



**SLS**  
**NOIDA**

Organising Institute

# *Souvenir*



**1<sup>st</sup> National Conference**

on

**“Emerging Issues of Corporate  
Social Responsibility”**

**November - 26 - 27, 2011**

**AT**

**Symbiosis Law School, NOIDA**

**(Constituent of Symbiosis International University)**



Official Legal Media Group



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## About Symbiosis Law School, NOIDA

Symbiosis Law School, Noida, an eminent premier law school of the country, is a constituent of Symbiosis International University, Pune. The Symbiosis International University was set up in the year 2002 and has grown to be recognized as a premier Institute for higher learning. It is a major learning center in Central India and has been included among the top 1000 B-Schools in the world, Ranked 47<sup>th</sup> among private B-Schools in India according to a survey conducted by Mint-C Fore survey 2009 and placed in 'A+' category among Management Institutions according to a recent survey published in 'Business India' (Issue: November, 2009) and Indian Management (October, 2009).

SLS, Noida is introducing a new era of innovative learning, inter-disciplinary knowledge and industrious environment with unique orientation and methodology of legal pedagogy in place. Research is an integral part of studies including interdisciplinary research involving collaboration between academic fraternity, students, and industry. SLS, Noida's efforts are shared by the contribution of members of the bar and bench, corporate sector and international experts. It is the only Law School in India, chosen by the INFOCOM, India's leading IT Conference and Exhibition from the house of ABP Group and ASSOCHAM, India's premier apex chamber of commerce to draft a report on 'Creating Virtual Wealth: Importance of Intellectual Property in the Animation & Gaming Industry' published in February 2011.

SLS-NOIDA through various cells and society's including Research and Publication Cell, Moot Court Society, Environmental and Social Welfare Society, Cultural Cell, Sports Cell, and Training & Placement Cell, not only grooms student-leadership but also provides wider opportunities for their overall development in co-curricular and extra-curricular activities such as Participation in Conferences and Seminars, elocution, debates, quizzes, Model United Nations, dramatics, short-filming or making of documentaries, singing-dancing, sports and student festivals.

SLS-NOIDA strives towards supplementing reforms in the field of law; to groom students to become the unified face of our legal fraternity, to produce knowledge disseminators and to produce individuals who are the torchbearers of the legal system of the country. Our effort is aimed at producing an intellect that believes in reforming rather than punishing and has the potential of hoisting the flag of truth and justice in an unflinching manner.

With the mission to create innovative knowledge, expand limits of human understanding, and produce a wide range of benefits throughout society with the aid of fundamental research, the Research and Publication Cell of Symbiosis Law School Noida has organized 2 Days First National Conference on “Emerging Issues Of Corporate Social Responsibility”.

## **ORGANIZING COMMITTEE**

### **Chief Patron**

**Dr. S. B. Mujumdar**  
**Chancellor, Symbiosis International University**

### **Patron**

**Dr. Vidya Yeravdekar**  
**Principal Director, Symbiosis**

**Professor Dr. Bhushan Patwardhan**  
**Vice Chancellor, Symbiosis International University**

### **Conference Chairman**

**Dr. C. J. Rawandale**  
**Director, Symbiosis Law School, Noida**

### **Conference Secretary**

**Dr. Pushpa Negi**  
**Assistant Professor, Symbiosis Law School, Noida**

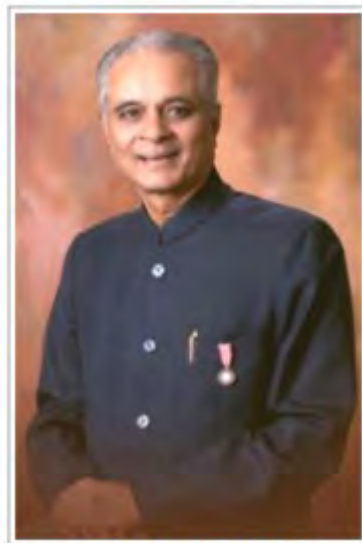
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**Dr. Mohd. Salim**  
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**Mr. Sukhvinder Singh Dari**  
**Assistant Professor, Symbiosis Law School, Noida**

**Padma Shri Dr. S.B. Mujumdar,  
President & Founder Director, Symbiosis  
Chancellor, Symbiosis International University**

Dr. S. B. Mujumdar is a distinguished Academician and Educationist. He is the Founder & President of Symbiosis – a multi – lingual, multi – national and multi – disciplinary educational complex of international repute. He is the Chancellor of Symbiosis International University. In appreciation of his long illustrious career, the President of India awarded the prestigious 'Padma Shri' to Dr. S. B. Mujumdar in 2005. The Vice President of India also awarded Dr. S. B. Mujumdar 'Punyabhushan' award in the year 2009. He is also recipient of prestigious 'FIE Foundation Award' and 'Maharashtra Gaurav Award'. Dr. Mujumdar was also the Chairman of the education wing of the prestigious federation of Indian Chamber of Commerce & Industries (FICCI) (2005-06).



**Dr. S. B. Mujumdar**

Born on 31st July 1935 in a small town Gadhinglaj in Kolhapur District (Maharashtra), Dr. Mujumdar completed his higher education at Kolhapur and Pune. He obtained a first class first in M. Sc. (Botany) and a Doctorate in Microbiology. He was the Head of the Department of Botany, Fergusson College, Pune for 20 years. He has written many books and published several papers in national and international journals. He was also a member of the Executive Council of the Pune University for 14 years.

Padma Shri Dr. S. B. Mujumdar has succeeded in converting Symbiosis into an International University and has set up a Vishwa Grama (Global Village) on the University campus – where foreign and Indian students are living together in hostels, learning together in classrooms, playing together on sports field and eating together in cafeterias.

**Professor Bhushan Patwardhan (Ph.D.),  
Vice Chancellor, Symbiosis International University**

With over 20 years in academic and University governance he brings a unique blend of Industry-Academia executive culture. Over 200 publications, 8 Patents and 18 PhD students, he has attracted substantial research funding from national and international agencies. He was Director of Interdisciplinary School of Health sciences of the University of Pune for over 10 years; Chief of Academics of Manipal Education Group for three years and also founding Director of Institute of Ayurveda and Integrative Medicine Bengaluru. He is founder Editor-in-Chief of Journal of Ayurveda and Integrative Medicine and one of the top cited authors of Elsevier's SciTopics.



**Prof. Bhushan Patwardhan**

He has been a Convener of national committee on Promotion of Indian Higher Education Abroad (PIHEAD) of the UGC; member of Boards of several Universities and national institutions such NIPER, CSIR NBRI, ICMR RRC; member Taskforce of National Knowledge Commission and Planning Commission; Karnataka Innovation Council; Consultant to WHO Geneva and SEARO. As Convener of Vision Group of EDGE Forum he is providing remarkable leadership for innovations in higher education sector. As Vice Chancellor of Symbiosis International University he will lead the effort to strengthen research, innovation and entrepreneurship as well as addition of new disciples in biomedical sciences and humanities.

## **Dr. Vidya Yeravdekar, Principal Director, Symbiosis**

Dr. Vidya Yeravdekar, the Principal Director of Symbiosis Society is a gynaecologist, who also has a degree in law to add to her qualification.

She imbibed the zeal for social and educational work through her father, Dr. S.B. Mujumdar. She has traveled widely to countries like UK, USA, UAE, Thailand, Singapore, Malaysia, Tanzania, Kenya, Ethiopia etc. On these tours she has participated in educational fairs and has interacted with students and parents in an attempt to promote higher Indian education abroad.

She has also developed close contacts with the Ministries of Education in different countries. By liaising with these departments she is able to understand the specific needs of the youth of those countries. Under her administration at Symbiosis, these needs are then met and provided for, in an attempt to increase the comfort level of the foreign students at Symbiosis.

Dr. Vidya's main interest is to carry forward the vision of her father, Dr. S.B. Mujumdar - by promoting international understanding through quality education. Being a member of the Board of Management of the Symbiosis Society and Symbiosis International University, she contributes to the overall planning and development of Symbiosis. She has been instrumental in collaborations of Symbiosis with some of the world-class universities abroad.

She has been nominated as member of University Grants Commission and a member of governing Body of Indian Council for Cultural Relations (ICCR) by the Govt. of India. She has also been nominated as a member of Executive Council of National Institute of Agriculture Extension Management (MANAGE) which is under Ministry of Agriculture, Govt. of India.



**Dr. Vidya Yeravdekar**

## From the Desk of Organizers

Symbiosis Law School, NOIDA, Constituent of Symbiosis International University, takes pleasure in inviting you to the 1<sup>st</sup> National Conference on Emerging Issues of Corporate Social Responsibility. The overwhelming response to our call-for-papers indicates the popularity of this conference and shows the interest of people towards the importance of CSR.

It is now widely accepted that the concept of CSR has moved corporates from the profit-centered model to the socially responsible model, a concept referring to the way in which companies exercise responsibility and accountability for the economic, social and environmental impact of their business decisions and behaviours. In fact Corporate Responsibility (CR) has emerged as a significant theme in the global business community and is gradually becoming a mainstream activity. The growing emphasis on corporate responsibility is also affecting the relationship between companies and their various stakeholders, such as investors, customers, vendors, suppliers, employees, communities and governments.

To create awareness amongst Corporates, NGOs, Civic Bodies & Government of the value and importance of social responsibility to bridge the gap between the privileged and the disadvantaged of society, the present conference, is an attempt to explore the emerging issues of the corporate social responsibility. We positively hope the deliberations during the conference will encourage quality research and may suggest guidelines /solutions to important problems faced by corporate and others while fulfilling their responsibility.

We would like to express our gratitude to all authors and participants for their meaningful contributions.

We would also like to put on record our sincere appreciation to Thomson Reuters (Westlaw India) - Knowledge Partner, Legal Era - Official Legal Media Group and myLaw.net- Online Partner.

We are looking forward to strong and meaningful association in future endeavor as well.

