
From Wielding Power to Bearing Social Responsibility: A Paradigm Shift

Prof. (Dr.) Bindu S Ronald^{1*}, Dr. Vaibhav Sonule², Trupti Rathi³

^{1*}*Professor, Symbiosis Law School (SLS)*

²*Assistant Professor, Symbiosis Law School (SLS)*

³*Teaching Associate, Symbiosis Law School (SLS)
Symbiosis International (Deemed University) (SIU),
Viman Nagar, Pune, Maharashtra, India*

^{1*}*Email: bronald@symlaw.ac.in*

Abstract

Corporations are seen to involve themselves with relatively more people centered initiatives and actions which can be seen in their contribution to the society and the concern shown in various ways especially to in the human rights arena and environmental protection challenges. Corporate Social Responsibility schemes initiated by corporations have played a substantial role in the development scenario of nations with many corporations helping in different ways towards nation building. The article studies the corporate social responsibilities of corporations. The first part of the paper looks at what is corporate social responsibility and its significance to State. It studies the role that corporations have undertaken towards social agendas and initiatives taken which have undoubtedly contributed to nation building. In the second part the paper explores the contours of regulatory initiatives that have been taken to ensure that corporations are involved in the exercise towards good governance and see if the expectations of the State are met effectively and efficiently. It will see if there are asymmetries existing between corporate expectations and corporate actions. The third part of the paper studies the inaction on the part of corporations in actualizing social accountability plans and the benefits that can be expected. It will study the abyss between the need to assume responsibility, the willingness to assume responsibility and the hesitation to assume corporate responsibility. The Article explores the policies of corporations towards social accountability and the involvement of corporations in promoting good governance.

Keywords: Corporate Social Responsibility, Stakeholder theory, Triple Bottom Line, Human Rights, Corporate Governance

Introduction

While corporations, for some time now, have been considered to be concentration of wealth and power the State has been anxious and apprehensive about this concentration in the hands of corporations and their ramifications on sovereignty and dominion of State. Big business needs strong responses [1]. Corporation's failure to behave socially responsible has led to State responding by introducing approaches appropriate to achieving a minimum level of corporate social responsibility desired by the society where they flourish. Joel Bakan, the Canadian academic holds that corporations are "a pathological institution, a dangerous possessor of great power it wields over people and societies" [2].

Corporations have been considered to be proxies and vehicles used by promoters and corporate managers with no obligation towards the State. While there are concerns that State has upon the intentions of corporations and the economic strength that they amass, today corporations are laid with moral and statutory obligations to be socially responsible to some extent. Corporations are seen to involve themselves with relatively more people centred initiatives and actions which can be seen in their contribution to the society and the concern shown in various ways especially to in the human rights arena and environmental protection challenges. Over the period of time it is noticed that many corporations have involved themselves in activities such as promotion of education, health, employee welfare, conservation and protection of environment, culture, natural resources etc as part of their commitment to the society. Corporations have also recognised their stake in the society thus understanding the importance of becoming socially accountable and socially relevant. Corporate Social Responsibility schemata initiated by corporations have played a substantial role in the development scenario of nations with many corporations helping in different ways towards nation building.

Corporations cannot be perceived to be instruments of individual self-aggrandisement. Enron, Worldcom, Lehman Brothers and Satyam have all pointed that corporations are instruments created by few for their personal advantage and for obtaining individual advantage without any accountability. It also made people to consider the accountability of corporations towards the society and community within which they exist, burgeon and thrive. Corporations cannot

consider profit maximisation and shareholder protection theory as the only mechanism for growth. The concept of corporate accountability or social responsibility is not new and has existed for centuries [3]. Until recently, Corporate Social Responsibility has been voluntary initiatives undertaken by corporations towards its employees and the society. Although it is important for corporations to engage themselves with socially responsible initiatives, in the past a significant number of corporations have not been willing to do what they should be doing. There is a very important need to forge a very strong public- private partnership which will engineer a positive social change. The concept of CSR has travelled a long way from being essentially a philanthropic activity conceived for personal growth agenda of corporations to a mandatory requirement with legislative intervention in the policy making of corporations [4]. It is stated that the concept of CSR in its present form started in 1950s, expanded in 1960s and flourished in 1970s [5].

