

# Corporate Social Responsibility of Companies in India

## Abstract

Corporate Social Responsibility (CSR) is emerging as a new field in the management research. Corporate Social Responsibility is a new provision in the Companies Act, 2013, which is mandatory to be followed by all the companies those are working in India. In India all the firms are required to take initiatives to follow an institutional policy of CSR in their company practice as per the provisions of the Companies Act, 2013 and the rules made there under. The present study is an attempt to understand the status, progress and initiatives taken by the large corporations of India in context to CSR policy framing and implementation. In the present scenario business houses must find new ways to address the social economic and environmental effect of doing business while ensuring sustainable development whereby the companies act beyond their legal obligations to articulate social, environmental and ethical concern into company's business operations including interaction with their stakeholder. All of this is comprised under and is popularly known as Corporate Social Responsibility. However, the researcher feels that an exception has to be carved out under the law while mandating CSR by corporations with respect to companies dealing in demerit goods like tobacco and alcohol. Considering the huge health, economic, environmental and social burden induced by tobacco and alcohol, their promotion through CSR by such companies should be prohibited. Besides looking at the CSR efforts and initiatives of other corporations, this study aims to examine the validity and need to restrict CSR by alcohol and tobacco companies.

**Keywords:** Corporate Social Responsibility, Company, Shareholders, Stakeholders, The United Nations Global Compact, Public Sector, Globalisation, Liberalisation, Social Development.

## Introduction

A company must consider, at the time of making strategy of CSR that it will benefit the lives of millions who are living in abject poverty and in deplorable conditions. In mandating CSR by corporations, the Government of India fulfils its own obligation of upholding the principles of socialism by requiring companies which are making profits to share a portion of it with the society at large. It is the process by which a company may accomplish an equilibrium of economic, environmental and social imperative. Traditionally it was presumed by the society that sole responsibility of social development and upliftment rests with only with the Government. However, after globalisation companies are utilising and exploiting the maximum resource of the societies and generating maximum profits, so now it is obvious that they must share the responsibilities as well and contribute to the betterment and well-being of that very society.<sup>1</sup>

## Objectives of the Study

In light of the above background, the key objective of this present research is:

1. To analyze the efficiency of CSR in various kind of companies and its underlying constraint.
2. To examine the validity of CSR by companies dealing in demerit goods.

## Research Methodology

The researcher has used only doctrinal method to complete this study. The researcher has taken an extensive literature review of the materials in the library and online opens sources to conduct a focused research on:

1. Analysing of the Companies Act 2013 with respect to the CSR provisions, in particular the Section 135, Schedule VII of the Companies Act 2013 as well as the provisions of the Companies (Corporate Social Responsibility Policy) Rules, 2014.

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2 Both primary and secondary sources of data have been used to conduct review and analysis in this study.

### **Origin and History of CSR**

In the contemporary world the focus on CSR has emerged from the holocaust of World War II and the Cold War tensions that followed. This system from hard-core capitalism or profit making, took a turn for better and forced a shift from 'profit maximisation' to 'profit optimisation' and from 'shareholders' to 'stakeholders'. A company must consider, at the time of making strategy of CSR, that it will benefit the lives of millions who are living in abject poverty and in deplorable conditions. In mandating CSR by corporations, the Government of India fulfils its own obligation of upholding the principles of socialism by requiring companies which are making profits to share a portion of it with the society at large. It is the process by which a company may accomplish equilibrium of economic, environmental and social imperative. Traditionally it was presumed by the society that sole responsibility of social development and upliftment rests with only with the Government. However, after globalisation companies are utilising and exploiting the maximum resource of the societies and generating maximum profits, so now it is obvious that they must share the responsibilities as well and contribute to the betterment and well-being of that very society.<sup>2</sup>

### **Bernard Dempsey and Donald K. David**

They provided a philosophical foundation for CSR though not using this term and called upon business leaders to become engaged in public affairs beyond the immediate economic functions of business which they regarded as its fundamental contribution to society. They based their arguments on the four concepts of justice: *exchange justice* – the trust underlying exchanges in the market; *distributive justice* – the just relation between the government and individuals; *general justice* – acceptance of legal frameworks but beyond this to acceptance of ethical obligations; and especially social or *contributive justice* – the obligation to contribute to the well-being and progress of individuals and society.<sup>3</sup>

