LEGAL ACCOUNTABILITY OF CORPORATES IN IMPLEMENTING CSR

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Abstract
This study explores the legal accountability of corporations in implementing Corporate Social Responsibility (CSR), emphasizing how legal frameworks shape corporate behavior and social impact. With CSR evolving from a voluntary ethical practice to a partially mandated obligation, the paper critically examines national and international legal instruments that govern corporate accountability. Focusing on the interplay between legislation, corporate governance, and ethical responsibility, the research analyses how regulatory mechanisms ensure compliance, transparency, and stakeholder engagement. Using a comparative approach, it evaluates CSR implementation under statutory mandates such as India's Companies Act 2013 (Section 135) and voluntary yet enforceable frameworks like the U.S. Securities and Exchange Commission (SEC) disclosure norms. Findings reveal that while legal enforcement strengthens corporate commitment to sustainable practices, challenges remain in monitoring, reporting accuracy, and balancing profit motives with social welfare. The study concludes that effective CSR accountability requires a hybrid governance model integrating legal obligations with ethical self-regulation, stakeholder participation, and global sustainability standards to achieve genuine social and environmental impact.

Keywords: Corporate Social Responsibility, Legal Accountability, Corporate Governance, Business Ethics, Sustainability, Companies Act 2013, CSR Compliance, Regulatory Framework, Corporate Law, Stakeholder Engagement

Introduction
1.1 Research Background
Corporate Social Responsibility (CSR) has evolved from a voluntary philanthropic activity into a structured, legally governed obligation in many jurisdictions. Over the past two decades, global economic integration, rapid industrial growth, and rising societal expectations have pushed corporations to assume responsibility not only toward shareholders but also toward broader stakeholder groups including employees, consumers, communities, and the natural environment (Carroll, 1999). In emerging economies such as India, the significance of CSR has increased due to widening socio-economic disparities, environmental degradation, and public demand for corporate accountability (Gond et al., 2021). This shift in public expectations has resulted in governments adopting regulatory mechanisms requiring corporations to integrate CSR practices into their core business functions.

In India, the Companies Act, 2013 marked a historic transformation by introducing mandatory CSR provisions under Section 135, making India the first country to legally require companies to spend a fixed percentage of profits on social responsibility initiatives (Baskin, 2006). The law mandates eligible companies to spend 2% of their average net profits on CSR activities, maintain a CSR committee, and report implementation outcomes. This legal framework has established a formal structure for corporate accountability, governance transparency, and stakeholder engagement.

However, despite regulatory reforms, the extent of compliance, quality of reporting, and the actual impact of CSR remain subjects of debate. Several studies indicate that corporations often treat CSR as a tick-box exercise rather than a strategic tool for sustainable development (Arora & Puranik, 2004). Issues such as inadequate monitoring, superficial disclosures, and lack of punitive mechanisms for non-compliance hinder the effectiveness of CSR implementation. The legal framework itself also faces challenges related to clarity, enforcement, and measurement of CSR outcomes (Gupta & Sharma, 2020). Hence, examining corporate accountability within CSR implementation becomes essential to understanding whether legal mandates translate into meaningful social impact.

1.2 Rationale

Although CSR laws provide a structured framework, compliance varies widely across sectors and firms. Many corporations disclose CSR spending but fail to demonstrate measurable, long-term impact. Legal accountability becomes crucial as it ensures companies adhere not only to the financial spending requirement but also to ethical norms, governance standards, and reporting obligations. The rationale for this research lies in critically analysing whether existing legal mechanisms adequately ensure responsible CSR execution. With increasing scrutiny from regulators, investors, and civil society, assessing corporate accountability is relevant for policy improvement and enhancing corporate governance culture.

1.3 Research Aim and Objectives

Aim:

To analyse the legal accountability of corporations in implementing CSR and evaluate the effectiveness of regulatory frameworks in ensuring compliance and impactful CSR outcomes.

Objectives:

1. To examine the evolution and legal framework governing CSR.
2. To assess corporate compliance behaviour and reporting patterns.
3. To identify gaps and challenges in legal enforcement of CSR.
4. To evaluate the role of stakeholders in strengthening CSR accountability.
5. To propose recommendations for enhancing legal and operational effectiveness of CSR.

1.4 Research Gap

Existing literature primarily focuses on CSR practices, motivations, and outcomes; however, comparatively fewer studies examine the legal accountability mechanisms that shape corporate behaviour. Moreover, while several studies analyse CSR disclosures, fewer evaluate the effectiveness of CSR law enforcement, such as penalties, monitoring bodies, and governance structures (Narwal & Singh, 2013). Limited research also addresses how corporations interpret and operationalize legal mandates, the loopholes they exploit, and the gaps within the regulatory environment. This research seeks to address these gaps by emphasizing the intersection of law, corporate governance, and CSR implementation.