**Dr. C. J. Rawandale**  
(Conference Chairman)

**Dr.Pushpa Negi**  
(Conference Secretary)



## Emerging Issues of Corporate Social Responsibility “An Introduction”

Within the world of business, the main “responsibility” for corporations has historically been to make money and increase shareholder value. In other words, Corporate Responsibility has been the sole bottom line driving force. However, in the last decade a movement defining broader Corporate Responsibilities like for the environment, for local communities, for working conditions, and for ethical practices has gathered momentum and taken hold. This new driving force is known as Corporate Social Responsibility (CSR). CSR is oftentimes also described as the corporate “triple bottom line” the totality of the corporation's financial, social, and environmental performance in conducting its business. It is now considered as a peripheral issue for the business. The definition customer satisfaction has changed with the evolving market trends. It is not only about price and service it now includes the impact on society with due stress on Ethical trading, Ethical advertising etc.

The business community can make tremendous contributions in promoting good health and well-being, especially if innovative CSR initiatives are undertaken in partnership with government and civil society. In all but the most remote areas or closed societies, business has massive reach and influence. For decades, business has been engaged in charity, philanthropy, and civic activities including social investments in health. However, often times these investments were less than strategic, and were not directed to real social change. Today, business understands that viewed through lenses of “doing well by doing good,” CSR can be a revolutionary way of contributing to systemic social changes in which investments can produce lasting social benefits in the health arena.

Since Corporate Social Responsibility has assumed magnifying importance in today's context, there is a lot that needs to be discussed in this regard. There are certain unexplored aspects of Corporate Social Responsibility which deserve attention. The recent instance of Japan forced us to rethink about CSR after the nuclear disaster, it would not be wrong to say that Japan is in crisis but its predicament is presenting an opportunity to discuss what it means to be a responsible corporate citizen. The notion of serving one constituency at the expense of others is giving way to the recognition that a company's mission extends beyond its immediate borders. By bringing together luminaries from various fields, our intention is to pool-in and generate ideas that will impart a new dimension to Corporate Social Responsibility as an area of research. The Conference is aimed at not only bringing in the views of experts and researchers but also at disseminating it for the betterment of the existing responsibility that corporate houses undertake for the betterment of the society. The knowledge of various experts specialized in this area would set a benchmark for the improvement that still needs to be done to improve the existing scenario.





**SLS**  
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**1<sup>st</sup> National Conference**

**on**

**“Emerging Issues of Corporate  
Social Responsibility”**

**Day 1**

**26<sup>th</sup> November, 2011**



## **Session-1 :**

### **Corporate Social Responsibility: Global Idea and National Importance**

#### **Session Chair:**

**Prof.(Dr.) S. Surya Prakash,**

(Chairperson, Center for Business and Commercial Law,  
National Law Institute University, Bhopal)

#### **Keynote Speaker:**

**Mr. Anil Kumar,**

(Chief Executive Officer at My Source Innoventures Pvt Ltd.)

## **Corporate Social Responsibility: Global Idea And National Importance**

**Dr. Joshua O. Miluwi**

Department, Commerce & Management, Career College

**Ms. Hina Rashid**

Department of Social Sciences, Saifia College, Barkatullah University Bhopal

In recent years, firms have greatly increased the amount of resources allocated to activities classified as Corporate Social Responsibility (CSR). Corporate Social Responsibility (CSR) is becoming an increasingly important activity to businesses nationally and internationally. As globalization accelerates and large corporations serve as global providers, these corporations have progressively recognized the benefits of providing CSR programs in their various locations. CSR activities are now being undertaken throughout the globe. The term is often used interchangeably for other terms such as Corporate Citizenship and is also linked to the concept of Triple Bottom Line Reporting (TBL), which is used as a framework for measuring an organization's performance against economic, social and environmental parameters. Corporations around the world are struggling with a new role, which is to meet the needs of the present generation without compromising the ability of the next generations to meet their own needs. Organizations are being called upon to take responsibility for the ways their operations impact societies and the natural environment. Keeping abreast of global trends and remaining committed to financial obligations to deliver both private and public benefits have forced organizations to reshape their frameworks, rules, and business models. To understand and enhance current efforts, the most socially responsible organizations continue to revise their short- and long-term agendas, to stay ahead of rapidly changing challenges.

### **Corporate Social Responsibility – Global Idea And National Significance**

**Salmoli Choudhuri,**

National Law University, Delhi

Companies are distinct legal entities. As 'right-holders', their position is quite clear; however, their role as 'duty-bearers' remains a conflicting area, both in international and municipal legal systems. This duality arises due to the fact that in international law corporate bodies are not considered as 'subjects' and in national law they are not 'citizens'. Besides, most of the issues in litigations against the companies get diluted while determining jurisdictional legitimacy, as most of them conduct transnational transactions. CSR has generally been an 'eye-wash' model. Occasionally has its myth been transformed to reality with the evolution of principles like 'absolute liability' by virtue of judicial activism. This endeavor was confined to municipal systems until recently John Ruggie proposed a mechanism of placing the sole obligation on companies for their extra-territorial behavior. The paper aims to examine the potentiality of this framework in redefining the scope of CSR.

## **Corporate Social Responsibility: Global Issues And National Importance**

**Ronak Arora & Vikas Meena,**  
Gujarat National Law University

Corporate Social Responsibility (CSR) basically means voluntarily taking up of various responsibilities by corporate sector in fields of education, infrastructure development, literacy, disaster management, family and health welfare and a few more. Of late, it has been witnessed that many of the corporate houses in India have benefited the society by taking up various responsibilities. They engage in such type of activity because it gives them contentment by benefiting the society through which they have earned huge profits.

In addition to this, due to globalization various foreign firms have displayed keen interest and vigor in ameliorating the exacerbated state affairs in the Indian society. Through the paper, we have highlighted the importance of the corporate social responsibility taken by Indian firms and foreign firms alike. Various examples and illustrations have been put forth to vindicate the aforementioned argument by betraying the benefits bestowed upon the Indian community.

## **Corporate Social Responsibility: Global Idea And National Importance**

**Nidhi Sinha & Neetika Jindal,**  
Amity University Rajasthan

In this article we critically analyze the contemporary discourses of corporate social responsibility. Corporate social responsibility is basically a concept whereby companies decide voluntarily to contribute to a better society and a cleaner environment.

In this paper firstly we have dealt with an impressive history associated with the evolution of the concept and definition of corporate social responsibility.

Further we emphasize in an era of globalization, multinational corporations and local businesses are no longer able to conduct destructive and unethical practices, such as polluting the environment, without attracting negative feedback from the general public. We have also observed that in any case, companies are now expected to perform well in non-financial areas such as human rights, business ethics, environmental policies, corporate contributions, community development, corporate governance, and workplace issues. This article concludes by focusing that to guarantee the supply of responsible and ethical goods, it is especially important to implement a nationwide system of Corporate Social Responsibility standards.



## **Corporate Social Responsibility: Global Idea And National Importance**

**Ashish Singhal, Luv Saggi & Tanmay Sadh**  
University of Petroleum & Energy Studies, Dehradun

The global idea of Corporate Social Responsibility is connected with terms like business ethics, corporate citizenship, social and environmental responsibility and corporate sustainability. Across the globe, business enterprises have undertaken initiatives at social, economic, environmental and governance level. In a developing economy like India struck by vast economic disparities, social disasters and environmental degradation, CSR is the need of the hour. Initiatives taken by the government are not sufficient, private participation is much needed. The corporate should pay back to society. This paper is an attempt to relate the global idea with the national scenario. Address the importance of CSR in India and how it can contribute in overall development. Study the challenges faced and make suggestions for accelerating CSR initiatives.

## **Significance Of Corporate Social Responsibility In National Welfare**

**Ayush Yadav,**  
Institute of Law, Nirma University, Ahmedabad

Corporate Social Responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large. CSR is about how companies manage the business processes to produce an overall positive impact on society. Intention behind Corporate Social Responsibility is to increase the participation in the welfare of the society so that a company performs well in a long run.

Business organizations have walked up to the need for being committed towards CSR. Some view ethical issues as simply a costly hindrance, while some companies use CSR methodologies as a strategic tactic to gain public support for their presence in global markets, helping them sustain a competitive advantage by using their social contributions to provide a subconscious level of advertising. CSR is also a matter of national importance and it is evident from example, organizations like Bharath Petroleum Corporation Limited, Maruti Suzuki India Limited adopt villages where they focus on holistic development. They provide better medical and sanitation facilities, build schools and houses, and help the villagers become self-reliant by teaching them vocational and business skills.



## **Corporate Social Responsibility - Global Idea And National Importance**

**Aman Khera & Ravi Laddha,**  
National Law University, Jodhpur

The author in his paper, titled CSR – Global Idea and National Importance has addressed the issue of expanding legal base lines caused by the emergence of CSR. The main contention of the author is that since the inception of this phenomenon countries across the globe have unconsciously addressed this concept in their own limited manner. These sober consideration of the concept have enlarged the legal base line i.e. the recent enactments incorporate the very idea of CSR. With each subsequent legislation attributing more weight age to social responsibility of any concern. A formidable example is the Draft Companies Bill 2009(India) which inculcates the idea of a mandatory CSR investment on the basis of turnover or net profits.

Therefore the central theme of the paper is to understand the changing dynamics of CSR as a Global idea and understanding the significance/ Implication in national scenario. The study is based on the premise that how constant change in the global corporate environment has considerably altered the crude idea of CSR.

## **Corporate Social Responsibility: Global Compact And National Importance**

**Ishwar Ahuja**

New Law College, Bharati Vidyapeeth Deemed University, Pune

In India, Global Compact (GC) is accepted with great appreciation and has achieved large participation that enabled it to create an advanced network structure. However, GC failed to involve all business houses into its network due to the partial acceptance of multi-stakeholder approach. There is today a growing perception among enterprises that sustainable business success and shareholders' value cannot be achieved solely through maximizing short-term profits but instead through market-oriented yet responsible behavior.

In this work, the endeavor is to find out the actual correlation of ethics and corporate governance, the requirements of an ethical base of business, the emerging trends in corporate governance, related developments and their relevance. This paper discusses the controversial question about the compatibility, inimitability and interface flanked by business ethics and social responsibility



## **Corporate Social Responsibility: Impact Of Globalization In India**

**Siddharth Godha & Umang Dave**  
Institute of Law, Nirma University, Ahmedabad

Globalization is a free economy concept, which enables local manufacturers to compete at international level, which usually helps them to increase their area of transaction. But if we look into the Indian scenario, this has an adverse impact, as most of our production is done by farmers or local manufacturers, which are not as equipped as the multi-national giants outside India. This retrains them from competing in the international commodity market which subsequently lead us to cases like death of farmers due to starvation, suicide and provide India with the disability of poverty and unemployment. The paper intends from Indian corporate giants to perform their corporate social responsibility towards poor people, by promoting them and by providing them sufficient means so that they can also compete with their competitors outside India and be able to co-op with the existing system of globalization.