Defining CSR and Corporate Governance

It is consequential to define Corporate Social Responsibility and also portray properly the point of convergence between Corporate Social Responsibility and Corporate Governance. Corporate Social Responsibility can vary in several circumstances [6] and it has been defined differently by various persons. The common definition attributed to Corporate Social Responsibility is a concerted effort of corporations to help resolve the very problems caused in the society whether wholly or in part by them [7]. Another definition is as a concept where companies voluntarily combine concerns pertaining to the environmental or society in their business operations and interaction with stakeholders [8]. It has also been defined as “a condition in which the corporation is at least in some measure a free agent. To the extent that any of the foregoing social objectives are imposed on the corporation by law, the corporation exercises no responsibility when it implements them” [9].

In the past though Corporate Social Responsibility agenda has voluntarily been initiated by many companies, the reasons for including it in their objectives have been diverse including building brand value, to target consumers, attract capital and also as political tools. It has also been perceived as a tool for change in the society. Henry Bodget, a wallstreet analyst states that considering socially responsible behaviour will result in financial gain is a myth [10]. Aaron K Chatterji and Barak D Richman say that there is no evidence to show that social responsibility initiatives usher profits for the company [11]. According to the empirical research conducted by them there is no evidence pointing good deeds leading to good profit returns [12]. With all the greenwashing [13] that happen it can also be a little arduous to measure the impact of social initiatives undertaken by corporations.

It is difficult to gauge the impact of social initiatives of corporations to their performance and profit index, but corporations must be forced to contribute to social advancements and progress. According to Alex Morral Corporate Social Responsibility is closely linked to key areas within the realm of legal department which includes corporate governance and compliances [14].

CSR as means that an enterprise is responsible for its effect on its stakeholders. It is a continuing commitment by business to behave in a fair and responsible manner and contribute to economic development and improve the quality of life of the work force, their families as well as the local community and society at large. There are diverse issues which are bought under the term CSR. It is also seen as a response to political and consumer movements by reformists [15]. To some corporations are viewed as potential agents for change [16].

Stakeholder Theory and CSR

Corporations always find ways to play by the rules and maximise profits. This has resulted in setting short-term targets ignoring long term sustainability leading to a number of scandals and market failures [17]. There is a general skepticism about corporate actions, their intentions and purposes.

The stakeholder theory is about the inter-relationship between a business and its employees, customers, investors, suppliers, community and every other person who has an interest in the organisation. The stakeholder theory which is juxtapose to the shareholder theory stresses upon a business organisation to create value for all its stakeholders and not just highlight on the shareholders. Creating value for its stakeholders leads to very effective and strong interrelationship between the corporation and the stakeholders.

According to Carroll the Stakeholder theory supports Corporate Social Responsibility. Carroll's pyramid consisting of 4 layers has at the base of pyramid the economic responsibility of the corporation to make profits which it takes care of by respecting its legal responsibilities and after that comes the ethical and philanthropic role to be played by corporations- which are desirable but their importance comes after the responsibility of making profits and adhering to rules [18]. Lack of stakeholder consideration hinders financial growth of a corporation. Research suggests that the best corporations are those that base their management on strong social and environmental policies [19].

India is the first country to provide for a mandatory 2% of the profit to be contributed to CSR initiatives [20]. India's initiative is indicative of the stakeholder theory put into effect ensuring participation of corporations in progress of the society. In other parts of the world including United States and UK, Corporate Social Responsibility is still a voluntary initiative.

Impediments To CSR Initiatives by Corporations

Corporate Social Responsibility is making its way to the progressive agendas of corporations. There are many companies that proudly notify their CSR initiatives and bring to the fore the initiatives in the direction of social responsibility. However, it would be foolish to think that corporations will think of social cause unilaterally.