Dempsey had said that "contributively justice is the first principle of economic organization; it imposes a positive obligation upon every economic agent not only to contribute positively to every community of which he is a member but to contribute positively to the formation of necessary communities which do not exist."<sup>4</sup>

### **Morrell Heald**

Morrell Heald wrote the only comprehensive history on this topic – "The Social Responsibilities of Business: Company and Community 1900 - 1960". In 1906, Yale president Arthur Hadley advised business leaders to remember that they are also trustees of the public interest and to align their sense of ethics and obligation accordingly.<sup>5</sup>

### **Archie Carroll**

Carroll credits Howard R. Bowen, 1953 author of the book *Social Responsibilities of the Businessman*, as the "Father of corporate Social Responsibility" because his book dealt directly with

the concept of social responsibility. Bowen asserted that social responsibility "refers to the obligations of businessmen to pursue those policies, to make those decisions, or to follow those lines of action which are desirable in terms of the objectives and values of our society."<sup>6</sup>

### **William Frederick**

Writing in 1986, he challenged described two waves of CSR. One he called CSR<sub>1</sub> and noted its focus on responsibility. However, neither according to him was sufficient.

Business ethics grew substantially as a field from the 1980 through the 1990 while more recently, corporate accountability has gained greater visibility to assure companies are accountable to stakeholders.<sup>7</sup>

### **Definitions of CSR**

Some of the definitions of CSR noted by various scholars and business leaders are given below:

Howard Bowen (1953) define the CSR as, this is the business obligation to practice those policies, decision pursue those series of actions, which are fulfilling company objective and value of our society". He was a Significant scholarly presented his definition in the book "The social responsibility of the Businessman"<sup>8</sup>

Eilbert and Parket (1973) "Perhaps the best way to understand social responsibility is to think of it as 'good neighbourliness.' The concept involves two phases. On one hand, it means not doing things that spoil the neighbourhood. On the other, it may be expressed as the voluntary assumption of the obligation to help solve neighbourhood problems."<sup>9</sup>

Eells and Walton (3rd Edition, 1974) "In its broadest sense, corporate social responsibility represents a concern with the needs and goals of society which goes beyond the merely economic."<sup>10</sup>

Carroll (1979) "The social responsibility of business encompasses the economic, legal, ethical, and discretionary expectations that society has of organizations at a given point in time."<sup>11</sup>

Carroll (1983) "In my view, CSR involves the conduct of a business so that it is economically profitable, law abiding, ethical and socially supportive."<sup>12</sup>

### **World Bank**

"Corporate Social Responsibility is a term describing a company's obligations to be accountable to all of its stakeholders in all its operations and activities. Socially responsible companies consider the full scope of their impact on communities and the environment when making decisions, balancing the needs of stakeholders with their need to make a profit."<sup>13</sup>

### **European Union**

'Behaviour by business over and above legal requirements.'<sup>14</sup>

### **UNRISD Conference Report "Corporate Responsibility and Development: Towards a New Agenda?" 17-18 November 2003**

"At the core of this 'corporate social responsibility' (CSR) agenda are specific policies and practices involving codes of conduct, environmental management systems, stakeholder dialogues,

community investment and philanthropy, as well as reporting, auditing and certification related to social and environmental aspects.<sup>15</sup>

#### **The United Nations Global Compact and CSR**

The United Nations contributed to the corporate social responsibility discourse by proposing the UN Global Compact. Corporations are required to incorporate the Global Compact principles into strategies, policies and procedures, and establish a culture of integrity to not only uphold their basic responsibilities to people and planet, but also set the stage for long-term success. The following ten principles of the Global Compact, if adopted by corporations, will greatly help to achieve the CSR objectives.<sup>16</sup>

