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When Courts Speak for the Environment: Reimagining CSR through Environmental Jurisprudence

Shivali[1*], Rahul Varshney[2]

[1] Research Scholar, MVN University, Palwal, India
[2] Professor, MVN University, Palwal, India
[*]Corresponding Author Email: 23sl9008w@mvn.edu.in

Abstract

For the Indian economy, Corporate Social Responsibility (CSR) has been incorporated as a statutory duty enshrined in the Companies Act, 2013, that is primarily concerned with corporate philanthropy and statutory social responsibilities. In course of time, however, the judicial system in India has emerged as a major player in reinterpreting CSR as well as embracing environment-related obligations in the ambit of corporate responsibility. In this context, the present paper discusses the influence of judicial interpretation in the evolution of CSR in India in light of important case laws such as M.C. Mehta v. Union of India and Indian Council for Enviro-Legal Action v. Union of India. The research approach used in this study is doctrinal research which is qualitative in nature where judicial decisions, laws/statutes, and the literature review will be examined to assess the dynamic relationship between environmental jurisprudence and corporate social responsibility. The paper discusses the ways in which various constitutional doctrines such as sustainable development, polluter pays principle, absolute liability and environmental justice have been utilised to widen the scope of corporate obligations. With the aid of liberal interpretations of constitutional and environmental values, the judiciary has indirectly aided to promote corporate governance and made firms incorporate the environment in their business decisions. However, there are some critical challenges which still prevent the judicially developed CSR obligations from becoming effectively realized. These include the fact that environmental CSR obligations lack any form of legal enforceability and the continued adherence by many firms to the compliance approach, whereby they view CSR obligations as statutory requirements rather than as components of good business governance.

Keywords

Corporate Environmental Accountability, Corporate Social Responsibility (CSR), Environmental Jurisprudence, Judicial Activism.

INTRODUCTION

It is necessary to highlight that Corporate Social Responsibility (CSR) emerged as a structured activity with mandatory elements, even if not all countries have enacted legislation regulating this aspect of business activities. Historically, CSR used to mean ethical responsibility of corporations towards society, which means that CSR was not necessarily a result of any laws but rather a moral obligation [1], [2]. At the same time, growing pollution and corporations' involvement in resource extraction contributed to substantial changes in how CSR was considered. In the case of developing economies, such as India, there is another factor contributing to the change: lack of awareness of CSR among people and communities.

Accordingly, CSR became legally regulated in India through introduction of relevant clauses into the Companies Act, 2013 [3], [4], [5]. Nonetheless, in the process of implementing such laws, corporations usually limit themselves to compliance, and their actions rarely contribute to positive change or assist dealing with the deleterious effect of businesses on the environment [6], [7]. As a consequence, other institutions, particularly courts, can serve as a catalyst for shaping further development in this sector.

For years, the Indian judiciary has been at the forefront of widening the ambit of environmental protection via its expansive interpretation of constitutional doctrines and environmental regulations [8], [9]. The doctrines of Sustainable Development', Polluter Pays, and Absolute Liability have been instrumental in shaping ecological governance [10], [11]. Though such judicial interventions did not emanate directly out of the CSR discourse, they contributed indirectly towards revisiting the environmental obligations of corporations. [12], [13].

Recent scholarship has emphasised the need to look beyond the isolated nature of CSR and consider environmental law and governance when discussing CSR. [14], [15]. CSR must be seen as one aspect of corporate accountability where legal, ethical, and judicial considerations interplay. [16], [17]. It is within this broad perspective that the judiciary plays a pivotal function in addressing issues pertaining to corporate accountability for environmental harm. [18], [19].

On the other hand, the correlation between CSR and judicial interventions is far from being straightforward and flawless. On the one hand, excessive judicial intervention might lead to the breach of the principles of separation of powers, as well as the imposition of duties for companies, which go beyond what was intended by the legislature. [20], [21]. On the other hand, the inconsistent and case-specific nature of judicial decision-making could be another obstacle. [22], [23]. The inability to directly legislate about

CSR responsibilities could be yet another challenge in this regard. [24], [25].

However, the current situation with environmental problems combined with the expanding role of corporate actors in the formation of the ecological future prompts a reconsideration of CSR from an environmental jurisprudence perspective. [26], [27]. By means of interpreting and forming norms, the judiciary has all it takes to reshape CSR and make it a more responsible concept for achieving sustainable development [28], [29].

Though a number of scholars have studied CSR, environmental governance, or judicial activism individually, not many have looked at the manner in which environmental law in India has, via constitutional interpretation and environmental law principles, indirectly influenced the obligations of CSR. The literature on the topic is restricted to either the Companies Act, 2013 or the environmental case laws. This research attempts to fill this void and link judicial changes and CSR governance through an environmental governance lens.

Contribution of This Study

This study enhances the existing literature on CSR and environmental jurisprudence with an approach towards integrated legal governance framework. The current literature either examines CSR as defined under the Companies Act, 2013 or environmental judicial activism separately. However, this study focuses on how significant judicial decisions have been contributing indirectly to corporate environmental responsibility through various constitutional provisions and environmental principles. In addition to this, it chronicles the development of environmental jurisprudence, compares statutory CSR with judicially developed environmental responsibility and identifies the governance gap existing between the two. Accordingly, this study has suggested an integrated framework of CSR, ESG and Environmental Governance for promoting sustainability in India.

In light of the above discussion, this study pursues the following research objectives:

1. To analyze the Indian judiciary's contribution in expanding CSR towards environmental responsibility.
2. To evaluate the limitations of judicial intervention and suggest a structured CSR governance framework.

LITERATURE REVIEW: CSR, ENVIRONMENTAL RESPONSIBILITY AND THE EXPANDING JUDICIAL INFLUENCE

Corporate Social Responsibility (CSR) in India, even after being legally obligated through the Companies Act of 2013 [5], still appears to be more a compliance exercise than any transformational approach toward addressing the environment and social issues. The tendency of companies to pursue activities based on visibility and feasibility, as pointed out by [22] and [30], is true when it comes to CSR in developing nations.