Corporations are guided by many factors while allocating funds for CSR activities. Shareholders and market competition can constraint corporations in allocating funds for social initiatives. Corporations may be constrained in balancing shareholder interests of profit maximisation and advancing social causes. It is not always necessary that there will be a win-win situation. It is not necessary that good actions by corporations in societal interest will lead the firm to profit maximisation. [21] Profits are not necessarily linked to corporate social accountability. Most companies that have been carrying social initiatives are large corporations already making huge amount of money. They have the financial capacity to keep aside money for philanthropy and capable of marketing the initiatives put forth by them. The practice of 'green washing' further covers the true social impact of what companies do towards initiatives that will have a good social impact.

In the past companies such as Satyam that seemed to be high on their social initiative agendas and corporate governance parameters have plummeted taking shareholders on a nose dive and shaking the capital market and investor confidence. Corporations can be induced into socially desirable behaviour to an extent. Corporations can be coaxed to follow activities and ensure that they survive in the business environment by understanding how corporations act and then leading them to do those activities which are socially desirable. Corporations are not always adaptable, and like individuals, corporations are also complex juristic persons with rooted capabilities and culture that are not well fortified and not necessarily easily adaptable for change. Mechanisms that were earlier adopted to make companies follow a desired path have led to alternatives being used by companies in some cases like where unionisation was permitted in the interest of workers led to outsourcing of workers, stringent environmental protection regulation and emission laws forced companies to shift base from these countries to third world countries where legal regulations were lax. However, the opportunity that corporations have in moving overseas has provided corporations a stronger stand if they adopt socially relevant agenda. This is where international lobbying and consumer boycott of goods manufactured by corporations that moved bases to circumvent policies have forced corporations to follow international accepted good governance policy and become socially responsible towards its employees and stakeholders.

The voluntary codes which corporations are made to follow have also been ineffective in certain cases. What is necessary is to understand that the demands made from the corporations should be those that corporations are best at to perform and if that is done then CSR will be effective. Corporations have a tremendous potential to make a difference but there are limitations to those powers too [22].

CSR As a Tool to Promote Human Rights

U.N. Special Representative on Human Rights, Transnational Corporations, and Other Business Enterprises, John Ruggie, in his final report to the U.N. Human Rights Council titled "Guiding Principles on Business and Human Rights: Implementing the United Nations' 'Protect, Respect, and Remedy' Framework"[23], divided it into 3 sections. The first, which relates to the duty of the state to ensure human rights protection, the second section which deals with the corporate responsibility to respect human rights and the third section which relates to access to remedy. These guiding Principles applicable to all States and to all business enterprises, transnational and others, irrespective of their location, size, sector, ownership and structure under principles 11 to 24 deal with the corporate responsibility to protect and respect human rights. They provide a global standard of responsibility that corporations must adhere to irrespective of where they operate regardless of the State responsibility to uphold human rights. These Guidelines also form part of the OECD Declaration and Decisions on International Investment and Multinational Enterprises although these are non-binding [24]. Over the period there have been numerous cases such as Marlin mine issue [25], *Kiobel v. Royal Dutch Petroleum Co.* [26] etc. which looked at corporation's responsibility to protect human rights.

Corporations often face challenges to achieve their goals in a way that their conduct does not affect rights of individuals. Corporate Social Responsibility connotes the liability that businesses have to the community or society. Corporations are expected to consider their actions in terms of the social system and hold the business to be responsible for their actions and the effect of their actions. Sustainable businesses are created by responsible corporations and

business practices. Corporate social responsibility relates to integrating factors like social, cultural, economic, political, environmental, human rights and integrating them with the interests of all the stakeholders.

Human rights are absolute and inseparable rights of every individual and corporations are expected to uphold these basic rights of individuals. Business can impact human rights in various ways. It becomes imperative to consider the impact of business on human rights considering the economic strength and economic and political influence that business can have on individuals and their basic rights. According to UN Sub- commission on the promotion and protection of Human Rights there are certain duties that businesses have such as the duty to provide equal opportunity, respect for the security of individuals, protection of workers' rights, respect for the sovereignty of the state, local community and indigenous people, consumer protection and environmental protection. Various International instruments such as the International Convention on Economic, Social and Cultural Rights, ILO Tripartite declaration of principles concerning multinational enterprises and social policy, right to organise and Collective Bargaining Convention 1949 interlink Corporate Social Responsibility and Human Rights. UN Global Compact has played a significant role in upholding Human Rights through Corporate Social Responsibility [27]. It has put forth ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption. UN has done a substantial work in promoting responsible businesses.