#### **Human Rights**

**Principle 1:** Businesses should support and respect the protection of internationally proclaimed human rights; and

**Principle 2:** make sure that they are not complicit in human rights abuses.

#### **Labour**

**Principle 3:** Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

**Principle 4:** the elimination of all forms of forced and compulsory labour;

**Principle 5:** the effective abolition of child labour; and

**Principle 6:** the elimination of discrimination in respect of employment and occupation.

#### **Environment**

**Principle 7:** Businesses should support a precautionary approach to environmental challenges;

**Principle 8:** undertake initiatives to promote greater environmental responsibility; and

**Principle 9:** encourage the development and diffusion of environmentally friendly technologies.

#### **Anti-Corruption**

**Principle 10:** Businesses should work against corruption in all its forms, including extortion and bribery.

#### **CSR in India**

CSR is not a new concept in India. Corporate like the Tata Group, the Aditya Birla Group, and Indian Oil Corporation, to name a few, have been involved in serving the community ever since their inception. In the pre industrialised India, merchants engaged in charity and philanthropy by giving away money for construction of temples, schools, higher education institutions and other infrastructure of public use besides donations for religious purposes or food during famine. The industrial families of the 19th century such as Tata, Godrej, Bajaj, Modi, Birla, Singhanian were strongly inclined towards economic as well as social considerations. However, their community services were not only driven by selfless and religious motives but also influenced by caste, region, class and political objectives.

Gandhi Ji introduced the notion of "trusteeship", according to which the industry leaders had to manage their wealth so as to benefit the common man. *"I desire to end capitalism almost, if not quite, as much as the most advanced socialist. But our methods differ. My theory of trusteeship is no*

*make-shift, certainly no camouflage. I am confident that it will survive all other theories"* (M.K. Gandhi, 1939).<sup>17</sup>

Post-independence the public sector units were ruling the Indian market, however, in absence of fair competition, there was lack of transparency, social accountability and stakeholder dialogues in this era. But with the globalisation and liberalisation in 1990 more and more Indian companies started to participate in global business and were required to meet international standards of labour, environment and health besides of social responsibility.

#### **Legal and Policy Framework for CSR in India**

##### **Voluntary guidelines for central public sector enterprises**

Guidelines regarding expenditure on CSR activities for Central Public Sector Enterprises (CPSE) were issued by Department of Public Enterprises in 2010. According to these "Guidelines on Corporate Social Responsibility and Sustainability for Central Public Sector Enterprises" revised by the Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises every year, each CPSE shall with the approval of its Board of Directors make a budgetary allocation for CSR and Sustainability activities/projects for the year. The Guidelines focused mainly on CSR activities for external stakeholders, however, revised guidelines were issued in 2013 that also take internal stakeholders, particularly employees, into account.<sup>18</sup> The new CSR Guidelines also include a dedicated section on sustainability reporting and disclosure.<sup>19</sup>

##### **National Voluntary Guidelines**

In line with the UN Global Compact, the Ministry of Corporate Affairs (MCA) first issued guidelines to lay down the basic requirements for businesses to function responsibly, thereby ensuring a wholesome and inclusive process of economic growth in 2009. Refined National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business were rolled-out by the MCA in 2011, after an extensive consultative process with the objective of providing a distinctive India centric approach for Indian businesses to understand the nuances of responsible business, applicable to large and small businesses alike.<sup>20</sup> It recommends the triple bottom line approach and consist of following nine principles for voluntary compliance by the businesses.<sup>21</sup> These guidelines were designed with the aim of assisting enterprises to become responsible entities much before the CSR provisions under the new Companies Act of 2013.<sup>22</sup>

##### **Principle 1**

Businesses should conduct and govern themselves with ethics, transparency and accountability

##### **Principle 2**

Businesses should provide goods and services that are safe and contribute to sustainability throughout their life cycle.

##### **Principle 3**

Businesses should promote the well-being of all employees

**Principle 4**

Businesses should respect the interests of, and be responsive to, all stakeholders, especially those who are disadvantaged, vulnerable and marginalised.

**Principle 5**

Businesses should respect and promote human rights.

**Principle 6**

Businesses should respect, protect, and make efforts to restore the environment.

**Principle 7**

Businesses, when engaged in influencing public and regulatory policy, should do so in a responsible manner.

**Principle 8**

Businesses should support inclusive growth and equitable development.

**Principle 9**

Businesses should engage with and provide value to their customers and consumers in a responsible manner.