Literature Review

2.1 Theme 1: Evolution of CSR and Corporate Accountability

CSR emerged historically as a voluntary commitment rooted in business philanthropy and ethical frameworks (Carroll, 1979). The 21st century witnessed a transformation towards strategic CSR, where companies integrate social and environmental concerns into business operations to enhance long-term sustainability (Porter & Kramer, 2006). Global frameworks such as the UN Global Compact, OECD Guidelines, and ISO 26000 encourage responsible business behaviour, but these remain voluntary.

The shift to mandatory CSR in countries like India reflects a move toward more formalized accountability structures. Scholars argue that legal mandates improve transparency, reporting, and compliance (Gatti et al., 2019). However, critics claim that mandatory CSR may reduce innovation, encourage symbolic compliance, or turn CSR into an obligatory tax-like expenditure (Baskin, 2006).

Corporate accountability requires robust governance mechanisms including board oversight, stakeholder participation, and transparent disclosures (Jamali & Mirshak, 2007). Studies reveal that firms with strong governance structures demonstrate better CSR performance and reporting quality (Khan et al., 2013). Despite this, enforcement gaps weaken accountability, leading to inconsistent CSR practices across industries.

2.2 Theme 2: CSR Regulation, Compliance, and Enforcement Challenges

Under Section 135 of the Companies Act, firms must:

- Constitute a CSR committee.
- Formulate a CSR policy.
- Spend at least 2% of average profits.
- Provide detailed CSR reports in the annual board report.
- Transfer unspent CSR funds to designated government accounts.

Studies reveal that many companies comply with reporting requirements but fail to ensure sustainable social impact (Sharma, 2020). Some corporations allocate CSR funds close to financial year-end, indicating a compliance-driven rather than impact-driven approach (Gond et al., 2021).

Key enforcement challenges include:

- Absence of stringent penalties for poor-quality CSR execution.
- Overreliance on self-reporting.
- Limited capacity of regulatory bodies to audit CSR outcomes.
- Lack of standardized metrics for evaluating social impact (Gupta & Sharma, 2020).

Moreover, corporations often prioritize activities such as education and sanitation due to ease of implementation rather than community-specific needs (Arora & Puranik, 2004). The mismatch between legal mandates and on-ground implementation highlights gaps in accountability mechanisms.

2.3 Theoretical Framework

This study is grounded in three theoretical perspectives:

1. **Stakeholder Theory**
   Suggests that corporations have responsibilities toward multiple stakeholders, not only shareholders (Freeman, 1984). CSR laws help institutionalize these responsibilities.
2. **Legitimacy Theory**
   Corporations engage in CSR to maintain social legitimacy and align with societal expectations. Legal accountability strengthens this legitimacy by enforcing transparency.
3. **Institutional Theory**
   Argues that corporate behaviour is shaped by formal rules, norms, and regulations. Mandatory CSR is an institutional mechanism compelling companies to adopt socially responsible conduct (Scott, 2008).

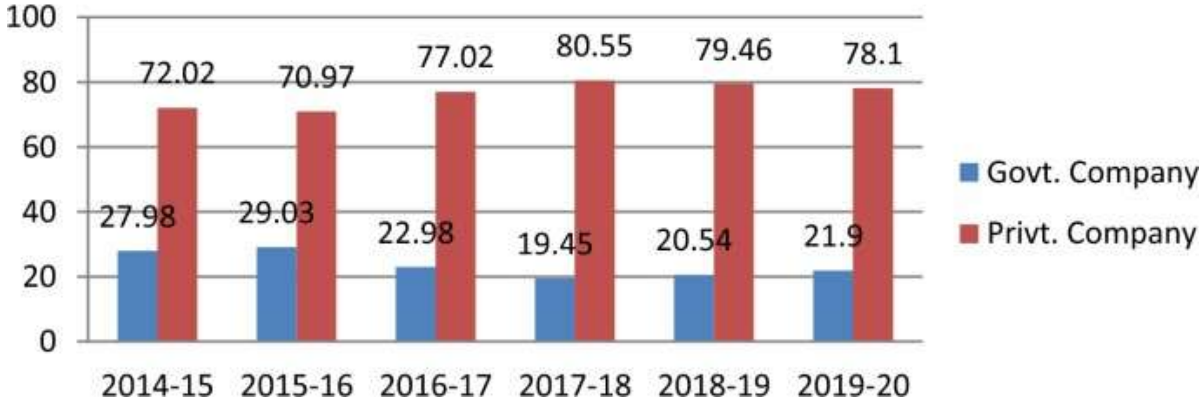
These theories collectively explain how legal frameworks influence corporate CSR activities and drive compliance behaviour.