Even with over ₹25,000 crore being spent on CSR activities each year, there appears to be an absence of consideration for environmental factors while making allocations. The phenomenon can be explained by the fact that corporate activities are selective and responsive, as discussed by [6]. Moreover, there is no integration between CSR and environmental governance, as companies treat their environmental obligations merely as regulatory issues, as highlighted by [7] and [15].

More recent literature has added more weight to the CSR discussion through the integration of ESG ("Environmental, Social, and Governance") in the corporate sustainability agenda. Additionally, recent findings suggest that detailed ESG disclosures contribute considerably to enhancing firm performance, accountability, and sustainability, thereby emphasizing the need for incorporating ESG into legal requirements of CSR [31]. According to [32], effective corporate governance today requires firms to incorporate ESG factors in decision making as part of the overall strategy as opposed to viewing it as an independent task of compliance. Similarly, [33] have noted that value creation in firms is sustainable only when ESG risks, environmental responsibility, and stakeholder engagement become integral parts of the corporate governance. [34] have observed that proper governance and good ESG practices lead to resilience and better environmental performance of corporations. Likewise, [35] have noticed that the new trends in ESG research include not voluntary sustainability but governance, sustainability reporting, and regulatory issues. These findings suggest the need for the alignment of India's CSR model with judicial environmental norms and global ESG standards.

The judiciary's role is important to signify in this situation. According to experts like [9], [8], Indian courts have been successful in bridging regulatory gaps by establishing a link between environmental protection and fundamental rights provided for in Article 21. Introduction of concepts like polluter pays principle, precautionary principle and absolute liability [36] had a deep impact on the corporate sector. Companies had to internalise environmental costs [10].

Nevertheless, the interaction between judicial intervention and CSR is quite inconsistent. Judicial measures are mostly reactive and specific to individual cases, according to [22], [21]. Moreover, [16] point out that corporate accountability depends on several forces operating simultaneously – legal, market and socio-political ones. Enforcement gaps also play an important role.

On the other hand, an excess of judicial action can generate issues of overreach, as suggested by [20]. In any case, judicial actions alone cannot serve as a replacement for a holistic policy approach that combines the CSR approach with environmental regulation. However, scholars like [12] and [29] acknowledge the significant influence of the judicial body in shaping corporate policies and behaviour.

In this light, even though the judiciary does not regulate corporate social responsibility directly, it has had a profound influence on its development by introducing environmental responsibilities into corporate duties.

RESEARCH METHODOLOGY

The research uses a doctrinal methodology, which is the right approach to investigate the emergence of judicially evolved environmental responsibility in the CSR framework. The work does not use an empirical methodology; instead, it makes use of systematic reading, classification, and comparison of legal sources and academic literature.

Case Selection Criteria. The landmark cases were chosen based on judgments passed by the Supreme Court of India, High Court, and National Green Tribunal (NGT) from 1985 to 2024, according to the following criteria for inclusion: (i) the judgment sets out or further elaborates on an important doctrine in the area of corporate environmental responsibility (such as "polluter pays," absolute liability, public trust, sustainable development, or the precautionary principle); (ii) the judgment is considered as an authority in other judgments or legal literature; and (iii) the judgment belongs to any of the five temporal phases defined in Section 4 (Foundational, Doctrinal Development, Consolidation, Post-CSR, and Contemporary). The cases were located through Indian Kanoon, SCC Online, and the literature on CSR-environmental law [8], [9], [20], [25].

Sources. The primary sources include judgments from the Supreme Court, High Court, and National Green Tribunal cases numbering 25 ([37] [38]) with some statutory materials like the Companies Act, 2013, Section 135 [5]. The secondary sources include peer-reviewed articles and books about CSR, environmental law, and ESG governance from the years 1991-2025.

Analytical Method. The cases were categorized according to (a) the time period of their doctrinal evolution and (b) the key environmental doctrine that they represent (e.g., polluter pays, precautionary, public trust). Such categorisation is the basis for Tables 1-3 and Figures 1-2 presented in Section 5. After that, the doctrinal conclusions were evaluated with respect to the statutory CSR framework to reveal the gaps, which provided the foundation for Critical Analysis (Section 6) and CSR–ESG–environmental governance model discussed in the Way Forward (Section 7).

Limitations. As a doctrinal study, this paper does not employ primary empirical data (e.g., firm-level CSR spending or compliance surveys); its conclusions are drawn from judicial reasoning and secondary literature. The case selection, while representative, is necessarily illustrative rather than exhaustive of all environmental jurisprudence bearing on CSR.

To increase the reliability of analysis, landmark cases were verified from various legal databases such as SCC Online, Indian Kanoon and legal commentary sources.

JUDICIAL CONSTRUCTION OF ENVIRONMENTAL RESPONSIBILITY

The growth of corporate responsibility towards the environment has been well entrenched within the emergence of environment-related legislation owing to the involvement of the courts. Even though the Companies Act, 2013 [5] has made provisions for Corporate Social Responsibility (CSR), it fails to recognise environmental responsibility explicitly. In this regard, the judiciary has been instrumental in introducing environmental responsibility into constitutional principles indirectly affecting the nature of CSR.

Foundational Phase: Recognition of Environmental Rights (1980s)

The decade of the eighties witnessed the dawn of environmental jurisprudence in India, which saw the judiciary acknowledge environmental protection as part of fundamental rights.

The Supreme Court in Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh [37] ruled over the environmental effects of the limestone mining in the concerned area. The Supreme Court directed the closure of the mining operations damaging the environment, putting ecological balance over economic gains. This landmark ruling paved the way for corporate responsibility towards environmental conservation in the coming years.

The next important landmark case was the M.C. Mehta vs. Union of India, aka the Oleum Gas Leak Case [39]. In this case, after there was a leak of harmful gases from a factory in Delhi, the Court developed the concept of strict liability as well as the absolute liability rule. This rule provides that "the person or business carrying on a risk-intensive activity is completely responsible for any damages emanating from such operations."