## **CSR Of Transnational Corporations And Corporate Crimes – A Confluence**

**Anu Liza Jose & Shinjni Kharbanda**  
School of Law, Christ University

The role of corporations in preventing corporate crimes and the inability of the current adjudicative mechanism in effectively regulating transnational corporations. The paper provides a comparative view of such a scenario in developed countries. Promulgation of a universal doctrine to impute corporate criminal liability to transnational corporations as it would assist them by translating compliance with minimum ethical standards. An effective legislation must be enacted to strengthen the CSR system in India so that transnational corporations are held accountable for their criminal misdeeds. The manner in which CSR initiatives must be propagated by these corporations in order to fulfil their societal obligations and highlight that they are a ubiquitous feature of modern setting and societal interests will not be safeguarded if these entities cannot be prosecuted for their transgressions.



## **Emerging Strategies Of CSR In The Era Of Globalization With Context To India**

**Hitesh Agrawal & Namrata Mishra**  
Institute of law, Nirma University, Ahmedabad

This paper will discuss about the Strategies of CSR, its impact on MNC's globally and India specifically. CSR is accomplishing commercial success in such a fashion that respects the moral and ethical values, natural environment and people in society. These corporate values promote solidarity and enhance global competitiveness. Its Idea should be, not to harm cultural and social values of any part of the society but to promote their interest. Global Compact (GC), the EU-India CSR Network, the British Council's CSR Network, the Asia-Pacific CSR Group and CSR Asia provides for global steps and its importance. Despite of efforts made in GC, it failed to involve all business houses into its network due to the partial acceptance. There is no specified model which can be accepted for CSR universally. Therefore, it varies from country to country like Policy of Coca Cola in India differs from UK. Microsoft and Tata are leading corporations which follows the regulations of CSR quite evidently. Thus, the paper assesses and highlights the actual implications of CSR on Indian Companies.

### **Developing Csr Globally: Indian At Centre Stage**

**Charu Rawat**  
National Law University, Delhi

Termed as "strategic philanthropy by Michael porter, corporate social responsibility is a topic of raging debate around the globe. Strategists have concluded that corporate governance reaches its zenith when companies realise that sustainable growth yield greater long term profitability. The historic argument of CSR being driven by a sense of ethics no longer holds water. Changing opinions on need for existence of CSR highlights its importance. The aim of the paper is to bring out the pros and cons of the legal regime governing CSR in India with emphasis on environmental law. The paper would address the question in three parts. The first part delves into the four phases of its development of CSR in India and role of various instrumentalities in its promotion. The Second part provides a comparative overview of International CSR standards with Indian regime touching upon their influence on Indian regime and the last part concludes the presentation by examining the implications of growing influence of international standards on India.





**Session-2 :**

**Legal Impact Analysis of CSR In Industry, Trade  
& Commerce**

**Session Chair:**

**Prof. S.K. Jain,**

( Head of the Department & Professor, Indian Institute of Technology, Delhi)

**SLS**  
**NOIDA**

**Keynote Speaker:**

**Mr. Virendra S Gupte,**

(Head, Trade Services and Chief Ethics Counsellor, Tata International Limited)

**B. Sai Chandravadhan,**

Managing Director, Sand legal Services Private Limited

## Legal Perspective Of Corporate Social Responsibility On Global Level

**Kiran J. Pandya & Raunak Sharma**  
Institute of Law, Nirma University, Ahmedabad

**The paper focuses on legal perspective of CSR. Corporate social responsibility** is a form of corporateself-regulation integrated into a business model. The most important driver of CSR is the role of independent mediators, particularly the government, in ensuring that corporations are prevented from harming the broader social good, including people and the environment. The international CSR standards and guidelines are specified in various policies and compacts like UN global compact, The Universal Declaration of Human Rights, OECD Guidelines for Multinational Enterprises. Different policies and guidelines explain the structure of CSR.CSR structure for any company gives its mission, size, sector, culture, business structure, geographic locations, risk areas and level of commitment. Basic steps for designing a CSR structure includes understanding drivers, identifying key CSR issues, developing a staffing plan, etc. therefore, the researchers would like to suggest for a specific guideline to be made regarding CSR so that the corporations understand their social responsibility towards the nationally and globally.

## Corporate Governance And New Organizational Forms: The Problem Of Double And Multiple Agencies

**Rahul Mishra**  
MATS Law School, Raipur

This paper addresses corporate governance in the light of two relatively new developments in organizational form, respectively towards devolved initiative within firms and partnerships between firms. In so doing, it argues for an extension of corporate governance theory and practice to take better account of the problems arising from double and multiple agencies. The problem of double agency arises within all firms where different groups of people make strategic and operational decisions. It becomes significantly more challenging as firms seek to encourage innovation and entrepreneurship among their constituent units, and contributions from their knowledge workers, by devolving initiative to them. A condition of multiple agency (and ownership) arises when firms seek to obtain competitive advantage through entering into strategic alliances with other partner firms, even transferring much of their value-chain to a network of such partnerships. Requirements for corporate governance may be reconciled with new organizational forms through a more inclusive approach to control, supported by mutual monitoring and the more extensive cooperation of agents into ownership.

## **Disciplinary Approach Of Law And Corporate Social Responsibility: The Road Towards Reality**

**Anil Vishnoi & Abhishek Kumar**  
National Law University, Orrisa

Corporate Social Responsibility (CSR) as a concept has acquired a new dimension in recent times, more and more organizations are increasingly realizing it to be a good hearted investment that will reap benefits to the organization in coming years. Today CSR activities are being designed in alignment with the corporate business strategies. The structure, strength and reforms in this area have become more disciplined with legal and regulatory regime being developed to ensure its functional operations. Today CSR is not restricted as being just a community or society based approach but it has expanded its wing to include issues having legal, ethical and social implications in various sectors. This paper will try to project how CSR has become a fundamental business practice in achieving the desired goals of the organisation and at the same time supporting and stimulating collaboration between corporate, Government and society as a whole.

## **Corporate Social Responsibility: A Comparative Study Of Indian Public And Private Service Sector**

**Dr. Anindita Chakraborty**  
Faculty of Management Studies, Banaras Hindu University

**Alok Shrivastava**  
Alumnus, Prestige Institute of Management, Gwalior

In recent years corporate social responsibility has become a fundamental business practice and has gained much attention from top management level to middle management level of larger number of companies. Corporate social responsibility is represented by the contributions undertaken by companies towards the society through its core business activities, its social investment and charity programs and its engagement in public policy. Nowadays the management understands that a strong CSR program is an essential element in achieving good business practices and effective leadership. Companies have determined that their impact on the economic, social and environmental landscape directly affects their relationships with stakeholders, in particularly with investors, employees, customers, business partners, governments and communities so it is necessary to have good CSR programs. The present study is an attempt to identify the significant difference between the perception of public and private sector employees towards CSR.

## **The Doha Style Compulsory Licensing Regime: Corporate Social Responsibility Of Pharmaceutical Companies**

**Animesh khandelwal**  
National law university

Exorbitant pharmaceutical prices of many life-saving drugs have been a cause of concern for many. Whether inaccessibility of drugs due to introduction of patent regime is legitimate, is an ongoing debate but the fact remains that the developing countries whose ailing population relies on cheap generic medicines, is suffering due to prohibitive pricing of certain drugs. Implementation of the 2003 Decision of Trips Council on Paragraph 6 of the Doha Declaration has left a number of doubts as to the interpretation of domestic legislation of many countries concerning with cross-compulsory licensing. The recent controversy concerning India and Nepal to use a compulsory license under Section 92A of the Indian Patents Act, 1970 demonstrate the same. In this paper we propose to study the TRIPS Council Decision from CSR perspective and analyze the effectiveness of the Decision in furthering the ends of CSR.

## **Corporate Social Responsibility-Legal impact analysis of CSR in food, beverages, drugs, consumer goods and natural resources industry**

**Gaurav Shukla ,Arunesh Nanda, Ankit Kumar Nema**  
MATS Law School, Raipur

The role of business in society has been debated in economic literature for a long time. By the term 'Corporate Social Responsibility' (CSR), what is generally understood is that business has an obligation to society that extends beyond its narrow obligation to its stakeholders. This idea has been discussed throughout the twentieth century, but it was Howard R. Bowen's book on "Social Responsibilities of Businessman" published in 1953, which was the origin of the modern debate on the subject. Bowen reasoned that there would be general social and economic benefits that would accrue to society, if business recognized broader social goals in its decisions. Discussion about the role and responsibilities of a corporate entity in a society is not new. The idea, that business has an obligation to society that extends beyond its obligations to its owner or shareholders, has been discussed in economic and management literature for a long time. The term being used more recently for the debate is "Corporate Social Responsibility" or "Corporate Citizenship".

## **Corporate Social Responsibility: An Implementation In Indian Corporates**

**Dr. Hemlata Sharma**

Asst. Professor, IIMT & School of Law, (GGSIP University) Delhi

Businesses are an integral part of society, and have a critical and active role to play in the sustenance and improvement of healthy ecosystems, in fostering social inclusiveness and equity, and in upholding the essentials of ethical practices and good governance. This makes business sense as companies with effective corporate social responsibility, have image of socially responsible companies and also achieve sustainable growth in their operations in the long run. The customers prefer the products and services of companies.

## **CSR and Environmental Issues: A special reference to Individual Producer Responsibility**

**Praveen Kumar-MDU, Rohtak**

**Varun Kumar- CDLU, Sirsa**

This paper surveys the growing theoretical literature on the motives for and welfare effects of environmental corporate social responsibility (CSR). We show how both market and non-market forces are making environmental CSR profitable, and also discuss altruistic CSR. In particular, nongovernmental organizations strongly influence CSR activities, through both public and private politics. CSR can have varied effects, from attracting green consumers or investors, to preempting government regulation, to encouraging regulation that burdens rivals. Welfare effects of CSR are subtle, and there is no guarantee that CSR enhances social welfare. We identify numerous areas in which additional theoretical work is needed. The solution to the impending environment crisis lies in prevention rather than its management. The solution lies with the brand owners or manufacturers of hazardous products, which need to bear responsibility for financing the treatment of the own hazardous waste, discarded by their customers. This is known as the principle of Individual Producer Responsibility (IPR). The rationale for IPR is that by making producers responsible for the end-of-life costs of their products, a feedback loop is created to product developers and designers to design out end-of-life costs, e.g. by making the product less toxic and more amenable to material recycling.