Methodology

This study adopts a secondary-based research design and follows a descriptive analytical approach.

3.1 Research Design

The research relies exclusively on secondary sources, including academic journal articles, government reports, corporate CSR disclosures, and legal documents. Secondary research is appropriate due to the availability of extensive scholarly work and legal literature on CSR and corporate accountability.



3.2 Descriptive Approach

The descriptive approach enables systematic examination of existing CSR legislation, corporate compliance patterns, and accountability mechanisms. This method helps identify trends, gaps, and thematic insights without manipulating variables, making it suitable for legal-policy analysis.

3.3 Data Sources

Data is obtained from:

- Peer-reviewed journals;
- CSR annual reports of companies;
- Government publications (MCA CSR guidelines);
- Books and theoretical literature on CSR and corporate governance.

3.4 Data Analysis

Data is analysed through thematic categorization focusing on:

1. Regulatory framework;
2. Corporate compliance behaviour;
3. Challenges in enforcement;
4. Observed gaps and implications.

Findings and Discussion

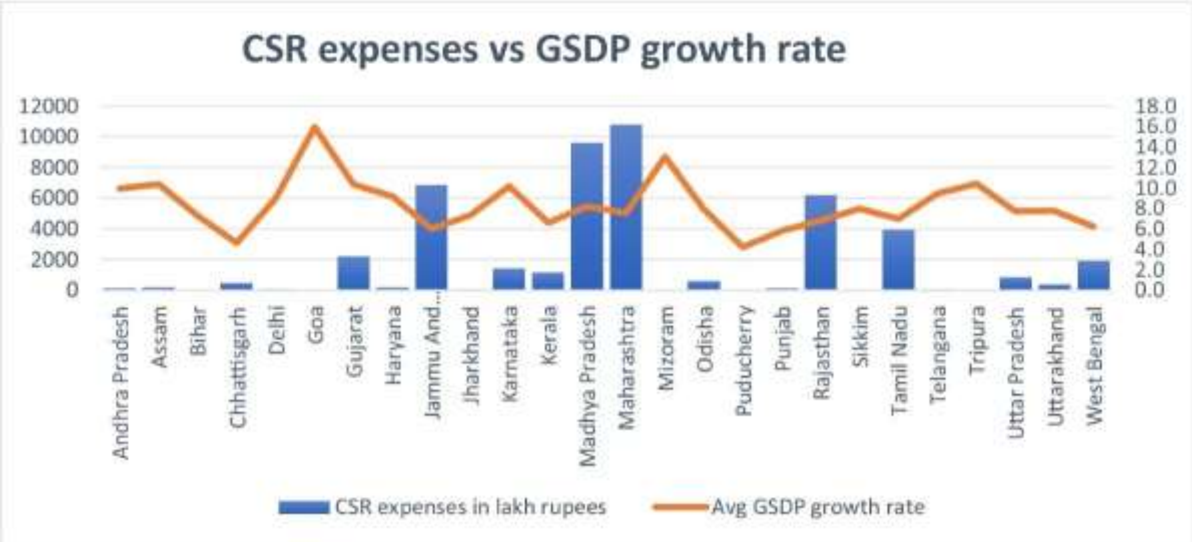
4.1 Findings

1. **High compliance in reporting but not in impact**
   Most companies comply with mandatory spending and reporting, but few demonstrate long-term impact assessment.
2. **CSR treated as an obligation rather than strategy**
   CSR implementation patterns suggest that companies often select activities for ease of compliance rather than community needs or long-term developmental outcomes.
3. **Weak enforcement mechanisms**
   Regulatory oversight focuses largely on financial compliance, while lack of monitoring and evaluation frameworks reduces corporate accountability.
4. **Governance structures vary widely**
   Companies with strong governance frameworks demonstrate better CSR integration, whereas weaker governance correlates with minimalistic compliance.
5. **Stakeholder engagement remains limited**
   Community involvement in planning CSR interventions is significantly low despite being essential for impact.

4.2 Discussion

The findings reveal that mandatory CSR has succeeded in institutionalizing social responsibility but has not fully resolved issues of accountability and effectiveness. While the law ensures financial contributions, it does not sufficiently address quality of implementation.