Doctrinal Expansion Phase: Embedding Environmental Principles (1990s)

The decade of the 1990s saw the emergence of environmental jurisprudence with the evolution of significant principles.

In the case of Subhash Kumar vs. State of Bihar [40], the right to live in an environment free from pollution was recognized as an integral part of the 'Right to Life'. This judgment emphasized the need for environmental conservation and increased the liability of the industries affecting natural resources.

One significant decision in this regard was in the case of Vellore Citizens' Welfare Forum vs. Union of India [41]. The Supreme Court introduced the principles of 'precautionary' and 'polluter pays' in the environmental jurisprudence of India. According to the judgment, industries had to foresee the environmental impact and would be liable for the cost of the pollution caused.

Similarly, the doctrine of "polluter pays" was applied in Indian Council for Enviro-Legal Action v. Union of India [42] when the Court ordered industries to compensate for harm caused due to hazardous waste. The difference with other cases lies in the strict implementation of the law, leaving no room for corporations to escape liability.

The doctrine of 'Public Trust' was introduced in M.C. Mehta v. Kamal Nath [43]. The Court ruled that natural resources are entrusted to the State in a fiduciary capacity for welfare of society. This theory serves as an indirect barrier to corporate extraction from nature's bounty, making environmental responsibility compulsory from both legal and moral perspectives.

The principle of precautionary action due to indeterminacy in science was established in A.P. Pollution Control Board v. Prof. M.V. Nayudu [44].

Consolidation Phase: Corporate Accountability and Sustainable Development (2000–2010)

Judiciary in the early 2000s shifted from being concerned about principles alone to becoming increasingly concerned with enforcement and governance.

The famous case of Narmada Bachao Andolan v. Union of India [45] unveils that the Court considered the development interest as well as environmental interest while deciding the case, emphasizing the need for sustainable development for any industrial project on a large scale. This case represents one of the important issues in CSR discussions, namely balancing development and environment.

The ongoing mandamus in the case of T.N. Godavarman Thirumulpad v. Union of India [46] has been very significant in forest conservation. The mandamus supported in monitoring and regulating industries causing harm to forest lands.

In Intellectuals Forum v. State of Andhra Pradesh [47], it is stated that environment preservation should be of greater importance than developmental projects where the environment gets permanently damaged. Moreover, in Karnataka Industrial Areas Development Board v. C. Kenchappa [48], the significance of environmental issues was stressed while making industrial plans.

These judgments, taken altogether, suggest that companies are required to work in accordance with sustainable development concepts and thereby move closer to the heart of CSR.

Post-CSR Era: Indirect Reinforcement of Corporate Responsibility (2011–2018)

The proactive role played by the judiciary is evident from the case of Goa Foundation v. Union of India [49], where the hon'ble court dealt with mass illegal mining in Goa, put a halt to the same, and reiterated the doctrine of public trust and sustainable deploy of resources, placing liability on corporations and government agencies.

Again, in Samaj Parivartana Samudaya v. State of Karnataka [50], the judiciary came forward to stop mass iron ore mining that was being carried out illegally, putting an end to the same and setting up a monitoring and rehabilitation process. In the Centre for Environmental Law WWF India v. Union of India [51], emphasis was laid on protecting and preserving biodiversity and ecological balance.

The judiciary has also made its contribution to urban environmental protection through its decision in Almitra H. Patel v. Union of India [52], whereby it emphasized the importance of implementing proper methods of waste disposal and the connection between the accountability of corporations and sustainable development and public health. Moreover, in Manoj Mishra v. Union of India [53], the court levied an ecological compensation charge on the pollution caused to the Yamuna floodplains.

Yet another noteworthy decision in this respect is Save Mon Region Federation v. Union of India [54]. In this case, the court took into account environmental clearances granted to massive development projects.

Contemporary Phase: Strengthening Environmental Governance (2015–2024)

The years starting from 2015 onwards constitute a mature era in the expansion of environmental jurisprudence in India wherein the focus has shifted towards the effective enforcement of regulations, preventive approach towards governance, and strengthening of institutions. During this phase, courts have not only interpreted environmental principles but have ensured their proper implementation, thus, indirectly strengthening the concept of Corporate Social Responsibility (CSR). For instance, in Arjun Gopal v. Union of India [55], the Court has prohibited the use of firecrackers in Delhi-NCR by following a preventive approach in environmental law through the precautionary principle and the right to health as per Article 21. Thus, the case highlights the significance of preventive governance in environmental law, thus, indirectly promoting corporate social responsibility. Another significant case is Common Cause v. Union of India [56] wherein the Court has imposed 100 percent compensation on illegal mining and strictly followed the polluter pays principle, making sure that the corporation does not benefit from the harm it causes to the environment, which ultimately fulfills the objectives of CSR.

A third landmark case, Municipal Corporation of Greater Mumbai v. Ankita Sinha [57], recognized institutional enhancement through the suomoto powers exercised by the NGT, promoting proactive governance and regulatory compliance in environmental issues. Continuing mandamus in the case of M.C. Mehta v. Union of India [58] has ensured major improvements in vehicular emissions and fuel regulations, making industries adopt cleaner technologies. In another case, Techi Tagi Tara v. Rajendra Singh Bhandari [59], the court emphasized the need for science-based environmental governance, ensuring regulatory compliance. Similarly, in two cases before the National Green Tribunal; Vardhman Kaushik v. Union of India [60] and Manoj Mishra v. Union of India [53], strict measures were adopted to curb air pollution and restore ecology.

Ultimately, in the case of Hanuman Laxman Aroskar v. Union of India [61], the Court has quashed an environmental clearance on account of procedural irregularities. In summary, this period signifies a trend towards a more effective and regulatory strategy to environmental law, which, in turn, implicitly contributes to CSR.

RESULTS AND DISCUSSION

The preceding sections traced the doctrinal development of environmental jurisprudence in India across five distinct phases. This section consolidates those findings into a structured synthesis, addressing the two research objectives set out in the Introduction: (i) analysing the judiciary's role in expanding CSR towards environmental responsibility, and (ii) evaluating the limitations of judicial intervention with a view to a structured governance framework.