**Companies Act, 2013**

The Companies Act, 2013 has introduced the idea of CSR to the forefront and through its reporting and monitoring mandates, is promoting greater transparency and disclosure. The list of activities allowed under the Act suggests that communities are the point of focus for CSR activities in the country.<sup>23</sup> In India, the concept of CSR is governed by Section 135 of the Companies Act, 2013.<sup>24</sup>

**Section 135<sup>25</sup>**

Following are the salient features of Section 135 of the Act prescribing CSR for the Indian companies:

**Applicability**

Provisions within the Act is applicable to companies with an annual turnover of Rs. 1,000 crore and more, or a net worth of Rs. 500 crore and more, or a net profit of Rupees five crore and more. (Net worth is explained under Section 2(57) and turnover is explained under Section 2(91) of the Act).

**Setting up of CSR Committee**

Require companies to set-up a CSR committee consisting of their board members, including at least one independent director.

**Disclosure in Board Report**

As per Section 135(2) read with Rule 8, the Board's Report prepared under Section 134 shall contain the disclosures of the Composition of CSR Committee as per prescribed Annexure under Companies (CSR Policy) Rules, 2014.

**Role of CSR Committee**

Following are the key roles of the CSR Committee as envisaged under section 135 of the Act

1. Formulate a CSR Policy indicating the activities as per Schedule VII to the Act;
2. Recommend the policy to Board of the Company;
  - a. Recommend the amount of expenditure on the activities; and
  - b. Monitor CSR Policy by way of instituting a transparent monitoring mechanism for implementation of CSR activities

**Role of Directors**

The Section provides for the following roles for the directors with respect to the CSR policy of the Company.

1. Approve the CSR Policy;
2. Disclose the contents of policy on the company's website, if any;
3. Ensure that activities as included in CSR Policy have been undertaken.

**Annual Mandatory CSR Expenditure**

The Act encourages companies to spend at least 2% of their average net profit in the previous three years on CSR activities.

**Preference to Local Area**

The first proviso to Clause 5 of the Section mandates that the companies shall preference to the local area and areas around it where it operates, for spending the amount earmarked for Corporate Social Responsibility activities.

**Failure to Spend Statutory Amount**

The second proviso mandates that in case of failure to spend the Board shall disclose the reasons for not spending the amount in its report made under Section 134 (3)(o) of the Act.

**Schedule VII<sup>26</sup>**

The list of permissible activities under the Act for CSR purposes has been given under this Schedule VII and includes:

1. "Eradicating hunger, poverty and malnutrition, promoting preventive health care and sanitation and making available safe drinking water;
2. Promoting education, including special education and employment enhancing vocation skills especially among children, women, elderly, and the differently able and livelihood enhancement projects;
3. Promoting gender equality, empowering women, setting up homes and hostels for women and orphans; setting up old age homes, day care centres and such other facilities for senior citizens and measures for reducing inequalities faced by socially and economically backward groups;
4. Ensuring environmental sustainability, ecological balance, protection of flora and fauna, animal welfare, agroforestry, conservation of natural resources and maintaining quality of soil, air and water;
5. Protection of national heritage, art and culture including restoration of buildings and sites of historical importance and works of art; setting up public libraries; promotion and development of traditional art and handicrafts;
6. Measures for the benefit of armed forces veterans, war widows and their dependents;
7. Training to promote rural sports, nationally recognised sports, Paralympics sports and Olympic sports;
8. Contribution to the Prime Minister's National Relief Fund or any other fund set up by the Central Government for socio-economic development and relief and welfare of the Scheduled Castes, the Scheduled Tribes, other backward classes, minorities and women;

9. Contributions or funds provided to technology incubators located within academic institutions which are approved by the Central Government;
10. Rural development projects.”

#### **Companies (Corporate Social Responsibility Policy) Rules, 2014**<sup>27</sup>

The rules notified on 27 February 2014 that came into force on 1<sup>st</sup> April 2014 provided for the following:

##### **Defines Net Profit**

As per Rule 2(f) 'Net Profit' means the net profit of a company as per its financial statement prepared in accordance with the applicable provisions of the Act<sup>28</sup>

##### **Explains the Term 'Any Financial Year'**

Rule 3(2) read with Circular dated 18<sup>th</sup> June, 2014 clarifies that 'Any financial year' referred under Sub-Section (1) of Section 135 of the Act read with Rule 3(2), implies 'any of the three preceding financial years'.