## **CSR: Responsibility of the company or the Consumer**

**Manav Bhargava, Siddhanth Pandey**

Institute of Law, Nirma University, Ahmedabad, Gujarat

The rationale behind the concept is that the corporate sector derives its existence and continuity from the society and so has a responsibility towards the society. This responsibility is to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large. The concept as we all know was acknowledged by the corporate world to gain trust of the society and to increase its goodwill, but now the corporate sector has taken one step further and has started to misuse the concept as an aggressive marketing technique and has begun to shift its burden of responsibility to the consumers. The statement on packing of products that “from every purchase of the specific product 1 Re would go towards education of indigent children” is one such example. This is how corporations try to evade their responsibility, when it comes to consumer goods.

## **Legal Impact Analysis of CSR in Food, Beverage, Drugs, Consumer Goods and Natural Resources Industries**

**Tarun Pillai and Prachi Agrawal**

Hidayatullah National Law University, Raipur

“Social obligation is much bigger than supporting worthy causes. It includes anything that impacts people and the quality of their lives.”--William Ford Jr., Chairman, Ford Motor Co.

The corporate giants which are almost equivalent in wealth to countries, influence so many areas of social life, they must be responsible towards society and the environment. There is a need to rekindle the realization among the rapidly mushrooming up corporations, companies and industries that they are, after all, created by society and must therefore serve it rather than resorting to absolute profiteering. The food industry is one of the well-respected industries in terms of social responsibility, according to a new national survey. The paper shall shed light on what corporate citizen signifies? It shall attempt to state and describe the laws and their effectiveness in quality control and policing the food, beverage and drug industries. Finally cases and examples shall be presented where CSR or the lack of it has either given people a better return or has sold poison on a platter. The findings of the study intends to shed light upon the initiatives taken by the food, beverages and drugs industry to shoulder their responsibilities for the betterment of the society, as it has been rightly said that the time is always right to do what is right.



**Session-3 :**

**CSR and Environmental Issues**

**Session Chair:**

**Prof. Dharmendra Singh Sengar,**

(Indian Institute of Management, Lucknow Campus, Noida)

**Keynote Speaker:**

**Mr. Anjan Das Gupta,**

Partner, HSA Associate, Mumbai



**Corporate Social Responsibility, Judiciary, Brunt Land Report,  
Environment, Corporations**

**Adeena Jamal Ahmad & Akshay Arora**  
Symbiosis Law School, Pune.

The Brutland report published in 1997 made several business and management scholars consider as to how and why corporations should incorporate environmental concerns into their own strategies. Today, companies have accepted their responsibility to do no harm to the environment. CSR is defined as the duty to cover the environmental implications of the company's operations, products and facilities; eliminate waste and emissions; maximize the efficiency and productivity of its resources; and minimize practices that might adversely affect the enjoyment of the country's resources by future generations. The main aim of the research paper is to realize the role of Judiciary in checking out the corporate entities with respect to environment pollution. This research paper examines whether internationally agreed environmental principles and nationally applicable environmental liability regimes justify progressive change with in corporate governance law. It is to examine the alternative trend of states to introduce civil liability requiring corporate entities to contribute directly towards the establishment of either an international compensation fund for environmental damage or compulsory insurance schemes for such damage.

**Corporate Social Responsibility And Environmental Issues Going  
Green- The Way Forward?**

**Divya Muralidharan & Risa Das**  
National Law University, Orissa

**“They alone live who live for others, the rest are more dead than alive”-  
Vivekananda**

This is the basis of corporate social responsibility, responsibility towards your society, your country, your environment. This paper seeks to address the raging debate between development Vs environment. A large section of the society, namely the corporates who are involved in mining and infrastructure projects, argue that deforestation and large scale human displacement are collateral damages that one has to pay for development. But the green activists believe in a fine balance between the two. The development should be sustainable. Otherwise disasters will happen. This is where the conflict happens. Posco/Vedanta/Singur, all are examples of this conflict. Do we have the right to displace thousands of people from their habitats, turn agricultural land into factories, forests into plains?



## **Making CSR Compulsory For Environmental Development In India**

**Soham Banerjee**, Rajiv Gandhi National University of Law Patiala  
**Arveena Sharma**, Symbiosis Law School, Noida

The aim of the paper is to put forward the scope of CSR in India and how that may be utilized for the environmental development in India. For the purpose of putting forward this point exemplification shall be done by citing the examples of IBM, Siemens and Indian companies like Arvind Mills. The examples of EU Nations shall also be cited and their model of CSR shall be discussed in detail providing for their applicability in Indian scenario as well. Moreover the paper will also look into the legal aspects and complexities that may arise from taking a step like making CSR compulsory for environmental development, but alongside the importance of such a step due to increase in environmental degradation.

## **Developing Green Innovation: A Pathway To Social Responsibility**

**Charcha Sharma & Shikha Patel**  
Institute of Law, Nirma University, Ahmedabad

Corporate Social Responsibility is fundamentally about good business by maximizing profit along with pleasant relation between social and environmental responsibility and commercial interest. Corporate sector refocus their attention to human right obligation, towards consumer, investors, employees and sustainable development issue. It emphasizes that the use of plastics to be replaced by the utilization of paper products as Eco -friendly. The waste should be managed and recycled, as fulfilling their duties towards society, protecting the environment sustainability. Companies contribute towards their responsibility by making Green Investment in buildings and are capable of environment risk management. The company visualizes at conserving the natural resources, human surroundings and overall eco system without compromising human development goals. Green Innovation contributes to growth of Company by helping them to establish new venture for future return and fulfilling the responsibility towards society and leading to development of nation.

## **Corporate Green Washing – Dawn Of An Era Of Corporate Going Green**

**Sridevi V.S**  
Gujarat National Law University

Milton Friedman in his book 'Capitalism and Freedom' argues that "there is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud". This argument holds no good in this era of globalization and on the aura of corporate sector assuming the role of proactive social knight rider. This paper provides an insight to the concept of corporate green washing and the alleged attempts of the corporate to adopt this concept around the globe. The paper melts down to the mooted point that "in the lure for profits and its rat race to establish its stand in the market how far the corporate have been successful in its endeavor"?

## **Environmental Protection: The Most Essential Concern In View Of Corporate Social Responsibility**

**Gazal Singh Choudhary , Akansha Gehlot & Surbhi Bhati**  
Institute of Law, Nirma University, Ahmedabad

Corporate Social Responsibility is an emerging concept a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. CSR has been the cornerstone of success right from its inception. The Corporation's objectives in this key performance area are enshrined in its Mission statement i.e. to help enrich the quality of life of the community and preserve ecological balance and heritage through a strong environment conscience. As India is among those countries where not only is the UNGC highly appreciated by the large number of participating companies, but CSR already has a long tradition dating back to the 19th century, the present study seeks to analyze how and to what extent the Global Compact is shaping corporate social and environmental conduct in that country The present paper aims to analyze such environmental risks & how it can be shaped through CSR.

## **Corporate Social Responsibility And Environment Sustainability**

**Kush Saggi & Anandita Trivedi**  
University of Petroleum and Energy Studies, Dehradun

Corporate Social Responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large. Stakeholders in a business are customers, employees, shareholders, communities and environment. In race of profit maximization, corporate action is leading to depletion of environment. Corporate profits need to be analyzed in conjunction with social prosperity. A concern for social and environmental development should be made part of every corporate entity through its inclusion in the annual agenda backed by strong and genuine programs. There should be effective implementation to mandate The Environmental Law. This paper aims at bringing forward the impact of corporate actions on environment. Role which CSR plays towards environment sustainability. Problems in implementing an effective environment mandate in private sector and effective solutions.

## **Legal Issue Of Corporate Social Responsibility In Cases Of Natural Disaster**

**Anand Mishra & Amit Kumar**  
Hidayatullah National Law University, Raipur

Is the world is moving towards the introduction of the unlimited liability as a punishment, for corporation, for deviating from CSR in natural disasters? This paper deals with a critical analysis of the natural accidents and the legal framework thereby chalked out by government to make corporations liable by following CSR as a rule. Legal tools of 'negligent governance' and 'corporate tort liability' can be a primary weapon in making corporations to follow CSR, thus preventing unduly works against environment. Further the doctrine piercing of veil of corporations must let go to expose shareholders to joint and several liabilities in environmental damages. Also the corporate activities not tending towards social optimum and causing environmental damages can be subjected to competing and complementary notions of primary liability, vicarious liability, secondary liability, and enterprise liability. Thus aforementioned legal notions would cause corporations to follow CSR strictly and thereby reducing the disasters.

## **Legal Issue Of Corporate Social Responsibility In Cases Of Natural Disaster**

**Ravinder Kumar & Divyanshu Kumar**  
Gujarat National Law University, Gandhinagar

'Corporate social responsibility' rightly called as corporate conscience is a type of corporate self-regulation incorporated into a business model. The objective of CSR is to embrace the responsibility for the company's actions and encourage a positive impact through its activities on the environment, consumers, communities, and all other members of the public sphere. No one is ignorant to the active role taken up by the corporate sector, of late, in mitigating the ramifications of natural upheavals. This is evident in the responsibility taken up by motley of corporate houses in Gujarat earthquake case. These corporate houses encounter myriad of legal issues which they have to counter before embarking upon the task of disaster management. We intend to, through this paper, highlight various legal challenges faced by the corporate houses and the ways to tackle them so that these legal obstacles do not discourage them in taking up the job voluntarily.