Chronological Evolution of Judicial Doctrine

Table 1 maps ten representative landmark decisions discussed in Section 4 against the phase in which they were delivered, the principle they established, and their bearing on corporate environmental responsibility. The table displays a clear doctrinal progression: from the foundational recognition of environmental rights in the 1980s, through principle-building in the 1990s, to enforcement-oriented governance from 2015 onward.

Table 1: Chronological Evolution of Judicial Doctrine and Its Relevance to CSR

Case	Year	Phase	Principle Established	Relevance to CSR
Rural Litigation and Entitlement Kendra v. State of U.P.	1985	Foundational (1980s)	Environmental protection as a fundamental right	Placed ecological balance over economic gain, an early basis for corporate environmental duty
M.C. Mehta v. Union of India (Oleum Gas Leak)	1987	Foundational (1980s)	Absolute liability	Made hazardous industries strictly liable for harm regardless of due care
Subhash Kumar v. State of Bihar	1991	Doctrinal Expansion (1990s)	Right to a pollution-free environment (Art. 21)	Widened corporate exposure to pollution-linked rights claims
Vellore Citizens' Welfare Forum v. Union of India	1996	Doctrinal Expansion (1990s)	Precautionary + Polluter Pays	Industries required to foresee impact and internalise pollution costs
Indian Council for Enviro-Legal Action v. Union of India	1996	Doctrinal Expansion (1990s)	Polluter Pays (strict)	Mandatory compensation for hazardous waste damage, no escape route for corporations
M.C. Mehta v. Kamal Nath	1997	Doctrinal Expansion (1990s)	Public Trust Doctrine	Restrained corporate exploitation of natural resources held in public trust
Narmada Bachao Andolan v. Union of India	2000	Consolidation (2000-2010)	Sustainable development	Balanced development interest with ecological limits for large industrial projects
Goa Foundation v. Union of India	2014	Post-CSR Era (2011-2018)	Public trust + sustainable resource use	Reinforced corporate liability for illegal mining operations
Arjun Gopal v. Union of India	2017	Contemporary (2015-2024)	Precautionary principle + Article 21	Preventive regulation applied to hazardous industrial products
Common Cause v. Union of India	2017	Contemporary (2015-2024)	Polluter Pays (100% compensation)	Ensured corporations bore the full cost of environmental harm caused

Source: Compiled by the author from the case laws discussed in Section 4 of this paper (Rural Litigation and Entitlement Kendra v. State of U.P. [37]; M.C. Mehta v. Union of India (Oleum Gas Leak) [39]; Subhash Kumar v. State of Bihar [40]; Vellore Citizens' Welfare Forum v. Union of India [41]; Indian Council for Enviro-Legal Action v. Union of India [42]; M.C. Mehta v. Kamal Nath [43]; Narmada Bachao Andolan v. Union of India [45]; Goa Foundation v. Union of India [49]; Arjun

Gopal v. Union of India [55]; Common Cause v. Union of India [56]).

The chronological pattern in Table 1 indicates that judicial doctrine has moved from declaratory recognition of rights towards enforceable, outcome-oriented remedies. This trend directly supports Objective 1: it demonstrates a measurable expansion of corporate environmental responsibility through case law, even though the term 'CSR' rarely appears in the judgments themselves.

Intensity of Judicial Activism over Time

Figure 1 plots the number of landmark cases identified in each phase (Section 4.1 to 4.5). The visual trend reveals a rise in judicial activity from two cases in the Foundational Phase to seven in the Contemporary Phase, indicating that the courts have become progressively more engaged with environmental governance rather than less, even as legislative CSR provisions matured after 2013.

This upward trend is significant for the paper's argument: it exhibits that the introduction of statutory CSR in 2013 did not reduce judicial engagement with corporate environmental accountability. If anything, the Contemporary Phase (2015-2024) recorded the highest concentration of landmark decisions, reflecting an increasingly enforcement-driven judicial posture (Section 4.5).

Classification of Cases by Environmental Principle

Table 2 groups the twenty-five cases cited in Section 4 by the primary environmental principle each invoked, together with a count and the resulting corporate implication.

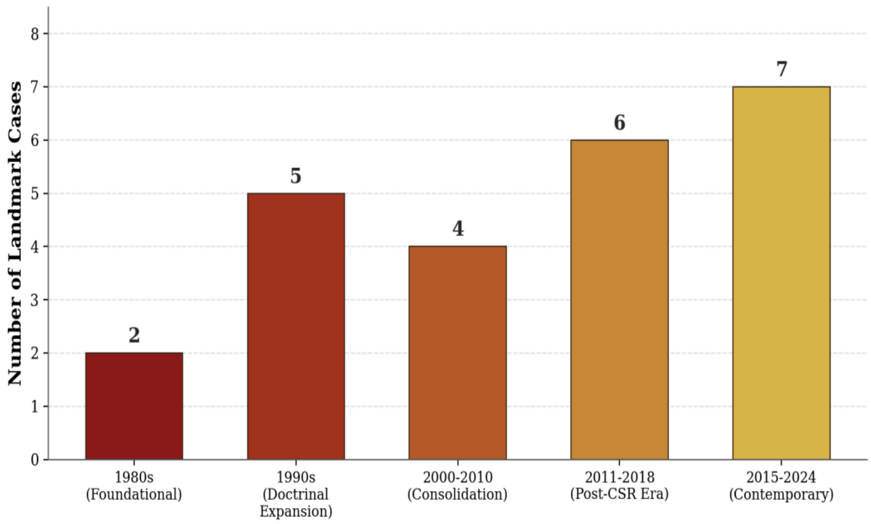

Figure 1. Intensity of Judicial Activism Across Phases of Environmental Jurisprudence in India
Source: Author's own compilation, based on the case count of landmark judicial decisions analysed in Sections 4.1-4.5 of this paper (case references [37] [61]).