Business enterprises are under a moral and ethical obligation to uphold human rights values by improving the quality of life of its workforce, consumers and community at large.

Corporate Social Responsibility in India

There is a pressure on companies worldwide to manifest their Corporate Social Responsibility initiatives. Philanthropy is not new to India and the Indian culture. Philosophers such as Kautilya have spoken of ethical ways of doing business. History shows that philanthropy and charity has been given importance in the way business has been conducted. Industries such as the Tatas, even in the 19th century in India, ensured ethical practices in their business. Today they have established themselves as businesses with robust social commitment. Industrial families have established schools, institutions of higher education, temples, and infrastructure facilities. Earlier it was donations from individuals which supported social cause but today there is a more direct involvement of business in social initiatives. There has to be ethical as well as philanthropic dimension to business. Access to capital has a link to global competitiveness of businesses today. Corporate Social Responsibility is today a blend of good citizenship and doing business with significant impact on community with long-term sustainability.

A synonym for Corporate Social Responsibility today is the 3 Ps ie People, Planet and Profit - also called the triple bottom-line. Corporate Social Responsibility motives have changed over the period of time- from education, temples and infrastructure in pre- independence era to encouraging women empowerment and rural development to more need focused aligned to national priorities such as education, public health, livelihood, environmental conservation and natural resource management. Companies are expected to participate in social and developmental issues as part of business practices. India is too large to expect that government as a single entity can bring the required social and economic change. Instead, a partnership between government and Corporates can bring about the change to bring about growth. A public -private partnership is the need of time.

Companies in India like in other parts of the world increasingly believe that Corporate Social Responsibility is not an expense but is an important means of protecting and improving its goodwill in the market and necessary to be competitive in the market.

Companies Act 2013 [28] lays down that the companies satisfying the following conditions should constitute a committee for its CSR activities:

- i) Those with net worth of Rs.500 crores or more; or
- ii) Those with turnover of Rs 1000 crores or more; or
- iii) Those with net profit of Rs. 5 crores or more;

This rule is applicable to all companies whether public, private, foreign companies, subsidiary companies and holding companies. The Corporate Social Responsibility committee has to consist of 2-3 directors, depending upon the type of company, of which at least one must be an independent director where independent directors are required to be appointed. The committee works for the formulation of the policy and recommending it to the Board of Directors of the company. They also make recommendation with respect to the allocation of budget and a periodical monitoring system. The CSR policy of the company has to be put up on the website of the company. It is also mandatory for the companies to make disclosures of the amount spend by the company on Corporate Social Responsibility initiatives. The annual report of the company is expected to contain these details. The board report is also expected to make the necessary disclosures regarding mandatory 2% Corporate Social Responsibility spending of the company of the

company fails to spend the required amount for Corporate Social Responsibility activities the company is also required to give reasons for not spending the amount. However, it is interesting to note that although the Companies Act requires companies to make disclosures of their CSR spending there is no monetary penalty provided for non-compliance. The provision for mandatory Corporate Social Responsibility spending does not provide clarity on whether the same is applicable to foreign companies although the Rules specify that it is applicable to foreign companies. With the inclusion of mandatory Corporate Social Responsibility corporate India is being made a stakeholder in the development of the society. Interestingly earlier there were no penalty provided for non-compliance of the statutory provision although the company is required to give justification for not spending the 2% of the average net profits in the preceding 3 years on CSR initiatives.

Certain activities are not considered as Corporate Social Responsibility activities under the Companies Act 2013 provisions. Initiatives undertaken outside India, those projects or activities that benefit only the employees of the company and their families, contribution to political parties, one off event such as awards, marathons, charitable contribution and advertisements or expenses incurred by a company for the fulfilment of any Act/Statute does not qualify as CSR expenditure. There are indicative activities stated in schedule VII of Companies Act eligible to be included as CSR initiatives of any company.