### **Corporations & Natural Disaster: Need For Legislative Guidelines**

**Somitra Chaturvedi & Arpit Kalra**  
Institute of Law, Nirma University, Ahmadabad

Overall objective: There should be formulation of guidelines with respect to natural disaster when corporate should act. Author proposal to develop the subject: This paper focuses on the role of corporations when there are natural disasters. The study of business ethics may be regarded as a component of CSR, it being a wide term requires guidelines to be followed & corporations play important role in natural disasters. Corporations deal with variety of social issues, but contemporary issue is environment. After Japan tsunami

# **Legal Issue Of Corporate Social Responsibility In Case Of Natural Disaster: Exhaustive Analysis**

**Anshul Gupta,**  
Rajiv Gandhi National University of Law, Patiala

**Tanya Agarwal**  
National Law University, Jodhpur

Dominant model of economic growth continues to encourage business practices that degrade environment. Disasters triggered by natural hazard are a major threat to sustainable development each year large number of people suffers directly and indirectly incalculable that results into massive economic loss need for reduce natural disasters arise, in this CSR interest is best served by embracing all three bottom line i.e profit, environmental quality, social justice. The current paper will analyse the foundation and role of CSR with legal issues related to it, various current projects in disaster management and providing disaster statistics for different countries and specifically discuss role played by private sector in Gujarat earthquake. The voluntary sector vociferously presents its stand that, while the profits of a company may be its private concern, however, its contribution to preparedness against causing and withstanding natural disaster is a matter of public and legal concern.

## **CSR And Environmental Issues**

**Anupam Pillai & Sujoy Sur**  
National Law University, Orissa

With optimum development by a corporation, there comes a concern for ecological conservation along with sustainable development. As environmental principles are less specified in the CSR policies of companies than other socio-economical principles, it is a need of the hour to take it up as a legally binding code of conduct. Now, even though there may be a reference towards ecological conservation and sustainability, firms must implement these implications too. There must be a precautionary approach, to look after quality and safety of their products along with concern towards impact on environment by their production processes. The development and dissemination of environment friendly techniques must be the concern of the companies too. CSR is a phenomenon which states that companies have to do right things, beyond legal requirement. Thus, the concept is based on the idea that not only public policy but companies, too, should take for social and environment issues. Companies must voluntarily integrate social and environment concerns into their business and into the interaction with their stakeholders. The idea of being socially responsible company means doing more than comply with the law for environment and human resource.

Google has activated person finder which was appreciated. So there is a need to draft a specific guideline through which there could be broader interpretation of CSR.



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**1<sup>st</sup> National Conference**

**on**

**“Emerging Issues of Corporate  
Social Responsibility”**

**Day 2**

**27<sup>th</sup> November, 2011**



**Session-1 :**

**Legal and regulatory regime of CSR in India: Structure,  
Strength and Reforms**

**Session Chair:**

**Prof. V.K. Gupta**

(Retd. Dean & Professor, Faculty of Law, JMI University, Delhi)

**Prof. Motilal Dash,**

( Director (Academic), Kalinga Institute of SocialSciences KIIT University, Bhubaneswar)

**Keynote Speaker:**

**Mr. Rajiv Bakshi,**

(Vice President Legal, Godrej Industries)

## **CSR & Innovative Tools –a Need Of Today**

**Raghvendra Singh Sisodia & Dr. Snehal Maheshkar**  
Mewar University, Chittorgarh

Corporate Social Responsibility has been defined by the World Business Council for Sustainable Development as “the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large.” Corporate social responsibility is seen as having five themes:

- 1) Human rights,
- 2) Worker rights,
- 3) Environmental impact,
- 4) Community involvement,
- 5) Supplier relations and monitoring.


Companies are expanding CSR from reactive – “give back” and “do no harm” – to proactive. They are seeking and finding ways to generate both financial return and broader social benefit. Activities in Corporate Social Responsibility (CSR) range from single-issue events to integrative triple-bottom-line approaches. Considering the latter provides a multitude of innovative tools with differing intentions, qualities and application scopes. The present paper is conceptual in nature and focuses on different CSR innovative tools implemented by the organizations.

## **Legal And Regulatory Regime Of CSR In India: Structure, Strength And Reforms**

**Soumya Shekhar**  
National Law University, Delhi

### **“ Responsibility is the price of greatness” -Winston Churchill**

Corporate Social Responsibility (CSR) is recognized as an important function contributing to accelerate the process of overall development of a nation. The goal of CSR is to embrace responsibility for the company's actions and encourage a positive impact through its activities on the environment, consumers, employees, communities, stakeholders and all other members of the public sphere. The concept of CSR gained prominence in India after the infamous Bhopal Gas Tragedy. Yet after the passage of more than two decades any hope of compensation is still a far cry. Thus, in such a situation the need for CSR increases manifold. The present paper examines the concept of Corporate Social Responsibility in detail. It delves into the reasons for the introduction of CSR in India and the consequent benefits and the associated drawbacks. It further analyses the present debate raging over the introduction of CSR both from the corporate as well as the public viewpoint. Finally, the authors conclude the paper by giving their own suggestions and recommendations as to how an effective Corporate regime can be built up with the use of corporate social responsibility.



## **Legal And Regulatory Regime Of CSR In India: Structure, Strength And Reforms**

**Aniket Pandey**

University of Petroleum and Energy Studies, Dehradun

**Apoorv Pandey**

ITM University, Gurgaon, Haryana.

This paper is an outline of legal and regulatory framework of Corporate Social Responsibility in India. The concept of CSR is not new to India but its growth and development has always been dubious. The paper specifically deals with the rising influence of the multinational corporations in developing economies which often don't comply with same standard of CSR as in developed countries as they do in developed countries and this is due of lacunas and loopholes in existing laws. As a matter of fact whether there exists a law regarding corporate social responsibility in Indian legal system is unidentified although it is proposed but is not mandatory and only voluntary. It is important to understand that when private activities are in such a manner that they could cause harm, the government has an obligation to undertake the necessary action. Further the paper discusses the structure, strength and reforms of CSR.

## **Legal And Statutory Regime Of CSR In India, In Addition With CSR Regulation Of Multinational Companies Under International Law**

**Mayank Soni**

Institute of Law, Nirma University, Ahmedabad

This research paper examines the legal and statutory regime of CSR in India and also CSR regulation of multinational Companies under international Law. The paper theoretically analyze following statues, guidelines, code etc regulating CSR in India- 1. Desirable corporate governance a code by CFII 1988, 2. Corporate Social responsibility voluntary guidelines 2009, 3. j. Irani report on CSR, 4. Companies bill 2009 and 5. Other laws in reference of CSR like labor laws, environmental law etc. This paper also carves to bring how international law provide frame work for regulation of CSR in multinational companies



# **Legal And Regulatory Regime Of Corporate Social Responsibility In India: Structure, Strength And Reforms**

**Neha Jain**

Hidayatullah National Law University, Raipur

**Jayesh Suriseti**

Symbiosis Centre for Management Studies (Undergraduate), Pune

“A good company delivers excellent product and services, and a great company does all that and strives to make the world a better place”.

-WILLIAM FORD Jr., CHAIRMAN, FORD MOTOR CO.

In general parlance no statutory laws regarding corporate social responsibility exists in any country in the world. The Indian law provisions on CSR are scattered across legislations in different areas and need to be collated under a single umbrella for corporations to be able to develop a systematic approach to CSR and to ascertain their responsibilities. The paper seeks to examine the current legal framework for CSR in India, the changes in the Companies Act with respect to the Companies Act (amendment) Bill and special guidelines such as Corporate Social Responsibility Voluntary Guidelines 2009 as published by Ministry of Corporate Affairs, Government of India. The approach of the Indian judiciary towards CSR will also be dealt with in detail with specific case laws. The authors propose that there is a need for legal regulatory changes which can highlight issues and create awareness and thereby catalyze a movement towards corporate social responsibility. However, CSR is still voluntary and it is not mandatory so it is important that the government should make CSR mandatory through means of law enforceability with sound implementation.

## **Legal Position Of Corporate Social Responsibility In India: Whether It Should Be Made Mandatory?**

**Mansi Malik & Saumya Yadav**

National Law University, Delhi

CSR is the role and contribution on the part of the business community towards a better social and environmental development. This concept has been incorporated internationally in various instruments: ILO Declaration, OECD Guidelines, UN Global Compact, UDHR. Though in India no mandatory provisions are as such present to enforce this principle nonetheless it has gained importance in the past few years. The first initiative came in the form of Corporate Social Responsibility Voluntary Guidelines, 2009 which were followed by the National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business. Further the debate over the Companies Bill, 2009 also raised questions of whether CSR should be made mandatory or it should be retained as a voluntary effort. The aim of this paper is to bring out the concept of CSR with its legal position in India and the discussion on mandatory CSR.

## **Capitalism And CSR: Strange Bed Fellows?**

**Nisarg H. Vyas**

Institute of Law, Nirma University, Ahmedabad

The core object of corporate world used to be profit and shareholder's interest. Nowadays, CSR is regarded as a commitment from companies to produce some form of social or environmental benefit which goes beyond, the basic compliance with the law. Today, CSR, if it is nothing else, is the tribute that capitalism everywhere pays to virtue. A key feature, distinguishing it from the earlier initiatives of the 'modern welfare state', is the voluntary nature of the initiatives, companies undertake in contrast to the regulatory mechanisms historically used to govern business. I propose that, mandatory CSR is arbitrary. The future of the CSR lies with the voluntary philanthropy by companies. This, points to a moment of opportunity for companies to shape - not just react to - the future of CSR. State should work as the platform for it; it should not take the strings in its hand. Such guidelines must be connected to globally accepted guidelines. Otherwise, it would become confusing for business as well.

## **Legal And Regulatory Regime Of CSR In India: Structure, Strength And Reforms**

**Gaurav Singh**

Gujarat National Law University, Gandhinagar

Corporate Social Responsibility (CSR) is a concept whereby companies undertake certain activities beneficial to the society, independent of the business profits. Companies have social obligation in ethically, socially and environmentally different ways. Providing legal assistance to members through a Legal Advisor as and when required is one of the activities. Annual reports of companies have such provisions regulating their activities by way of legal obligations.

Reforms in legal regime of CSR may be in the form of social accounting, auditing and reporting. Such reforms would reflect society's codification of right and wrong which rests in legal responsibility to comply with the law. Management of the company must be in the interest of shareholders and directors have a legal obligation to do so. Since efficient management is important of a company, it forms part of an important legal structure in matters of CSR.

## **Legal And Regulatory Regime Of Corporate Social Responsibility In India: Structure, Strength And Reforms**

**Jaypreet Singh Kohli & Abhinav Bhattacharya**

University of Petroleum and Energy Studies, Dehradun (Uttarakhand)

CSR is the continuing commitment made by business to behave ethically, and has contributed to economic development while improving the quality of life of the workforce and their families as well as the local community and society at large. In this paper, the authors would address the conceptual and legal framework of corporate social responsibility and related facets of the Indian industry and decipher certain key issues pertaining to the same will and also illustrate how corporate responsibility can and must be supported by legal measures. Secondly, this paper will consider the potential conflict between the emphasis on corporate social responsibility and the regulatory approach. The paper will illustrate various cases, law's discourse to resolve corporate governance problems in the broader social responsibility context. Finally, this paper will place the current interest in corporate social responsibility within the broader debate on the relationship between law and non-legally enforceable norms.