Table 2: Classification of Landmark Cases by Environmental Principle

Principle	Representative Cases	No. of Cases	Corporate Implication
Sustainable Development	Narmada Bachao Andolan; Intellectuals Forum; Karnataka Industrial Areas Board	5	Development projects must build ecological limits into planning from the outset
Polluter Pays Principle	Vellore Citizens' Welfare Forum; Indian Council for Enviro-Legal Action; Common Cause	3	Cost internalization becomes a legal duty rather than a voluntary CSR gesture
Absolute/Strict Liability	M.C. Mehta (Oleum Gas Leak)	2	Hazardous industries are liable for harm irrespective of fault or precaution taken
Public Trust Doctrine	M.C. Mehta v. Kamal Nath; Goa Foundation	3	Restrains corporate extraction of natural resources held for public welfare
Precautionary Principle	A.P. Pollution Control Board v. Nayudu; Arjun Gopal	3	Preventive compliance required even without conclusive proof of harm
Institutional/Enforcement Governance	T.N. Godavarman; Vardhman Kaushik; Ankita Sinha; Techi Tagi Tara; Aroskar	9	Shift from principle-declaration to continuous, monitored implementation

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Source: Compiled by the author through thematic classification of the 25 case laws discussed in Section 4 (references [37] [38]) according to the primary environmental principle each judgment invokes.

Distribution of Cases by Principle

Figure 2 presents the same classification as a proportional chart. Institutional and enforcement-oriented governance accounts for the largest share (9 of 25 cases), followed by sustainable development (5 cases), indicating that the judiciary's more recent contribution lies less in coining new doctrines and more in ensuring that existing ones are implemented.

Statutory CSR versus Judicially Evolved Environmental CSR

Table 3 places the CSR regime under the Companies Act, 2013 [5] side by side with the environmental responsibility regime built through case law, addressing Objective 2 by making the structural gap explicit.

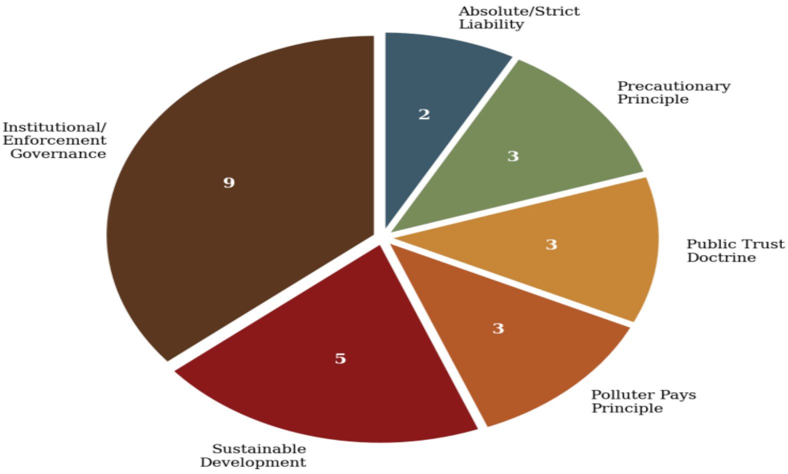

Figure 2. Distribution of Landmark Cases (1980-2024) by Environmental Principle Invoked
Source: Author's own compilation, derived from the classification presented in Table 2 of this paper.

Table 3: Statutory CSR versus Judicially Evolved Environmental CSR

Parameter	**Statutory CSR (Companies Act, 2013)**	**Judicially Evolved Environmental CSR**
Basis	Section 135, Companies Act, 2013	Constitutional principles (Articles 21, 48A, 51A(g))
Trigger	Financial thresholds (net worth, turnover, or profit)	Occurrence of environmental harm or public interest litigation
Nature	Expenditure-based, largely voluntary in spirit	Liability-based, enforceable through court orders
Enforceability	Reporting and disclosure obligation; limited penal consequence	Direct court-ordered compensation, closure, or remediation
Orientation	Spend-focused (₹ crore allocated annually)	Outcome-focused (ecological restoration and deterrence)
Approach	Reactive, compliance-driven	Preventive and reactive, increasingly institutionalised (e.g., NGT)

Source: Author's own analysis, based on the provisions of the Companies Act, 2013, Section 135 [5], read together with the judicial principles established in the case laws discussed in Sections 4 and 5 of this paper (notably Vellore Citizens' Welfare Forum v. Union of India [41] and Indian Council for Enviro-Legal Action v. Union of India [42]).

This comparison conveys that the two regimes operate on fundamentally different logics: one is expenditure-based and voluntary, the other liability-based and judicially enforced. The absence of a formal bridge between them explains why, as discussed in Section 6 (Critical Analysis), even landmark rulings such as Vellore Citizens' Welfare Forum v. Union of India [41] and Common Cause v. Union of India [56] have not translated into enforceable CSR obligations.

Discussion: Linking Findings to Research Objectives

Taken together, the results in Tables 1-3 and Figures 1-2 support both research objectives. On Objective 1, the rising frequency of landmark decisions (Figure 1) and the breadth of principles invoked (Table 2, Figure 2) confirm that the

Indian judiciary has substantially expanded the scope of corporate environmental responsibility, primarily through constitutional interpretation rather than direct CSR adjudication.

On Objective 2, the structural comparison in Table 3 confirms the limitation identified in the Critical Analysis: judicial doctrine and statutory CSR remain parallel rather than integrated systems. The judiciary supplies enforceability and normative direction; the Companies Act, 2013 [5] supplies institutional routine and disclosure. Neither, on its own, produces a comprehensive framework of corporate environmental accountability, which is precisely the gap the Way Forward section (Section 7) seeks to address through an integrated CSR-ESG-environmental governance model.

In sum, the results indicate a judiciary that has been doctrinally expansive but institutionally fragmented in its impact on CSR - a pattern that is normatively significant but, without statutory integration, structurally incomplete.

The results obtained from this study are in alignment with the latest international research on the role of statutory compliance, judicial accountability, and ESG in environmental governance within organizations. Recent studies have shown that transparency in sustainability reporting, stakeholder involvement, and good corporate governance can greatly improve environmental performance and sustainability of an organization [34], [62]. This is further evidence for the proposed CSR-ESG-Environmental Governance Model.