The 2019 amendment to Companies Act mandating fines for companies and defaulting officers ranging upto 25 lakhs and imprisonment upto 3 years was a step towards making CSR mandate under Companies Act 2013 stronger. The amendment also introduced the provision of transfer of unspent CSR money into an escrow account for a period of 3 years after which any money remaining unspent has to be transferred to a fund specified by the government.

Comparison Of CSR Initiatives of Indian Companies Between 2015 And 2018

Every company is required to disclose a brief about its CSR policy and also give a web-link of the CSR policy as a mandatory requirement under the Act. A comparative study of compliance to Section 135 of Companies Act 2013 from 2014 to 2021 has seen a significant increase [29]. A good number of companies have also aligned their CSR policies to the Global goals of SDGs. Over the period of time the number of companies providing their CSR policies have gone up. 100% of the corporations studied showed the presence of CSR committees. Many companies also have women directors on the CSR committees in addition to Independent Directors although having women Directors on CSR committees is not a mandatory requirement. All companies have disclosures on CSR in their Annual Reports. Compliance to the statutory requirements and following non-mandatory requirements on CSR by corporations have seen a remarkable increase from the period before 2014 to 2021 [30]. Almost all companies provided the vision and mission statement on CSR policy which is a non-mandatory requirement under the Act.

CSR initiatives of the various companies have revolved around Education & Skills, Poverty Alleviation Healthcare and Sanitation, Rural development, Environmental Sustainability, Protection of Heritage & Art, Sports, Technology Incubation, Benefits to Armed Forces Veteran and others.

Need To Actualize Social Responsibility by Corporations

Business can succeed only when the community around the business is strong. Corporations have grown in size and stature over the period of time and they have to assume responsibility towards the society which sustains them. Companies Act 2013 mandates corporations to mandatorily fulfil their social responsibility towards society. Since corporations are organizations for consolidation of economic power which have a great impact on the society, these structures can impact society in a harmful manner. The misuse of corporate power is facilitated by the unique features of this form of business association especially the separate entity doctrine which is an essential feature of corporate form of business. The separate entity doctrine also is the reason why no individual will be held responsible for deviating from the responsibility of making profits or for ethically behaving while co-existing in a society [31]. CSR ensures fostering values and responsibilities promoting a closer relationship and better private public partnership. It also ensures reduced strain on government resources. The implementation of CSR through regulatory process may have benefits. The incentives for promoting CSR can be associated to company's long term profitability, the extent to which corporations will voluntarily engage themselves in socially responsible behaviour will depend on the visibility of the company as members of the business community and their susceptibility to public criticism [32]. Introduction of Section 135 in Companies Act 2013 is a proactive step taken to ensure that corporations do not shy away from their role towards the community. Perhaps there is a need to incentivise corporations to doing more and doing things directly as part of their CSR initiatives. This can be done by providing better benefits in the Income Tax Act 1961. CSR may not confirm to Kantian thoughts that the goodness of an act should not only be judged by the goodness of the results that it produces but by the praiseworthiness of the intention behind it. Though CSR agendas are carried out for self-interest, it definitely benefits the society and the community which is helped by the corporation. In the past Ministry

of Company Affairs has instructed companies to contribute to Prime Minister's Fund failing to spend towards CSR initiative and not considering the reasons given by them for non-compliance. Not being able to find good avenues to spend on CSR initiatives have not been accepted and notices have been sent to these companies to comply with the provisions of Section 135 of Companies Act. Failure to actualise social responsibility by corporations can be attributed to many factors including discrepancy between individual values and organisational values [33].

Conclusion

Corporate Social Responsibility may mean different things to different people - it could mean adhering to corporate regulations or corporate compliances or may simply mean a corporate approach which takes into consideration the interests of various stakeholders. Corporations are not merely economic entities today. Corporate collapses such as Enron shows the close connect that corporations have in lives of people and calls for the need for proper regulations ensuring accountability on corporate managers and the company itself.