## **Legal And Regulatory Regime Of CSR In India**

**Abhinav Raghuvanshi & Prarthana Sampath**

University of Petroleum and Energy Studies, Dehradun (Uttarakhand)

Corporate Social Responsibility (CSR) is a concept wherein companies decide to voluntarily contribute and create a better society and cleaner environment. Corporate Social Responsibility is represented by the contributions undertaken by companies to society through their business activities and social investment. This is also to connect the concept of Sustainable Development to the company's level. Over the last few years, an increasing number of companies worldwide started promoting their Corporate Social Responsibility strategies. But due to the lack of international CSR guidelines, the practical application of CSR differs and strategies within most companies still show major deficiencies. There are complaints about multinational companies wasting the environment and NGOs still denouncing human rights abuses in companies. To overcome these deficiencies and to ensure better implication of CSR guidelines, there is a dire need of the legal regime and the regulatory frameworks in the field of CSR. The above mentioned paper will precisely cover these issues relating to the proper implication of rules, regulations and the policies governing CSR in private and public companies.

## **Corporate Social Responsibility- Expanding Horizons**

**Udit Raj Sharma & Saumik P. Batham**  
University of Petroleum & Energy Studies, Dehradun

The present paper is aimed to undermine and explore the concept of Corporate Social Responsibility (CSR) in past, present and in the most anticipated- future context, along with its expanding global and national scenario. CSR is the accountability of business towards society which includes external agents like Government, Media, Communities, NGO's, consumer groups and the internal agents like shareholders, customers, partners and employees. As the objective of the paper is targeted with legal perspective, the paper would include IPR and Environmental issues, Consumer Laws etc. linked with CSR globally as well as nationally. The paper also focuses on sustainable development in context with CSR and also elucidates application of CSR by the national as well as global business organizations and what importance does CSR hold for them. The research paper would also discuss corporate philanthropy, governance and ethics in relation to CSR.

## **Legal And Regulatory Regime Of CSR In India Structure, Strength And Reforms (principles Of Natural Justice)**

**Dr. P.C. Kogta & Dr. Satish C. Sharma,**  
Maharaja Group of Colleges

The principle of natural justice was adopted by English justices to be so fundamental as to override all laws. It is derived from the Roman concept of 'Jus Natural' which meant principles of natural law, natural justice, equity of good conscience. Principle of natural justice over ride the statute is no more good law and that principles of natural justice are not protected by the constitution and are subservient to positive law.

The principles as observing that the principles of natural justice are those rules which have been laid down by the courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial or quasi judicial authority while making an order affecting those rights. A further requirement is that the conclusion must be rested on the evidence and not on matters outside the records. And when it is said that conclusion must be rested on record, it goes without saying that it must not be based on a misreading of the evidence.

## Corporate Social Responsibility: Indian Perspective

**Bhartendu Yadav & Amit Yadav**

Institute of Law, Nirma University, Ahmedabad

Social responsibility has become one of the key business trends of the decade to expand the business. But a question may arise why business need to serve the society? CSR reflect the commitment towards not only the business but also towards the society from where it has emerged. The author in the article will try to find out how the CSR has emerged in India and what all activities are under taken by the corporate for the society and why it has become so much important that today, almost every company is making charitable contribution each year and how it is helping in the growth & development of the Nation as a whole. There have been various studies after which it can be concluded that CSR has helped Social – Economic Development and has been vital for the survival of business & CSR is not an option but a mandatory strategy of business.

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## **Session- 2:**

### **Corporate Social Responsibility: Measurement and Reporting**

#### **Session Chair:**

**Prof. Anil B. Suraj,**

( Law and Public Policy, Indian Institute of Management, Banglore )

**Mr. P K Agarwal,**

Assistant Director General, Unique Identification Authority of India (UIDAI)

#### **Keynote Speaker:**

**Ms. V Shyamala,**

(Head Legal & Regulatory at STAR DEN MEDIA SERVICES PVT LTD)

**Ms. Garima Babbar,**

Manager, Development Sector Practice, KPMG India

## **Corporate Social Responsibility-new Forms Of Corporate Governance In Today's Economic Turmoil**

**Ali M. Shervani**  
Partner, Consigliori Consultant

The economic crisis plaguing the global economies has increased the importance of ethical business practices. This paper deals with the new forms of corporate governance in today's economic turmoil. The CSR in Indian context needs to be developed and an approach of corporate responsibility be installed not by laws but by ethical business practices. The needs of the Indian society are very different as proposed in the approach existing with the western corporate world. The need to develop business in an ethical manner is the need of the hour as this will bridge the gap between India & Bharat. The paper in the end will propose the required approach for the corporate of Indian domicile as well as foreign companies.

## **Corporate Social Responsibility and Industrial Disaster Management: A Special Reference to Bhopal Gas Tragedy**

**Samrat Thakkar**  
**Nikita Pattajoshi**  
National Law University, Orissa

Corporate Social Responsibility (CSR) is not just obeying the law. It is the commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large. In this sense, CSR has a significant role to play in controlling the perils of uncontrolled development, satisfying the needs of the present generation and at the same time ensuring that the resources of future generations are not jeopardized. However, in the wake of increasing incidents of industrial disaster, prominent among them being the Bhopal Gas Tragedy, Environmental Sustainability has made its way into board rooms and has been included within the ambit of CSR. The uncompromising need for disaster planning in an industrial society is perhaps one of the most important lessons to be learnt from the Bhopal Tragedy. Thus the objective of the paper is to analyse the change in the meaning of CSR in the wake of The Bhopal Tragedy, a disaster that brought about the world's largest law suit, and the initiatives that followed, namely, CREP, OECD Guidelines, ILO Declaration etc.

### **CSR: Welfare In Disguise?**

**Aditya Singh Rajput**  
**Avinash Das,**  
National law university, Orissa

"The business of business is not business alone". Businesses and other corporate use resources many of which are finite in nature from the public domain. The word "resources" is used in a very broad sense and taken to encompass many things such as land, labour, capital etc. Corporate Social Responsibility is to create higher standards of living while preserving the profitability of the corporation. In spite of that various questions have been raised and some of these are: Should there be an obligation on corporates to contribute to the society through CSR?, The effect of CSR on business ethics?, If the motive of business is to produce profits then how does CSR fit into the picture? CSR also has colossal effects on environmental aspects of business and the profit-making motives of many involved in business. In our final submission we intend to answer these questions and more.

## **Measurement And Reporting Of Corporate Social Responsibility In Contemporary Times**

**Aditya Kavia, Sanjivani Singh**  
Institute of Law, Nirma University, Ahmedabad


Corporate Society or corporatism refers to a type of society in which various large scale corporate organisations with powerful vested interest work towards achieving their goals especially and foremost are the economic goals. As Gandhi famously quoted, "Be the change", we see many corporate houses are now adopting this Gandhian principle hence Corporate Social Responsibility (CSR) is an attempt of the corporate to give society something in return of all the resources they are using and also for polluting and destroying nature. This paper will be an attempt to examine how the role of welfare state has expanded even to private institutions (e.g. MNC's) through Neo-liberal principles. Our paper will be limited to the measurement of CSR and its critique in contemporary times, especially in India. It will focus on how there is a paradox between the definition of corporate and CSR, how far is this responsibility being carried out by the institutions and is CSR just a media misused by corporate for their benefit to justify their well-established motives.

## **Corporate Social Responsibility And Higher Education**

**Mr. Aditya Khandelwal**  
Institute of Law, Nirma University, Ahmedabad

A very long debate is going in the world between the Corporate Social Responsibility (CSR) and its role in higher education. This paper mainly consists of the role of CSR in higher education of India. As higher education is one of the most important part of one's education the corporate companies become more responsible towards them. Many of the large companies involves in this like Infosys Technologies, Hindustan Lever, Reliance Industries, Wipro, ICICI Bank, HDFC, ITC, Hero Honda. Tata group helping 7000 villages in Jharkhand through its Tata Steel Rural Development Society Education, Birla group contributes in the adult education and also running 78 schools in all over India, Mahindra & Mahindra open a K.C. Mahindra Education Trust in 1953 which offers 30-40 interest free loan scholarships to post graduation students. The conclusion of my paper is that CSR helping the India in increasing the higher education by different strategies and providing opportunities.





## **Corporate Social Responsibility: A Need Of Present And Future**

**Pankaj Sevta, Vikas Nehra**  
National Law University, Orissa

The issue of corporate social responsibility is rapidly climbing the domestic as well as global importance. This paper is a think piece, concerned with corporate social responsibility (CSR) which forms as an integral part of the business policy. CSR has to be formulated by every company with the participants of their executives at various levels. One of the popular ways to describe CSR is through triple bottom line i.e. economic bottom line, environmental bottom line and social bottom line. Businesses are in business for profit generation and society is one of the stake holders. Under CSR, the governance system of a company must be based on three things i.e. ethics, transparency and accountability. The objective of this paper is to provide a global thought of CSR and to correlate CSR with environmental and legal issues. The concerned paper is an effort to display CSR as a new class of governance.

## **Compulsory CSR Legislation: A Responsibility Or A Liability?**

**Utsav Gandhi ,Ravi Thakur**  
Institute of Law, Nirma University, Ahmadabad

Lack of a clear agreed statement on what CSR is and how it can be measured is one of the reasons why the Indian government is reluctant to introduce legislation. Many companies are adopting a CSR policy in their business model with the aim of achieving long term sustainability. Recently, the Ministry of Corporate Affairs proposed to include 2% spends of net profit towards CSR, and has also issued National Voluntary Guidelines (NVG), 2011 which is a sign that legislation on CSR is not distant. Thus, the paper, by conducting a survey of various companies considers, whether a compulsory CSR policy by way of legislation would help in achieving the triple bottom line approach and whether the NVG is viable for their business. The findings reveal that CSR guidelines which are issued by the Government should be a promotional and not a policing tool, aiming for sustainability for welfare of the economy, people and environment.