##### **Applicability on Foreign Companies**

As per Rule 3(1) every company including foreign company is liable to comply with CSR provisions

##### **CSR Policy**

Rule 6 provides for the details of the CSR Policy of the company which shall include:

1. A list of CSR projects or programs in accordance with Schedule VII of the Act, specifying modalities of execution and implementation schedules for the same; and
2. Monitoring process of such projects or Programs
3. CSR activities shall not include the activities undertaken in pursuance of normal course of business of a company.
4. Board of Directors shall ensure that CSR activities are related to the activities in Schedule VII of the Act.
5. Surplus arising out of the CSR activities shall not form part of the business profit of a company

##### **CSR Expenditure**

Rule 7 explains that the CSR expenditure shall include all expenditure but does not include any expenditure on an item not in conformity or not in line with activities in Schedule VII of the Act.

##### **CSR Reporting**

Rule 8 provides for the format for the mandatory reporting by the board on the CSR activities.

##### **Disclosure of CSR Activities on Website**

Rule 9 requires companies to disclose the contents of CSR policy in the Board's report and the same to be displayed on the company's website.

##### **Other Provisions under the Rules**

1. Those expenditure done by company for execution of a statute/act of regulation (Such as land acquisition, labour laws etc) would not reckon as CSR expenditure.
2. CSR staff and volunteers of the companies (hours used particularly on CSR\in proportion to company's time) salary will be counted as part of CSR expenditure.
3. Donation to society/corpus of a trust /section 8 companies etc will be eligible as CSR

contribution as long as:

- a. Society /trust / sec 8 companies are formed absolutely for commissioning CSR activities.
- b. Where the corpus is created absolutely for a reason directly related to a matter enclosed in schedule VII of the Act. The competent authority should approve the issue.

##### **Problems in Implementing CSR in India**<sup>29</sup>

Some of the key problems in implementing the CSR provisions of the companies Act and the Rules made there under as under:

1. The Primary problem is that there is no legal identifiable and acceptable definition of CSR
2. Even though its role for business world or cooperate world at large cannot be denied, there is an ambiguity in dimensions, content and the nature of concept, which remains vague.
3. The definition of CSR is based upon two principal (a) Philanthropic principal (b) Trustee principal. If company discharging social service than it is philanthropic activity. In this company participate in social activities in way of motion of selected social problem of community with no monetary benefit.
4. Directors are the trustees in a company for shareholder, consumer creditor and the wider community. There is immediate hierarchy among these group of people. Corporate philanthropy is related with company's role in society, whereas, trustees are extra anxious for people they directly distress i.e. the shareholders.
5. There is no clarity on the interpretation of the term 'Net Profit'. A recent report of High Level Committee has also highlighted this ambiguity and stated that "it is necessary to issue clarification regarding the definition of Net Profit under section 135(1) and section 135(5)."<sup>30</sup>
6. What happens to the CSR development projects when concerned companies incur losses?
7. The CSR resources on a particular project or area may be dried up e.g. in case of losses or recessions when such resources will be most needed.

##### **Indian Companies Doing CSR**

##### **CSR by Companies**

Mandated to devote a share of profits for CSR activities to meet the statutory obligations under the Companies Act 2013, India's top 50 companies spent over Rs 4,600 cr in 2014-15 on social initiatives. Healthcare, education, environment and Swachh Bharat initiative dominated the sectors where money was spent by these companies.<sup>31</sup> The most common thematic areas covered by the companies include health, education, livelihood, environment and rural development. Of these, education is the most common and 100% of the companies included in the research were found to have undertaken some initiatives on education; this was followed by livelihood and environment, and then healthcare and rural development.<sup>32, 32</sup>

##### **Top 10 Companies in Terms of CSR Expenditure in 2014**

1. Mahindra & Mahindra Ltd.
2. Tata Power Company Ltd.

3. Tata Steel Ltd.
4. Larsen & Toubro Ltd.
5. Tata Chemicals Ltd.
6. Tata Motors Ltd.
7. GAIL (India) Ltd.
8. Bharat Petroleum Corporation Ltd.
9. Infosys Ltd.
10. Jubilant Life Sciences Ltd.

