability Reporting (BRSR). Loopholes exist, despite the framework's robustness. Rather than prioritising genuine impact, numerous organisations designate funds to corporate social responsibility (CSR) initiatives solely for the sake of compliance. Additionally, mandatory corporate social responsibility (CSR) expenditures are distinctive to India, as the majority of other nations implement voluntary models. Consequently, it is imperative to evaluate the efficacy of this approach in effecting social transformation.

THE EFFICIENCY OF CORPORATE SOCIAL RESPONSIBILITY (CSR) IMPLEMENTATION BY INDIAN CORPORATIONS

Education, healthcare, rural development, and environmental sustainability have all been significantly impacted by corporate social responsibility (CSR) in India. Tata, Infosys, Reliance, and ITC are among the numerous large corporations that have implemented successful corporate social responsibility initiatives. These initiatives range from renewable energy projects to the financing of schools. Nevertheless, the efficacy of corporate social responsibility (CSR) implementation is inconsistent. Some organisations adopt a strategic approach, congruently integrating corporate social responsibility (CSR) with their fundamental business principles (e.g., information technology organisations that emphasise digital literacy). Others view corporate social responsibility (CSR) as a mere compliance exercise, allocating funds without guaranteeing a genuine impact. Furthermore, a substantial proportion of corporate social responsibility (CSR) funds are either unused or misallocated as a result of bureaucratic inefficiencies, and numerous organisations neglect to disclose their CSR expenditures in a transparent manner. The discrepancy between the intended and actual outcomes prompts questions regarding the extent to which mandatory corporate social responsibility (CSR) expenditures are effectively addressing India's environmental and social issues.

OBSTACLES AND CONSTRAINTS OF CORPORATE SOCIAL RESPONSIBILITY (CSR) COMPLIANCE

CSR effectiveness is impeded by a number of obstacles, despite the legal mandate:

Absence of Clear Metrics: The absence of measurable impact indicators in numerous CSR initiatives renders it challenging to evaluate their success.

Geographical Inequity: The majority of corporate social responsibility (CSR) funds are allocated to urban or industrial regions, resulting in the underserving of remote and underdeveloped regions.

Misuse and Greenwashing: Certain organisations indulge in "CSR washing," which involves them exaggerating their contributions without providing tangible benefits.

Small and Medium Enterprises (SMEs) Face Challenges: Despite being legally required to comply, SMEs frequently lack the financial resources or expertise to execute corporate social responsibility (CSR) initiatives.

Regulatory and Bureaucratic Challenges: Companies may be discouraged from investing in meaningful CSR initiatives due to the complexity of compliance requirements and the lack of clear guidelines. India requires enhanced monitoring mechanisms, more stringent penalties for noncompliance, and incentives for genuine, impactful initiatives in order to enhance the effectiveness of corporate social responsibility.

CORPORATE SOCIAL RESPONSIBILITY (CSR) AND ITS INFLUENCE ON THE SUSTAINABILITY OF BUSINESSES AND THE REPUTATION OF CORPORATIONS

CSR is no longer solely concerned with compliance; it has evolved into an indispensable component of an organization's reputation and sustainability. Companies that are actively involved in meaningful corporate social responsibility (CSR) frequently experience numerous advantages:

Brand Loyalty and Consumer Trust: Businesses that emphasise social responsibility are more likely to be trusted by consumers. Tata and Amul have established robust reputations in part as a result of their ethical business practices.

Employee Engagement: A well-executed corporate social responsibility (CSR) strategy enhances workplace culture, attracts talent, and improves employee morale.

Financial Performance: Research indicates that organisations that prioritise corporate social responsibility (CSR) initiatives are more financially successful than their counterparts over the long term. Ethical business practices and community engagement can generate a positive feedback loop, which in turn attracts investors and collaborators.

Nevertheless, organisations that neglect to fulfil their commitments to corporate social responsibility may encounter legal complications, public disapproval, and reputational harm. For instance, organisations that are accused of environmental degradation but assert that they are involved in corporate social responsibility may be perceived as hypocritical. In order to optimise the advantages of corporate social responsibility (CSR), organisations must incorporate it into their fundamental business strategies, rather than considering it as an afterthought or a public relations tool.