## **Growing Expectations Of People Under The Phrase**

**Dr.Mithilesh Vishwakarma,**  
CPJ-CHS School of Law

In the age of over-commercialization of knowledge, intellectual property, Goods and Services, the concept of "Welfare State or Paternal State" is losing its significance rapidly. State has started to berserk from its constitutional obligations and people have started expecting from mighty corporations to own social responsibilities. Whatever may be the reason-the results are perceptible. State has started disowning its responsibilities towards society and individual-Power sector is almost handed over in the hands of private companies. Insurance, Education and Transportation sectors are being flooded with private players. Employment opportunities in Government Sectors are being abolished. The methods adopted by Corporations for advertising and marketing are wrecking our social and cultural systems. Following subheads will be included in the paper: Introductory, Societal living and the State, Environment and Human Rights, Co-existence of Business and social ethics and emerging issues of national importance.

## **Incorporating CSR Provisions In Corporate Law: Riding A New Wave?**

**Karandeep Makkar & Rustam Singh Thakur**  
Hidayatullah National Law University, Raipur

The corporate sector plays a crucial role in ensuring sustainable development in India. This paper addresses the recent efforts to incorporate CSR into Indian corporate law, and the potential benefits and shortcomings of these efforts. In 2009, Ministry of Corporate Affairs introduced the introduction of the Voluntary Guidelines for CSR in India. The CSR Guidelines attempt to capitalize on the long history of philanthropy by large Indian firms. The guidelines include a strong focus on ethics, which it tied back to Indian history and values. The MCA in July 2011 issued the National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business. The Guidelines emphasize that businesses have to endeavour to become responsible actors in society, so that their every action leads to sustainable growth and economic development. The paper also examines the role and effectiveness of regulations for mandatory disclosures by companies under corporate and securities laws, including the proposed provisions for making CSR mandatory under the new Companies Bill, 2009.

## **Corporate Sustainability Reporting, Is It Effective**

**Dr. Veena Tewari Nandi, Dr. Poonam Kumar & Dr.Ashutosh Kumar**  
Asia Pacific Institute of Management, New Delhi

To what extent companies contribute to a sustainable society is a question increasingly important, not only to the companies themselves, but also to investors, the countries they do business in, and civil society in general. But it is a difficult question to answer, with standards just now emerging in the form of "integrated reports" that help companies disclose corporate sustainability efforts just as they do financial data.

Are these efforts yielding results? We wanted to determine the extent to which corporate and investor behavior is changing. We did so by analyzing data from more than 2,000 companies in 23 countries, and then ranked those countries based on the degree of integration of corporate environmental and social performance with financial performance. On the investor side we looked at the number of times investors accessed environmental and social data on Bloomberg terminals and ranked countries based on the number of "hits," accounting for the size of each country's capital market. We also developed a call to action to spur greater global sustainability practices.



### **Session-3 :**

## **Ethical, Legal and Social Implications (ELSI) of CSR in Movie, Media, Mass communication Industry**

### **Session Chair:**

**Prof. Rajendra Prasad Srivastava,**

(Director, School of Business, The University of Kansas, Lawrence-USA)

**Prof. A.P Singh,**

(University of Law & Legal Studies, Guru Govind Singh Indrapratha University)

### **Keynote Speaker:**

**Capt. Sanjay Moholkar,**

( Head-Claims, Bajaj Allianz General Insurance)

## **Corporate Social Responsibility: Putting Social-economic Development On A Fast Track**

**Arahant Jain**

University of petroleum and energy studies, Dehradun

Corporate Social Responsibility (CSR) defined as “the ethical behaviour of a company towards the society,” manifests itself in the form of such noble programs initiated by for-profit organizations. CSR has become increasingly prominent in the Indian corporate scenario because organizations have realized that besides growing their businesses it is also vital to build trustworthy and sustainable relationships with the community at large. This is one of the key drivers of CSR programs. Another reason fuelling this rapid adoption of CSR is the state of the Indian society. Though India is one of the fastest growing economies, socio-economic problems like poverty, illiteracy, lack of healthcare etc. are still ubiquitous and the government has limited resources to tackle these challenges. This scenario has opened up several areas for businesses to contribute towards social development. India at this moment needs a strong support from the corporate world in order to sustain the development. CSR helps the corporate houses in effective publicity and help the citizens in getting benefit from the social endeavours.

### **CSR and Higher Education**

**Abhayjeet Pathania**

Rajiv Gandhi National University of Law, Patiala, Punjab

Schools and colleges of higher learning in India especially business schools tend to dehumanize their students' studies and relegate them to mere academics. This brand of education ends up corrupting the students and orients them towards profit generation only, as a result of this there is a huge human cost left in its wake. Most schools in the United States offer their students courses which are meant to accentuate their students to the pulse of society and encourage them to contribute to it willingly. Colleges like Stanford teach their graduates how they should interact with their employees and how they should deal with firing their employees too via a compulsory course. It is time such changes are instituted in India.

CSR, Business Schools in India and the US, Profit orientation, Humanizing courses, replicating the concept in India

## Legal And Regulatory Regime Of CSR In India: Structure, Strength And Reforms

**Raghav Sabharwal**  
Amity Law School, Delhi

**Divya Verma**  
Guru Gobind Singh Indraprastha University

**“It takes 20 years to build a reputation and five minutes to ruin it.”– Warren Buffet.**

During the last decade, the influence of business has strengthened in global and national governance. Companies are now held responsible for array of issues such as protection of human rights and environment, which was previously considered the sole duty of the state. Today, CSR captures the spirit of the transformed relationship between state, market and civil society where business is expected to contribute to these issues.

Ethics is the new competitive environment and making CSR mandatory would rather mold it to Government Social Responsibility. Our paper deals with the emerging legal issues in CSR. The object of the paper is to propose a concrete and unambiguous framework where a company is forced to self-regulate as a result of mounting public pressure, consumer awareness, and other forces such as Corporate Tax Exemptions. We propose a highway of solution that would lead to the destination of bridging the gap between law and ethics thereby paving the path for sustainable development.

## Ethical, Legal And Social Implications (elsi) Of CSR In Movie, Media, Mass Communication And Telecom Industry

**Dhruraj Rana**  
**Manasi Singhal**  
Institute of law, Nirma University, Ahmadabad

The media, has been contributing well towards CSR as well as Sustainable Development agendas. The media have an enormous influence on the public conscience; they form a particular opinion in the mind of the viewers and thus, encourage the viewers to make decisions. There are not only print media's role towards the development of CSR, but there are entertainment media, wherein, the same looks after the societal needs and focuses upon various social problems prevalent in the society. Apart from the media world, the application of CSR in movie also plays a very important role in the course of shaping or modulating the society. All Medias combined, plays a pivotal role in shaping the society in a better and a purposeful shape. It is their primary duty to look upon this aspect that they reflect all those matters which brings out a fruitful result and helps in building a healthy society.

## Emerging Issues Of Corporate Social Responsibility

**Arunima Tiwari & Bhumika K. Karia**  
MATS Law School, Raipur

Corporate social responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the work force and their families as well as the local community and society at large. In 21<sup>st</sup> century customer satisfaction is not only about price and service but it is much beyond that. Environment- Many firms in emerging market have had to face serious repercussions from the state and society for over exploitation of natural resources. Community- The organisations should focus on the system of people centric with active community participation at community level. Work place- Workplace includes labour standards, HIV/ AIDS, work life balance, diversity, sexual harassment, employee privacy and downsizing. Market place-It includes marketing and advertising, privacy and technology, integrity of the food chain, drug pricing and product safety.

## Corporate Social Responsibility and Company Secretary

**Vaibhav Kumar & Jayanti Bhasker**  
Chanakya National Law University, Patna.

Every business Organization has, mainly two fold objectives- Economic and Social. The economic objective deals with the profits while social objectives refer to its dealing with employees, public and stakeholders. The Company is accountable to its stakeholders not only for its financial, economic and operational activities but also on all issues having social or environmental dimension. Such obligation assumed by business towards society is called corporate social responsibility (CSR). The concept of corporate social responsibility means that organizations have moral, ethical, and philanthropic responsibilities in addition to their responsibilities to earn a fair return for investors and comply with the law. A traditional view of the corporation suggests that its primary, if not sole, responsibility is to its owners, or stockholders. However, CSR requires organizations to adopt a broader view of its responsibilities that includes not only stockholders, but many other constituencies as well, including employees, suppliers, customers, the local community, local, state, and Central governments, environmental groups, and other special interest groups. Collectively, the various groups affected by the actions of an organization are called "stakeholders." Corporate social responsibility is related to, but not identical with, business ethics. While CSR encompasses the economic, legal, ethical, and discretionary responsibilities of organizations, business ethics usually focuses on the moral judgments and behavior of individuals and groups within organizations. Thus, the study of business ethics may be regarded as a component of the larger study of corporate social responsibility.

# **Corporate Social Responsibility And Environmental Ethics In Context Of India**

**Nidhi Beniwal & Rashmi Ganesh Garhia**  
Institute of Law, Nirma University, Ahmedabad.

Traditionally, corporate houses are known for making high profits, thereby contributing to nation's economic growth. But in 21<sup>st</sup> century, an obligation has been imposed on companies to perform social responsibilities, one of which is protecting environment. The concept of Corporate Social Responsibility aims at encouraging companies to serve its member's interest and at the same time to work for the public welfare by imbibing social responsibility as its goal. This paper is divided into four sections. First section explains meaning and importance of the CSR in relation to environment, in India. Second section describes the role of companies in degrading the environment with the example of Bhopal gas tragedy. Third section deals with the extent of implementations of the provisions of Kyoto protocol and three-market based mechanisms. It also discusses about carbon trading at Indian level. Last section deals with suggestions relating to implementations of CSR for saving the environment.

## **Corporate Social Responsibility Towards Environment In India– An Overview**

**Dr. Roopa Sharma**  
Vivekanand Institute of Professional Studies, New Delhi

For most of us Corporate Social Responsibility relates to a business unit providing safety for workers at workplace and giving them medical benefits, reducing pollution and creating other welfare schemes in areas like education and employment. However, issues like Sustainable Development, Climate Change, and Intergenerational justice are exercising companies to look beyond such human centered responsibility and address issues like the environmental impact of their operations and how to mitigate damage brought about by their smoke emissions, effluent discharge and toxic waste products upon their surroundings. The paper studies how well are Indian companies and industrial manufacturing units responding to this challenge. It studies government's interventions to curb environmental damage in view of a majority of such units not being environmentally compliant and their attitude towards the problem. It analyses strategies of environmentally responsible companies of India and the overall benefits of integrating environmental issues, eco-costs, and green marketing within their business strategy upon brand building.