With corporation's goal being profit maximisation, corporations are bound to ensure compliance with the statutory regulations and responsibility. This will not only ensure wealth maximisation for its stakeholders but also ensure social stability within the system. CSR is nothing but an alliance between the interest of the corporations with the well-being of the community. The issuance of the Corporate Social Responsibility Voluntary Guidelines in 2009 culminated into inserting S 135 into Companies Act 2013 making CSR initiative mandatory for certain categories of companies. Insertion of Section 135 also made India the first nation in the world to make CSR mandatory for companies for large and profit-making companies through law. It is an initiative to include corporations in working hand in hand with the government to bring about sustainable development. Although it has been felt that CSR is an initiative to outsource the responsibility of the State and make corporations pay for the failures of the State, instead of considering mandatory CSR spending as a compulsion and a means of thrusting responsibility on private sector it should be considered as a means of playing a complementary role in nation building which in turn would benefit the corporations in the long run. The mandatory element is only in terms of the amount to be set aside for CSR initiatives. Corporations have the freedom to decide the areas in which CSR initiative should be promoted. They have the flexibility to choose the areas to spend money kept aside of CSR initiatives and also monitor the spendings. Social and economic incentives seem to be the take for corporations through the mandatory element contributing to inclusive growth.

It is not only essential to adopt CSR initiatives, it is also important to embed CSR into the business and integrate it within the business functions [34]. Policies need to be implemented by the companies to ensure that the values are operationalised within the company and computed across the organisation. This may require empowerment of employees, alignment of the business goals and business strategies through CSR initiatives that are adopted.

Companies want to ensure sustainability. In order to ensure sustainability, they should evaluate their progress and the impacts of the CSR initiatives undertaken by them and check if they are able to fulfil their commitment to promote sustainability. Effective monitoring systems need to be established by the companies to measure the impact of CSR.

CSR initiatives should be seen as part of good governance in a corporation. Corporate social responsibility is a long term sustainability modus that can see the corporation through good ground and should be adopted by all companies irrespective of its profit margins. Policies adopted by a company based on stakeholder theory and CSR steers the company to long term sustainability. In spite of the fact that companies are juristic person, there is an expectation that society has from companies.

India is the first country to adopt CSR as a mandatory element and emphasise on the role of the corporations as a corporate citizen with rights as well as duties. CSR is something that needs to be followed in spirit and letter unlike corporations such as Enron and Satyam which although seemed to show compliance with law was shrouded in greed and unethical conduct.

Compulsory CSR under the statute is a recent phenomenon and through bringing effective CSR policies into effect there be a positive impact felt.

References

- [1] Zerk J A, (2006) *Multinationals and Corporate Social Responsibility: limitations and Opportunities in International Law*, Cambridge Publication
- [2] Bakan J, (2004) *The Corporation: The Pathological Pursuit of Profit and Power* (New York: Free Press, 2004), p. 2.
- [3] Neime M, Wee C K G, (2008) *Tracing the Historical Development of Corporate Social Responsibility and Corporate Social Reporting* 15 *James Cook U. L. Rev.* 129