According to a survey conducted by IIM Udaipur only about 18% of all companies surveyed met the mandatory 2% spending norm. Not a single services company featured in the Top 10.<sup>34</sup>

#### **CSR Policy Compliance by Companies**

1. Another study by a leading professional services company and auditors reveal that as of 30 September 2015:
2. 93% per cent companies have given some details regarding CSR in their Directors' report.
3. Of the N 100 companies, 5 per cent companies do not have a CSR policy in the public domain.
4. Only 53 per cent companies have given details regarding their CSR committee in the Directors' report.
5. While 90 per cent companies have a stand-alone section on CSR, 49 per cent companies have given details regarding their CSR vision/mission/philosophy
6. A majority (97 per cent) companies that has an annual report on CSR in the prescribed format has given a responsibility statement
7. More than 95 percent companies mad their CSR policy available on company website
8. Almost 88 percent companies prepared an annual report on CSR as per the prescribed format.

#### **CSR and Companies Dealing in Demerit Goods**

Though CSR policy under the Companies Act is a welcome step to improve the social spending by the corporations in India. It is equally alarming to note that corporations which are dealing with demerit goods can take advantage of this provision under the Companies Act to violate other restrictive laws applicable against their businesses.

#### **CSR Contribution by Tobacco and Alcohol companies**

Except ITC (the leading tobacco company of India with market share of almost 80% of the legally sold cigarettes in India) at 37<sup>th</sup> spot on CSR spending in the year 2014 no other tobacco or alcohol company figure in the top 100 CSR and Sustainable Companies.<sup>35</sup> This reveals that such companies do not spend much on CSR activities and do not follow sustainable practices.

#### **What CSR activities are done by alcohol and tobacco industries?**

Most of the CSR activities by the alcohol and tobacco companies are focused on their existing and new customers. Tobacco being the killer of half of its customers if they use the product as intended by the manufacturer always in need of replacement customers. They target the young and vulnerable. Hence their CSR activities are focused on highest visibility for consumers. Some of the CSR activities of the largest spender i.e. ITC includes<sup>36</sup>:

Primary Education Initiative

1. ITC e-Choupal
2. Micro-enterprises for women
3. Animal husbandry services
4. Afforestation programme
5. ITC's bio-diversity programme
6. ITC's Vocational Training programme

The CSR projects promoted under the Social Investments Programme of ITC is spread over 14 states covering 71 districts. The interventions reach out to over 6,70,000 households in more than 10,600 villages.<sup>37</sup> The total expenditure on CSR by ITC in 2015 was 214 crores.<sup>38</sup>

Leading alcohol company United Spirits Limited (USL) a subsidiary of Diageo, aim to enrich lives, communities and the environment through good business encompassing 3 key areas:

1. Addressing alcohol misuse by focusing on drink driving; underage drinking and industry collaboration
2. Empowering women, focusing on education and skills
3. Sustainable development, benefiting the communities around our plants, focusing on sanitation, health (Water) and education (employable skills).

Though these companies sell products that are responsible for killing millions of Indians every year they are allowed under the Act to spend on CSR and able to portray themselves as good corporates. Even receiving awards for excellent CSR initiatives, which help them build good social and in particular political image.

#### **Is conflict of Interest between Alcohol and Tobacco industries and Public Health Objective?**

There is an apparent conflict between what these companies do and the objectives of the CSR policy under the Act. These companies are responsible for the deleterious health of the public/consumers using their product. Tobacco use renders more than 15 million Indians impoverished every year sending them below the poverty line. The health cost related to diseases caused due to tobacco use was about 1,04,500 crores in 2011. In spite of this colossal burden on the Indian consumers, as we see above, the ITC can still spend in CSR activities on health promotion and pretend to be a company that cares about peoples' health.