PROSPECTS FOR THE FUTURE AND POLICY SUGGESTIONS FOR CORPORATE SOCIAL RESPONSIBILITY IN INDIA

The future of CSR in India is contingent upon the extent to which the government, corporations, and civil society work together to guarantee a significant impact. Several suggestions for enhancement are as follows:
Improved Monitoring and Accountability: In order to prevent misconduct and guarantee that funds are allocated to their intended recipients, the government should implement a more robust audit mechanism for corporate social responsibility (CSR) expenditures.
Promoting Strategic and Voluntary Corporate Social Responsibility (CSR): Organisations should surpass mere compliance and incorporate CSR into their business models, ensuring that initiatives are in alignment with their long-term social impact.
Enhanced Emphasis on Technology and Innovation: The utilisation of digital tools, AI, and block chain can be employed to monitor the impact of corporate social responsibility (CSR) expenditures.
Government-Private Partnerships (PPPs): The government should establish platforms for businesses to collaborate with NGOs and policymakers in order to address critical social issues.
Incentives for SMEs: In order to promote corporate social responsibility (CSR) engagement, it is recommended that small businesses be offered tax benefits, financial support, and capacity-building programs.
Although there has been substantial progress in the field of corporate social responsibility (CSR) in India, there is still space for improvement. In order to guarantee that corporate contributions result in genuine social and environmental change, it will be imperative to transition to more strategic, transparent, and impactful corporate social responsibility initiatives.

CONCLUSION

The research on Corporate Social Responsibility (CSR) under Indian law has uncovered a multifaceted relationship between legislative mandates, corporate practices, and societal impact. India's innovative approach, which mandates corporate social responsibility (CSR) expenditures under Section 135 of the Companies Act, 2013, has undoubtedly resulted in a substantial allocation of resources to a variety of social and environmental sectors. Nevertheless, the translation of these funds into meaningful, sustainable outcomes remains unequal, despite the fact that the financial commitment from corporations has increased. The research reveals that a significant number of organisations regard corporate social responsibility (CSR) as a trivial compliance exercise, prioritising the allocation of funds to satisfy statutory obligations rather than incorporating CSR as a fundamental aspect of their business strategies. This has led to the occurrence of superficial corporate social responsibility (CSR) practices, which are frequently referred to as "CSR-washing," in which the intended social benefits are not completely realised. Furthermore, the potential of CSR initiatives has been further diminished by factors such as inadequate monitoring, the absence of standardised metrics for quantifying impact, and geographical disparities in fund allocation. Furthermore, there is an urgent requirement for improved regulatory supervision and increased transparency, despite the fact that the CSR Rules, 2014 provide a comprehensive legal framework and detailed guidelines. Despite the fact that the regulatory framework is robust on paper, the research suggests that its implementation is inadequate in ensuring that the funds are allocated equitable and effectively. These obstacles indicate that the present model, while innovative, necessitates re-calibration to be more closely aligned with the overarching objective of attaining sustainable social and

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environmental development.

SUGGESTIONS

Improved Standardisation and Transparency:

Establish and enforce consistent metrics and impact assessment frameworks for corporate social responsibility initiatives. This would allow stakeholders to evaluate the actual results of CSR initiatives rather than merely financial expenditures. Utilise digital reporting platforms and block chain technology to establish transparent monitoring systems for corporate social responsibility (CSR) funds. These systems can assist in the prevention of misuse and the guarantee that resources are directed to their intended recipients.

Strategic Integration of Corporate Social Responsibility (CSR) into Business Models:

Motivate organisations to transcend the compliance mind-set and incorporate corporate social responsibility (CSR) into their fundamental business strategies. Corporations can establish a synergistic relationship between economic growth and social impact by aligning corporate social responsibility (CSR) initiatives with their long-term business objectives. Highlight companies that have effectively implemented strategic CSR programs by promoting best practices through case studies and industry benchmarks.

Enhanced Regulatory Oversight:

In order to guarantee the efficient utilisation of CSR funds, the government and regulatory entities should establish more stringent auditing and monitoring mechanisms. This may involve more stringent penalties for noncompliance or misallocation of funds, as well as periodic evaluations and third-party audits. Ensure that a unified approach to CSR monitoring and reporting is taken by enhancing coordination between various regulatory bodies, such as the Ministry of Corporate Affairs and SEBI. Targeted Assistance for Small and Medium-Sized Enterprises (SMEs) and Underdeveloped Regions: Accept that the implementation of corporate social responsibility (CSR) initiatives presents distinct obstacles for smaller organisations and underdeveloped regions. These entities can develop and implement effective CSR initiatives with the assistance of policy measures such as tax incentives, grants, or capacity-building programs. Foster public-private partnerships (PPPs) that can bridge the gap between corporate resources and grassroots needs, thereby ensuring that CSR benefits are more evenly distributed geographically.

Stakeholder Engagement and Collaborative Approaches: Encourage a collaborative environment in which government agencies, corporations, and non-governmental organisations (NGOs) collaborate to develop, execute, and assess corporate social responsibility (CSR) initiatives. Participatory decision-making processes and regular stakeholder consultations can assist in the alignment of corporate social responsibility initiatives with the actual requirements of communities, thereby ensuring a greater level of accountability.

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MARUDHAANDA KURICHI, SRIRANGAM - 620102,
TAMILNADU, INDIA.

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