- [4] Companies Act 2013 under Section 135 makes it mandatory of many companies to contribute to CSR activities
- [5] Carroll A B, (1998) Corporate Social Responsibility – Evolution of a Definitional Construct, (September 1999) 38 (3) Business & Society 268, Vol 38, 268- 295
- [6] Garriga E, Mele D, (2004) Corporate Social Responsibilities Theory: Mapping the Territory, 53 Journal of Business Ethics 51
- [7] Fitch H G, (1976) The Academy of Management Review, Vol. 1, No. 1 (Jan., 1976), pp. 38-46
- [8] European Union Green Paper (2001) The European Commission, Promoting a European Framework for Corporate Social Responsibility'
- [9] Manne H G, Wallich H C, (1972) The Modern Corporation and Social Responsibility, American Enterprise Institute for Public Policy Research, 40
- [10] Blodget H, (2007) The Conscientious Investor, The Atlantic, Oct 2007, at 78
- [11] 2 Harv. L & Pol'y Rev 33 2008
- [12] Chatterji A K, Levine D I, Toffel M W, (2007) How Well Do Social Ratings Actually Measure Corporate Social Responsibility? (Harvard Bus. Sch., Working Paper No. 07-051, 2007), available at <http://www.hbs.edu/research/pdf/07-051.pdf>
- [13] Lyon T P, Maxwell J W, (2006) Greenwash: Corporate Environmental Disclosure under Threat of Audit (Ross Sch. of Bus. Working Paper Series, Working Paper No. 1055, 2006), available at http://webuser.bus.umich.edu/tplyon/LyonMaxwellGreenwash- March_2006.pdf.
- [14] Morral A, (2005) Best Practices in Corporate Social Responsibility I In-House Persp. 21
- [15] Eesley C, Lenox M J, (2005) Secondary Stakeholder Actions and the Selection of Firm Targets, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.499.641&rep=rep1&type=pdf/-mlenox/papers/stake-wp2.pdf>.
- [16] Chatterji A K, Richman B D, (2008) Understanding the "Corporate" in Corporate Social Responsibility, 2 Harv. L. & Pol'y Rev. 33 2008
- [17] Andreas T, (2016) Corporate Social Responsibility: Here to Stay, 4 Legal Issues J. 69
- [18] Schwartz M. S. and Carroll, A. B. (2003), "Corporate Social Responsibility: A Three-Domain Approach" Business Ethics Quarterly, Volume 13, Issue 4, 503-530, see page 504.
- [19] Snider, J., Hill R. and Martin D. (2003), "Corporate Social Responsibility in the 20th Century: A View from the World's Most Successful Firms" Journal of Business Ethics 48: 175-87, 180- 181.
- [20] Section 135 of India's Companies Act 2013 read with Schedule IV provides that corporations must spend 2% of their net profits towards CSR activities and in case if they fail to do so must provide the reasons for non-compliances.
- [21] Chatterji A K, Levine D I, Toffel M W, (2007) How Well Do Social Ratings Actually Measure Corporate Social Responsibility? (Harvard Bus. Sch., Working Paper No. 07-051, 2007), available at <http://www.hbs.edu/research/pdf/07-051.pdf>.
- [22] Chatterji A K, Richman B D, (2008) Understanding the "Corporate" in Corporate Social Responsibility ,2 Harv. L. & Pol'y Rev. 33 2008
- [23] Human Rights Council, (2011), Report of the Special Representative of the Secretary-General on Human Rights and Transnational Corporations, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, A/HRC/17/31, Mar. 21, 2011, available at <http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf> [hereinafter referred as Guiding Principles].
- [24] OECD Declaration and Decisions on International Investment and Multinational Enterprises, (2017) OECD, <http://www.oecd.org/daf/investment/declaration>
- [25] PM 260-07-Communities of the Maya People (Sipakepense and Main) of the Sipacapa and San Miguel Ixtahuacdn Municipalities in the Department of San Marcos, (2017) Guatemala, IACHR, <http://www.oas.org/en/iachr/indigenous/protection/precautionary.asp>
- [26] Kiobel v. Royal Dutch Petroleum Co., No. 10-1491, 2011 WL 4905479 (Oct. 17, 2011)
- [27] 'The Global Compact' (UN procurement Division, 25 October 2004)
<<http://www.un.org/Depts/ptd/global.htm>>
- [28] Section 135, Companies Act 2013
- [29] Companies Annual Reports, available in public domain
- [30] <https://home.kpmg/in/en/home/insights/2020/02/india-s-csr-reporting-survey-2019.html>
- [31] Freiberg A (1987)"Abuse of the Corporate Form: Reflections from the Bottom of the Harbour" 10(2) UNSWLJ 67.

- [32] Hetherington JAC (1979) "When the Sleeper Wakes: Reflections on Corporate Governance" 8 Hofstra L Rev 183 at 189.
- [33] Keinert- Kissen C, (2016) Corporate Social Responsibility and Discrimination: Gender Bias in Personal Selection, Springer
- [34] Aagaard, A., (2016), Sustainable Business: Integrating CSR in Business and Functions, River Publishers