#### **Are These Companies Making Profit Over Human Right?**

Both tobacco and alcohol use violate human rights. It is unfortunate that such products are considered legal and still sold to consumers without appropriate warnings, especially to unsuspecting young buyers. These are addictive products which catch hold of their previous early and turn them into addicts. Yet we can see that ITC earned a net profit of 9607.73 cr<sup>39</sup> in 2015 while USL earned a net profit of 982 cr.<sup>40</sup> These are criminal profits from the death and disease caused by the deadly and lethal products sold by these companies.

#### **Conclusion**

CSR activities in India have been there since time immemorial, however with the enactment and

implementation of Section 135 of the Companies Act, 2013 and the Rules made thereunder the social responsibility of corporations in India have been streamlined. Section 135 gives legal backing to CSR activities and is a welcome step towards comprehensive social development and growth. The statutory mandate will play an important role in achieving the sustainable development goals of 2030 which require government, non-government and private sectors support both in terms of cash and kind. As of now the donations by corporations were driven by their own business interests and were done arbitrarily. The CSR activities depended on the nature of their business and limited to the companies priorities and interests including the geographical area. This largely depended on cost minimisation and "visibility" among the consumers. But with the provision of Section 135 and mandatory compliance with activities under Schedule VII this is bound to change. Corporations will have to choose from the focus area identified by the legislators as under schedule VII and will have to diversify their operations and focus on the population which had been left behind in the development process.

However, mandating CSR by corporations has its own demerits and social concerns. Any CSR activity by a company selling and promoting a hazardous substance is unwarranted. If an alcohol or tobacco company is allowed to undertake CSR activities and publicise such activity it will build a social image of such company which is otherwise propagating a social evil. Moreover, promotion of such products is already prohibited under various statutory provisions and legislation. Allowing CSR by such companies is also in contravention to such other laws and must be taken into account.

#### Recommendations

1. There is a need for developing a national CSR policy with clear objects and activities
2. CSR expenditures should be allowed for deductions under the Income Tax Act
3. Companies who voluntarily undertake CSR activities and lead from the front must be recognized and given some exemptions or acknowledgements.
4. All CSR activities by national and foreign companies should be strictly monitored to avoid promotion of any ulterior or anti-national or anti-social motives.
5. Finally companies dealing with demerit goods like alcohol and tobacco should not be allowed to do any CSR activities in violation of the existing regulations under other legislation prohibiting promotion of their deleterious products.

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24. Which was passed by both Houses of the Parliament, and had received the assent of the President of India on 29 August 2013.
25. (1) Every company having net worth of rupees five hundred crore or more, or turnover of rupees one thousand crore or more or a net profit of rupees five crore or more during any financial year shall constitute a Corporate Social Responsibility Committee of the Board consisting of three or more directors, out of which at least one director shall be an independent director.  
(2) The Board's report under sub-section (3) of

- section 134 shall disclose the composition of the Corporate Social Responsibility Committee.
- (3) The Corporate Social Responsibility Committee shall,—
- formulate and recommend to the Board, a Corporate Social Responsibility Policy which shall indicate the activities to be undertaken by the company as specified in Schedule VII;
  - recommend the amount of expenditure to be incurred on the activities referred to in clause (a); and
  - monitor the Corporate Social Responsibility Policy of the company from time to time.
- (4) The Board of every company referred to in sub-section (1) shall,—
- after taking into account the recommendations made by the Corporate Social Responsibility Committee, approve the Corporate Social Responsibility Policy for the company and disclose contents of such Policy in its report and also place it on the company's website, if any, in such manner as may be prescribed; and
  - ensure that the activities as are included in Corporate Social Responsibility Policy of the company are undertaken by the company.
- (5) The Board of every company referred to in sub-section (1), shall ensure that the company spends, in every financial year, at least two per cent. of the average net profits of the company made during the three immediately preceding financial years, in pursuance of its Corporate Social Responsibility Policy:
- Provided that the company shall give preference to the local area and areas around it where it operates, for spending the amount earmarked for Corporate Social Responsibility activities:
  - Provided further that if the company fails to spend such amount, the Board shall, in its report made under clause (o) of sub-section (3) of section 134, specify the reasons for not spending the amount.
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