CRITICAL ANALYSIS: LIMITS AND POSSIBILITIES OF JUDICIALLY SHAPED CSR IN ENVIRONMENTAL GOVERNANCE

The development of environmental jurisprudence in India indicates that the judiciary contributes significantly in developing environmental responsibilities in corporations. Despite this, however, the relation between Corporate Social Responsibility (CSR) under the Companies Act, 2013 [5] and environmentally related legal principles is indirect and disjointed. The courts have made corporations more accountable through interpreting the constitution, but their role in developing a proper CSR system is still limited.

One of the biggest problems in judicial influence in corporate environmental responsibilities is its indirectness. Judicial efforts do not directly involve addressing CSR issues. Corporate responsibilities become relevant indirectly through environmental cases. For example, even in important cases like Vellore Citizens Welfare Forum v. Union of India [41] and Common Cause v. Union of India [56], the court does not focus on enforcing CSR duties. Thus, CSR and environmental law are still separate fields.

The exercise of judicial power is also intrinsically responsive and context bound. Decisions like Arjun Gopal v. Union of India [55] and Alembic Pharmaceuticals Ltd. v. Rohit Prajapati [38] concern specific problems without creating a unified set of criteria for corporate environmental accountability. The consequences are fractured doctrine and divergent corporate behaviour.

A final problem concerns the disparity between judicial declarations and implementation. Although the judiciary renders progressive decisions, their implementation is sporadic owing to organisational and administrative difficulties, as exemplified in M.C. Mehta v. Union of India.

Moreover, the CSR mechanism as provided under the Companies Act, 2013 [5] still adheres to an expenditure-based approach with no environmental duties that can be enforced by law. Thus, there emerges a divergence between the strict liability for ecological damage as enforced by the court and the flexible liability in relation to CSR compliance by companies. There is also the problem of environmental laws being separated from corporate laws.

Nonetheless, despite these shortcomings, the judiciary has served a pivotal normative part to establish that corporate stewardship should be defined as a duty based on sustainability, accountability, and prevention. Nevertheless, without a system for the integration of CSR and environmental governance, such a normative effect cannot go further than that.

In summary, although the courts have made efforts to increase environmental accountability, their role in CSR is rather peripheral and indirect.

WAY FORWARD: TOWARDS AN INTEGRATED CSR–ESG–ENVIRONMENTAL GOVERNANCE FRAMEWORK

Figure 3 presents the proposed conceptual framework that integrates statutory CSR, judicial environmental jurisprudence, and ESG principles into a unified model of corporate environmental accountability.

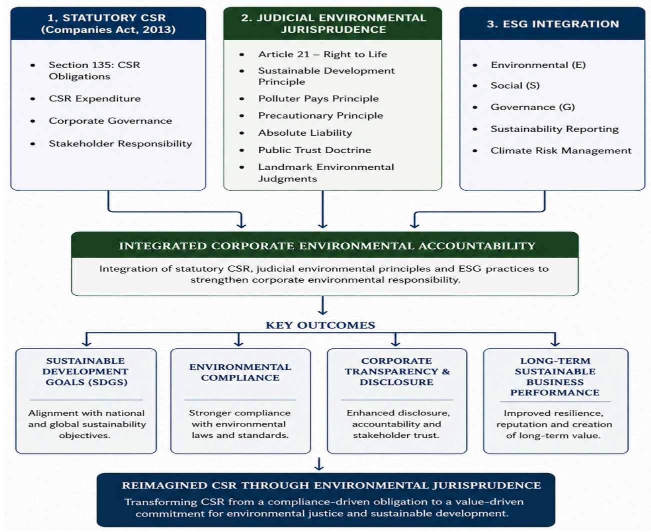

Figure 3. Proposed Integrated CSR–ESG–Environmental Governance Framework

Source: Developed by the researcher based on the Companies Act, 2013 (Section 135), landmark environmental jurisprudence of the Supreme Court of India, and contemporary ESG governance literature.

The Figure below shows the Integrated CSR-ESG-Environmental Governance Framework, which shows how statutory CSR under the Companies Act, 2013, environmentally evolved judicial principles, and ESG practices can be integrated to improve corporate environmental accountability. The framework shows how constitutional environmental principles such as sustainable development, polluter pays, precautionary principle, absolute liability, and public trust doctrine are reinforcing statutory CSR and support ESG-focused corporate governance. Such integration not only improves environmental compliance, corporate transparency, sustainability reporting, and business performance but also contributes towards the realization of Sustainable Development Goals (SDGs). It is for this reason that the integrated framework suggests that CSR should evolve from a compliance-oriented duty to an integrated corporate governance system.

The suggested model is also consistent with the International Financial Reporting Standards IFRS S1 Sustainability Disclosure Standards as per which the organization should disclose sustainability related risks and opportunities (IFRS Foundation, 2023a). [63].

Moreover, the International Financial Reporting Standards IFRS S2 Climate-related Disclosure Standards stresses on the disclosure of climate-related risks, governance, strategy, and risk management, thus reinforcing judicially established environmental accountability (IFRS Foundation, 2023b). [64].

There is a need for the realignment of Corporate Social Responsibility (CSR) with environmental governance in India. Such a method also aligns with the OECD Guidelines for Multinational Enterprises, which emphasize responsible business behavior, environmental due diligence, and corporate responsibility within the business process (OECD, 2023) [65].Despite the strength of the law on corporate social responsibility under the Companies Act, 2013 [5], and case laws like Vellore Citizens Welfare Forum v. Union of India, [41], the lack of coordination poses challenges. In order to have a forward-thinking strategy, CSR should be integrated into the ESG strategy as per the sustainability guidelines. The CSR should move away from being a spend-based concept to an outcome-based process, which focuses on environmental impacts in line with the sustainable development goals of Vellore Citizens Welfare Forum v. Union of India, [41]. Moreover, environmental infringements must be correlated with CSR duties through the means of remedial actions, in conformity with the polluter pays rule laid down in Indian Council for Enviro Legal Action v. Union of India, [42]. The improvement of institutions through evidence-based governance and disclosures must be similarly emphasized, as seen in Techi Tagi Tara v. Rajendra Singh Bhandari [59] and Hanuman Laxman Aroskar v. Union of India [61]. Lastly, judicial intervention and preventive strategy, as witnessed in Arjun Gopal v. Union of India [55], are of paramount significance. It is imperative that CSR is transformed into an integrated ESG system.