## Human Rights in the Global Marketplace

**Aashka Shah & Aditya Choksi**

(Institute of Law, Nirma University, Ahmedabad, Gujarat)

The need for CSR is for better corporate governance and to drive companies towards more ethical behaviour and to protect the human rights. Companies cannot escape from their human rights obligations by sourcing their products from or shifting their operations to areas of the world where human rights are routinely abused. The trend towards outsourcing makes it more difficult for some companies to assert management control over the circumstances in which human rights violations occur. They should take steps to integrate human rights into the relationship with suppliers, sub-contractors and joint venture partners. In the process of enforcing human rights companies are heavily on risk at manufacturing process and at the level of infrastructure and utilities. It is essential for businesses not only to understand the human rights in context of their operations but also to ensure that they have an adequate human rights policy frame work in place i.e. properly enforced right across the company's global functions and operations.

## Emerging Issues of Corporate Social Responsibility

**Arunima Tiwari & Bhumika K. Karia**

MATS Law School, 2nd Year

Corporate social responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the work force and their families as well as the local community and society at large. In 21<sup>st</sup> century customer satisfaction is not only about price and service but it is much beyond that. Environment- Many firms in emerging market have had to face serious repercussions from the state and society for over exploitation of natural resources. Community- The organisations should focus on the system of people centric with active community participation at community level. Work place- Workplace includes labour standards, HIV/AIDS, work life balance, diversity, sexual harassment, employee privacy and downsizing. Market place-It includes marketing and advertising, privacy and technology, integrity of the food chain, drug pricing and product safety.





**Session- 4 :**  
**Corporate Social Responsibility and Intellectual Property Rights**

**Session Chair:**

**Dr. S.L Gupta,**

( Professor & Coordinator (Academics & Doctoral Research), Department  
of Management, Birla Institute of Technology, Noida)

**Dr. S.C. Raina,**

Faculty of Law, Delhi University

**Keynote Speaker:**

**Mr. Vikram Bhardwaj,**

(Head-Legal, Timex Group India Limited)



**CSR As The Appropriate Prescription For Pharmaceutical Industries?  
Reflections On The Ipr Regime And Its Impact On Access And Pricing Of  
Essential Life Saving Drugs**

**Sourav Roy & Aishwarya Nagpal**  
NALSAR University of Law, Hyderabad.

Blatant commercialization and unreasonable pricing of life-saving drugs due to the IPR Regime impedes people's right to health. To resolve the tussle between motives like profit-maximization and one-upmanship on one hand and calls for making 'life-saving-drugs' affordable and accessible for those in need on the other, greater regulation and responsibility on behalf of the Pharmaceutical Industry is necessary.

Based on CSR principles, that cast an obligation on corporations to do good and to confer benefits on the community, this paper calls for a modulation of the IPR regime (TRIPS) from a mere share-holder (profit-maximization) approach towards a stake-holder (social-benefit) approach. It suggests a digression from the mere 'entitlement' approach that grants market exclusivity to the industry and calls for incentive structures based on the criterion of 'social-benefit'. A model to achieve a workable balance of patent incentives and access to medical treatment is suggested.

**Corporate Social Responsibilities And Intellectual Property Rights:  
“society” And “strategy”**

**Anurag Kapur & Sagar Suri**  
ILS Law College, Pune

As innovation increasingly drives economic growth, investments in knowledge become the foundation of sustainable knowledge based economies. The paper first discusses as to what constitutes corporate social responsibility, financial performance of an organisation and then goes on to explain IPR's with the help of various definitions and studies. Intellectual property rights such as patents, trade secrets, designs, etc. are widely considered important contributors to financial performance and economic growth perhaps more-so than tangible assets such as real estate and plant and equipment, thus contributing to corporate social responsibility. To certain extent IPR's are also useful in determining the strategy which includes CSR of a particular organisation. However this link between IPR's and CSR is not so simple and has various intricacies involved. It has been divided into two kinds, economic link and moral link. Finally the paper concludes by highlighting the conflicting issues between IPR's and CSR and tries to throw a light on the road ahead.



## **Assessing The Efficacy Of Intellectual Property Rights Vis-à-vis Corporate Social Responsibility In India: Trail To Rhetoric Or Reality?**

**Abhinav Kumar & Nishant Bhaskar**  
National Law University, Delhi

The prime objective of this paper is to examine the current impact of Intellectual Property Rights (IPR) Regime on the Corporate Social Responsibility. Whether the social utility derived from IPR is fulfilling the Ethical, Legal, and Commercial Public prospects which society perceive and anticipate business houses to fulfill. The basic approach link towards India's concern for inclusive growth and the duty of corporate houses in execution of its ethical governance, however corporate world is still recovering from the jolt of global financial crisis though philanthropic activities is required for integrating the attentiveness of the business with the communities in which it operates. Research and development of new innovative techniques can generate value and long term sustainability. The last part of the paper gives an idea that how IPR regime can be perceived as the basis of better prospect towards Corporate Social Responsibility in India.

### **Corporate Social Responsibility And Intellectual Property Rights**

**Saurabh Chandra**  
Amity Law School, Noida

With the rise in the liberalism and free trade there has been exponential growth in the trade. WTO, specifically TRIPS have made far reaching effects in the IP regime. As a result there has been efforts to harmonize and strength the IP regime. The philosophical justification behind IPR was that ingenuity should be rewarded. But in the present scenario the trade and the exploiting the IP property is not an isolated issue. This paper tries to analyze the interface between IPR and Corporate Social Responsibility. This paper further analyzes the existing framework for the CSR whether voluntarily and Statutory Compliance.

## **The Doha Style Compulsory Licensing Regime: Corporate Social Responsibility Of Pharmaceutical Companies**

**Animesh khandelwal & Piyush Kumar**  
National Law University, Jodhpur

Exorbitant pharmaceutical prices of many life-saving drugs have been a cause of concern for many. Whether inaccessibility of drugs due to introduction of patent regime is legitimate, is an ongoing debate but the fact remains that the developing countries whose ailing population relies on cheap generic medicines, is suffering due to prohibitive pricing of certain drugs. Implementation of the 2003 Decision of Trips Council on Paragraph 6 of the Doha Declaration has left a number of doubts as to the interpretation of domestic legislation of many countries concerning with cross-compulsory licensing. The recent controversy concerning India and Nepal to use a compulsory license under Section 92A of the Indian Patents Act, 1970 demonstrate the same. In this paper we propose to study the TRIPS Council Decision from CSR perspective and analyze the effectiveness of the Decision in furthering the ends of CSR.

## **Conceptual Design For Total Quality Human Resource Management System In Software Industry**

**Ankur Jain**  
Research Scholar,  
Birla Institute of Technology, Mesra, Ranchi, India

**Dr. S.L. Gupta**  
Professor, Birla Institute of Technology, Mesra, Ranchi, India

This paper presents a conceptual model for total quality human resource management in software industry. Despite extensive research on TQM and HRM practices, none examines this scope of investigative study. Therefore, the proposed model was developed with the intention of examining this relationship. Extensive literature survey was done to propose the conceptual model for TQHRM. The present model presents the two important components of TQHRM. The components are employee development system and empowered management system. The management should implement these two systems in the organizations in order to implement the TQHRM in the software industry.

The presented model make a significant contribution in software industry that proves to be useful as an example of a methodology that might be used to track the extent of TQM and HRM effects on performance of the organization. An organization could use this model to do a pre-test baseline measurement, and then periodically re-administer it to identify changes associated with TQM and HRM efforts.

## **Corporate Social Responsibility**

**Justin Jose**

National Law University Cuttack, Orissa

This article attempts to examine the concept and practices of Corporate Social Responsibility and further tries to understand and define Corporate Social Responsibility in a more precise manner. Paper incorporates various theoretical approaches towards the emerging concept of Corporate Social Responsibility. Every firm has an obligation to use its resources in such a manner that it benefits the society, give full committed participation as a member of the society and strive for the welfare of the society independently of the direct gains of the company. The stakeholder's perspective of the Corporate Social Responsibility is considered. Justification of the concept behind Corporate Social Responsibility on various legal principles is included. Along with the above said topics, the paper lays great stress on the legislations and the legal aspect involving the concept of Corporate Social Responsibility.

## **Corporate Social Responsibility Towards Higher Education In Today's Legal Regime**

**Shalini Barath, Vinita Charan**

Institute of Law, Nirma University, Ahmedabad

Corporate Social Responsibilities, itself defines "the social responsibilities to be followed by the corporate houses." CSR is imbibed in every business for improving the quality of life of local community and society at large. Looking at the present scenario, there is enormous corporate involvement and contribution in educational system.

In this paper the author is firstly dealing with corporate social responsibility towards higher education. The role of CSR is to improve education system by providing practical knowledge and experience of a real working environment for better outcome. Secondly, the privatization of institutions and comparison between quality of education system in the government and private universities. With regard to legal education system, privatization of universities is becoming more in number and they are trying to give quality education to the students by using practical methods. Lastly, suggestions regarding implementation of different methods in education system are to be taken into consideration.

## Corporate Social Responsibility And Intellectual Property Rights

**Natasha Sutaria**

Institute of Law, Nirma University, Ahmedabad

In the present era of information and technology, where the world is turning into a global village and in which most of the nations are welfare states, the concepts of corporate social responsibility and Intellectual Property Rights are indispensable. It may appear, prima facie, that the two concepts are at conflict with each other, but on a deeper insight, one finds that the perfect amalgamation of the two is the key to sustainable corporate success.

An invention takes over the market in a few days and its pirated counterpart snatches away its market in a few weeks. This is the greatest fear that the Corporate Intellectual Property Owners counter. If the Corporate, as a social responsibility takes initiatives to spread awareness among public about why using of pirated or counterfeit goods is bad and at the same time sets special prices to make their goods available to the economically disabled class, it would protect their economic interest as well as that of the masses. For instance, had Pfizer Co. practiced this, it would not have made diminishing profits over Ranitidine and the masses would not have compromised with quality by switching to low grade counterfeit drugs.

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