Scholars argue that absence of standardized metrics leads to inconsistent assessments of CSR impact (Gatti et al., 2019). Corporations often prioritize visibility—such as branding campaigns or easily measurable projects—over deeper socio-economic development.
Legal accountability is also affected by limited enforcement capacity. Although amendments introduced penalties for non-spending, enforcement remains loosely applied. Many companies rely on third-party implementing agencies, raising concerns about transparency and fund utilization (Sharma, 2020).



The stakeholder theory suggests that strengthening accountability requires deeper engagement with communities, regulators, and civil society. The legitimacy theory supports the idea that corporations adopt CSR to maintain social approval, but legal mandates alone cannot ensure authenticity—ethical leadership and strong governance structures are crucial.
Thus, while mandatory CSR is a progressive step, achieving meaningful change requires strengthening legal frameworks, enhancing oversight mechanisms, and promoting corporate governance reforms.

Conclusion and Recommendations

Conclusion

The study concludes that legal accountability plays a crucial role in shaping CSR implementation. Mandatory CSR provisions under the Companies Act, 2013 have improved financial compliance and reporting transparency, creating a structured approach to corporate responsibility. However, several gaps persist, including inconsistent implementation, limited impact assessment, inadequate enforcement mechanisms, and insufficient stakeholder engagement. CSR continues to be treated primarily as a compliance activity rather than a strategic tool for sustainable development. Strengthening institutional frameworks, governance standards, and monitoring mechanisms is essential to ensure that CSR contributes meaningfully to societal progress.

Recommendations

1. **Develop standardized impact assessment frameworks**- The government should introduce sector-specific CSR impact measurement tools to ensure consistency and transparency.
2. **Strengthen regulatory monitoring**- Establish dedicated CSR regulatory cells with auditing powers to evaluate compliance and quality.
3. **Promote community engagement**- Incorporate mandatory consultations with local communities to align CSR activities with actual needs.

4. **Enhance governance through independent CSR committees**- Include external experts in CSR committees to ensure objectivity and professionalism.
5. **Encourage long-term CSR projects**- Provide incentives for companies that undertake multi-year, sustainable CSR interventions.
6. **Improve transparency in third-party implementation** Mandate disclosures regarding selection criteria, monitoring mechanisms, and fund utilisation by partner NGOs.
7. **Capacity building for corporations and implementing agencies**- Provide training programs on CSR laws, ethical practices, and impact assessment methodologies.

References

1. Arora, B., & Puranik, R. (2004). A review of corporate social responsibility in India. *Development*, 47(3), 93–100.
2. Baskin, J. (2006). Corporate responsibility in emerging markets. *Journal of Corporate Citizenship*, 24, 29–47.
3. Carroll, A. B. (1979). A three-dimensional conceptual model of corporate performance. *Academy of Management Review*, 4(4), 497–505.
4. Carroll, A. B. (1999). Corporate social responsibility: Evolution of a definitional construct. *Business & Society*, 38(3), 268–295.
5. Freeman, R. E. (1984). *Strategic Management: A Stakeholder Approach*. Pitman.
6. Gatti, L., Vishwanath, B., Seele, P., & Cottier, B. (2019). Are we moving beyond voluntary CSR? Mandatory CSR in India. *Journal of Business Ethics*, 160(4), 961–975.
7. Gond, J.-P., El Akremi, A., Swaen, V., & Babu, N. (2021). Mandatory CSR and corporate behaviour. *Business & Society*, 60(6), 1307–1343.
8. Gupta, A., & Sharma, R. (2020). CSR in India: Compliance and challenges. *Indian Journal of Corporate Governance*, 13(2), 192–207.
9. Jamali, D., & Mirshak, R. (2007). Corporate social responsibility: Theory and practice in a developing country context. *Journal of Business Ethics*, 72(3), 243–262.
10. Khan, A., Muttakin, M. B., & Siddiqui, J. (2013). Corporate governance and CSR disclosure. *Journal of Business Ethics*, 114(2), 207–223.
11. Narwal, M., & Singh, R. (2013). Corporate social responsibility practices in India: A study of top 500 companies. *Global Business Review*, 14(4), 785–798.
12. Porter, M. E., & Kramer, M. R. (2006). Strategy and society: The link between competitive advantage and CSR. *Harvard Business Review*, 84(12), 78–92.
13. Scott, W. R. (2008). *Institutions and Organizations: Ideas and Interests*. Sage Publications.
14. Sharma, R. (2020). CSR implementation in India: Issues and challenges. *Social Responsibility Journal*, 16(1), 1–19