CONCLUSION

The study highlights that the course of development in environmental jurisprudence in India has been instrumental in the redefinition of corporate responsibility, irrespective of there being no explicit relationship between CSR provisions and the Companies Act, 2013[5]. The courts have included some basic principles, including sustainable development, precautionary principles, and polluter pays principle, in the legal context, which have facilitated enhancing corporate accountability from merely regulatory compliance to more than that.

Nevertheless, the gap that remains between CSR as an obligation by statute and environmental management as a judicial mandate is that judicial decisions, although normatively transformational, have mostly been reactive and fragmented, making it difficult for them to become part of a comprehensive framework of corporate environmental responsibility. Alongside CSR activities, although undertaken voluntarily, have largely been cost-oriented.

Improving the effectiveness of CSR by means of environmental jurisprudence and ESG governance aligns with the goals of the UN Global Compact, which emphasizes corporate sustainability, accountability, and responsibility. [31].

In this context, it may be appropriate for the paper to call for a new paradigm that adopts an interconnected model based on CSR, ESG, and environmental governance. This interconnected model will have to harmonise statutory rules, principles of law, and international sustainability standards. In essence, integrating environmental responsibility into corporate governance structures becomes necessary if CSR is to be effective in sustainable development in the present era.

REFERENCES

[1]. Carroll, A. B. (1991). The pyramid of corporate social responsibility: Toward the moral management of organizational stakeholders. *Business Horizons, 34*(4), 39–48. https://doi.org/10.1016/0007-6813(91)90005-G

[2]. Davis, K. (1973). The case for and against business assumption of social responsibilities. *Academy of Management Journal, 16*(2), 312–322. https://doi.org/10.2307/255331

[3]. Mitra, N., & Schmidpeter, R. (2017). *Corporate social responsibility in India*. Website: http://www.fiinovation.co.in/corporate-social-responsibility

[4]. Singh, A., & Verma, P. (2014). CSR@ 2%: A new model of corporate social responsibility in India. *International Journal of Academic Research in Business and Social Sciences, 4*(10). http://dx.doi.org/10.2139/ssrn.2532869

[5]. *Companies Act, 2013*, No. 18 of 2013, India Code. https://www.indiacode.nic.in/handle/123456789/2114?view_type=search

[6]. Bansal, P., & Roth, K. (2000). Why companies go green: A model of ecological responsiveness. *Academy of Management Journal, 43*(4), 717–736. https://doi.org/10.2307/1556363

[7]. Jamali, D. (2008). A stakeholder approach to corporate social responsibility: A fresh perspective into theory and practice. *Journal of Business Ethics, 82*(1), 213–231. https://doi.org/10.1007/s10551-007-9572-4
[8]. Bhullar, L. (2022). Environmental constitutionalism and duties of individuals in India. *Journal of Environmental Law, 34*(3), 399–418. https://doi.org/10.1093/jel/eqac010
[9]. Divan, S., & Rosencranz, A. (2022). *Environmental law and policy in India: Cases and materials*. Oxford University Press.
[10]. Sands, P. (2003). *Principles of international environmental law*. Cambridge University Press.
[11]. Birnie, P. W., Boyle, A. E., & Redgwell, C. (2009). *International law and the environment*. Oxford University Press.
[12]. Jasanoff, S. (2011). Constitutional moments in governing science and technology. *Science and Engineering Ethics, 17*(4), 621–638. https://doi.org/10.1007/s11948-011-9302-2
[13]. Faure, M., & Peeters, M. (Eds.). (2011). *Climate change liability*. Edward Elgar Publishing.
[14]. Porter, M. E., & Kramer, M. R. (2006). Strategy and society: The link between competitive advantage and corporate social responsibility. *Harvard Business Review, 84*(12), 78–92.
[15]. Moon, J. (2007). The contribution of corporate social responsibility to sustainable development. *Sustainable Development, 15*(5), 296–306. https://doi.org/10.1002/sd.346
[16]. McBarnet, D., Voiculescu, A., & Campbell, T. (2007). *The new corporate accountability: Corporate social responsibility and the law*. Cambridge University Press.
[17]. Vogel, D. (2007). *The market for virtue: The potential and limits of corporate social responsibility*. Bloomsbury Publishing USA.
[18]. Lemos, M. C., & Agrawal, A. (2006). Environmental governance. *Annual Review of Environment and Resources, 31*, 297–325. https://doi.org/10.1146/annurev.energy.31.042605.135621
[19]. Kotler, P., & Lee, N. (2008). *Corporate social responsibility: Doing the most good for your company and your cause*. John Wiley & Sons.
[20]. Shamir, R. (2008). The age of responsibilization: On market-embedded morality. *Law & Society Review, 42*(1), 1–19. https://doi.org/10.1080/03085140701760833
[21]. Utting, P. (2005). Corporate responsibility and the movement of business. *Development in Practice, 15*(3–4), 375–388. https://doi.org/10.1080/09614520500075797
[22]. Frynas, J. G. (2009). *Beyond corporate social responsibility: Oil multinationals and social challenges*. Cambridge University Press.
[23]. Newell, P. (2005). Citizenship, accountability and community: The limits of the CSR agenda. *International Affairs, 81*(3), 541–557. https://doi.org/10.1111/j.1468-2346.2005.00468.x
[24]. Garriga, E., & Melé, D. (2004). Corporate social responsibility theories: Mapping the territory. *Journal of Business Ethics, 53*(1–2), 51–71. https://doi.org/10.1023/B:BUSI.0000039399.90587.34
[25]. Idowu, S. O., & Leal Filho, W. (2009). *Global practices of corporate social responsibility* (pp. 249–250). Springer.
[26]. Dryzek, J. S. (2022). *The politics of the earth: Environmental discourses*. Oxford University Press.
[27]. Meadowcroft, J. (2007). National sustainable development strategies: Features, challenges and reflexivity. *European Environment, 17*(3), 152–163. https://doi.org/10.1002/eet.450
[28]. Bulkeley, H., & Mol, A. P. J. (2003). Participation and environmental governance: Consensus, ambivalence and debate. *Environmental Values, 12*(2), 143–154. https://doi.org/10.3197/096327103129341261
[29]. Levy, D. L., & Kaplan, R. (2008). Corporate social responsibility and theories of global governance: Strategic contestation in global issue arenas. https://doi.org/10.1093/oxfordhb/9780199211593.003.0019
[30]. United Nations Global Compact. (2023). Communication on Progress Guidance. United Nations Global Compact.
[31]. Agarwala, N., Jana, S., & Sahu, T. N. (2024). ESG disclosures and corporate performance: A non-linear and disaggregated approach. Journal of Cleaner Production, 437, 140517. https://doi.org/10.1016/j.jclepro.2023.140517
[32]. Gillan, S. L., Koch, A., & Starks, L. T. (2024). Firms and social responsibility: A review of ESG and corporate governance research. Journal of Corporate Finance.
[33]. Eccles, R. G., & Klimenko, S. (2024). The future of ESG and corporate sustainability. Harvard Business Review.
[34]. Elamer, A. A., & Boulhaga, M. (2024). ESG controversies and corporate performance: The moderating effect of governance mechanisms and ESG practices. Corporate Social Responsibility and Environmental Management, 31(4), 3312–3327. https://doi.org/10.1002/csr.2749.
[35]. Marie, M., et al. (2024). Exploring Environmental, Social and Governance research in the wake of COVID-19: A bibliometric analysis of current trends and recommendations for future research. Corporate Social Responsibility and Environmental Management, 31. https://doi.org/10.1002/csr.2909
[36]. Birnie, P. W., Boyle, A. E., & Redgwell, C. (2009). *International law and the environment*. Oxford University Press.
[37]. *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, 1985 Supp SCC 79. https://indiankanoon.org/doc/1949293/
[38]. *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati*, (2020) 10 SCC 796. https://indiankanoon.org/doc/135723482/
[39]. *M.C. Mehta v. Union of India*, (1987) 1 SCC 395. https://indiankanoon.org/doc/1486949/
[40]. *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598. https://indiankanoon.org/doc/1646284/
[41]. *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647. https://indiankanoon.org/doc/1934103/
[42]. *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212. https://indiankanoon.org/doc/1818014/
[43]. *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388. https://indiankanoon.org/doc/1514672/
[44]. *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718. https://indiankanoon.org/doc/764031/
[45]. *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664. https://indiankanoon.org/doc/1938608/
[46]. *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267. https://indiankanoon.org/doc/298957/
[47]. *Intellectuals Forum v. State of Andhra Pradesh*, (2006) 3 SCC 549. https://indiankanoon.org/doc/1867873/
[48]. *Karnataka Industrial Areas Development Board v. C. Kenchappa*, (2006) 6 SCC 371. https://indiankanoon.org/doc/992326/
[49]. *Goa Foundation v. Union of India*, (2014) 6 SCC 590. https://indiankanoon.org/doc/81576067/
[50]. *Samaj Parivartana Samudaya v. State of Karnataka*, (2013) 8 SCC 154. https://indiankanoon.org/doc/37541448/
[51]. *Centre for Environmental Law, WWF India v. Union of India*, (2013) 8 SCC 234. https://indiankanoon.org/doc/27900105/
[52]. *Almitra H. Patel v. Union of India*, (2000) 2 SCC 679. https://indiankanoon.org/doc/339109/
[53]. *Manoj Mishra v. Union of India*, Original Application No. 06

e-ISSN: 2583-1127

of 2012, National Green Tribunal (Principal Bench, New Delhi, decided on January 13, 2015). https://indiankanoon.org/doc/146778225/

[54]. *Save Mon Region Federation v. Union of India*, Appeal No. 39 of 2012 (National Green Tribunal, Principal Bench, New Delhi, April 7, 2016). https://indiankanoon.org/doc/189583188/

[55]. *Arjun Gopal v. Union of India*, (2017) 1 SCC 412. https://indiankanoon.org/doc/140349624/

[56]. *Common Cause v. Union of India*, (2017) 9 SCC 499. https://indiankanoon.org/doc/160831025/

[57]. *Municipal Corporation of Greater Mumbai v. Ankita Sinha*, (2021) 8 SCC 584. https://indiankanoon.org/doc/5754869/

[58]. *M.C. Mehta v. Union of India*, (1998) 6 SCC 63. https://indiankanoon.org/doc/1351218/

[59]. *Techi Tagi Tara v. Rajendra Singh Bhandari*, (2018) 11 SCC 734. https://indiankanoon.org/doc/97792257/

[60]. *Vardhman Kaushik v. Union of India*, 2016 SCC OnLine NGT 123. https://indiankanoon.org/doc/166044425/

[61]. *Hanuman Laxman Aroskar v. Union of India*, (2019) 15 SCC 401. https://indiankanoon.org/doc/52367199/

[62]. Peng, C., & Chen, Y. (2024). Informal board hierarchy and corporate ESG performance. Corporate Social Responsibility and Environmental Management, 31(5), 4783–4795. https://doi.org/10.1002/csr.2834

[63]. IFRS Foundation. (2023). IFRS S1: General Requirements for Disclosure of Sustainability-related Financial Information. https://www.ifrs.org.

[64]. IFRS Foundation. (2023). IFRS S2: Climate-related Disclosures. https://www.ifrs.org

[65]. Organisation for Economic Co-operation and Development. (2023). OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. OECD Publishing. https://doi.org/10.1787/81f92357-en