



SLS
NOIDA

1st National Conference
on 'Emerging issues of Corporate Social Responsibility'

Attendees include
Academics, Business Executives, Advocates, Researchers
and Students engaged in the field of Law and Management

on 26th & 27th Nov, 2011

Auditorium, Symbiosis Law School, Sector- 62, Block-A, Plot No-47/48, Noida-201301

ORGANIZED BY SYMBIOSIS LAW SCHOOL, NOIDA

Knowledge Partner:
Westlaw India

Legal Media Group:
LEGALERA

Online Partner:
myLaw.net

Conference Report

"Emerging Issues of Corporate Social Responsibility"

Symbiosis Law School, Noida
November 26-27, 2011

In Partnership with:

Westlaw India (Knowledge Partner)
LegalEra (Official Legal Media Group)
myLaw.net (Online Partner)

Table of Contents

- 1) **Introduction**
- 2) **The Program**
- 3) **Participation**

DAY-1

Inaugural session

Session 1: Corporate Social Responsibility: Global Idea and National Importance

Session 2: Legal Impact Analysis of CSR in Industry, Trade and Commerce

Session 3: CSR and Environmental Issues

DAY-2

Session 4: Legal And Regulatory Regime Of CSR In India: Structure, Strength And Reforms

Session 5: Corporate Social Responsibility: Measurement and Reporting

Session 6: Ethical, Legal and Social Implications (ELSI) of CSR in Movie, Media, Mass communication Industry

Session 7: Corporate Social Responsibility and Intellectual Property Rights

Valedictory session



Introduction

Events around the world over the last few decades have emphasized the need for corporate entities, their stakeholders, governments and Inter-national Organizations to take the issue of Corporate Social Responsibility (CSR) seriously. Incidents such as the explosion at the Union Carbide Bhopal, India in 1984, the oil spillage at Prince William Sound, Alaska USA in 1989, Corporate scandals; for example the World Com USA 2002, Parmal at Italy 2003, Satyam India 2010 remain fresh and indelible in our minds. Issues such as rampant poverty, climate change and global warming, human rights abuses, terrorism and the globalization of the world economy also affect how corporate entities conduct their operational practices. These operational practices consequently impinge on how corporate entities perceive their responsibilities to societies; and as a consequence societies' expectations from corporate entities have increased. Consequently, Corporates have moved from being a mere profit making model towards a more socially responsible one whereby companies exercise responsibility and accountability for the economic, social and environmental impact of their business decisions and actions.

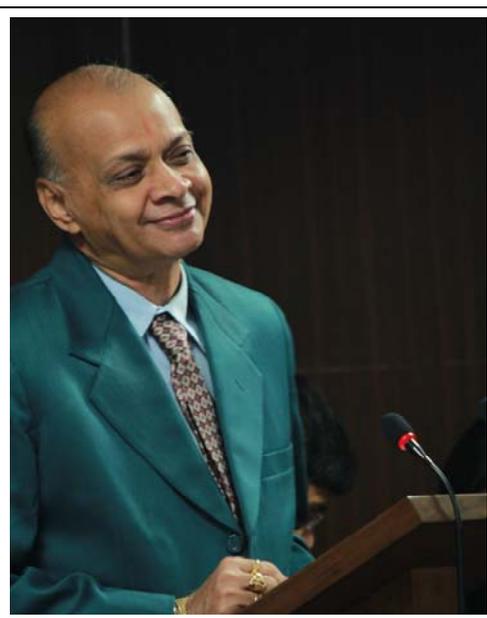
The Program

To create awareness amongst Corporates, NGOs, Civic & Government Bodies regarding the value and importance of social responsibility so as to bridge the gap between the privileged and the disadvantaged sections of the society, Symbiosis Law School, NOIDA recently organized a two day National Conference on "Emerging Issues of Corporate Social Responsibility" between 26 and 27 November, 2011. The Conference aimed at bringing the views of experts, researchers, academia and students to the forefront, with the purpose of creating substantial positive change in the Social Scenario.

Participation

The conference witnessed a participation of nearly 150 delegates including academicians and business executives from various Institutions around the country like Pune, Maharashtra, Karnataka, Hyderabad, Bangalore, West Bengal, Assam, New Delhi, Bihar, Rajasthan, Gujarat, U.P, Haryana and Madhya Pradesh. The Conference created a lot of excitement in the research fraternity which was reflected in the form of 200 abstracts and 150 full-length research papers received from all over India. During the two day conference there were 7 sessions and 62 papers were presented. In spite of being organized at a National level, it owes to its credit a full length research paper from Kansas, United States.

Inaugural Session



On the eve of Law Day, **Hon'ble Justice Dr. Arijit Pasayat**, Chairman, Competition Appellate Tribunal inaugurated the two-day conference in presence of Prof. (Dr.) Bhushan Patwardhan, Vice Chancellor, Symbiosis International University, Dr. C.J Rawandale, Conference Chairman and Prof. Dr. Pushpa Negi, Conference Secretary.

Dr. C.J Rawandale, Conference Chairman, welcomed the dignitaries on dais and greeted one and all on the occasion of National Law Day. He enlightened the august gathering about SLS, Noida's endeavor / initiative towards a socially responsible corporate sector and highlighted recent issues such as the cabinet's approval to The Companies Bill, 2011. He officially declared the conference open. The dignitaries on the dais were then requested to light the lamp and the Chief Guest for the occasion was felicitated by the Vice Chancellor. **Dr. Pushpa Negi**, Conference Secretary briefed the gathering about the conference and called it a platform to learn and exchange information, hence discussing the unexplored issues of CSR by eminent researchers. **Dr. Bhushan Patwardhan**, Vice Chancellor, SIU, congratulated SLS Noida for its very first initiative towards highlighting the pressing issue of CSR.

Further, Hon'ble Justice **Dr. Arijit Pasayat**, Chairman, Competition Appellate Tribunal, welcomed the delegates for the conference and gave a brief overview about the concept of CSR and enlightened the gathering about the three essential requirements of CSR, ranging from the drivers of CSR to the aspect of Government intervention in CSR. He expressed concern with respect to the lack of proper governance in the corporate sector and emphasized on the issue of CSR as a voluntary desire to do something meaningful for the society, free of legal impositions and thus making the world indeed a better place to live.

Prof. Sukhvinder Singh Dari, Assistant Professor, Symbiosis Law School, Noida extended the vote of thanks and expressed his gratitude to one and all for gracing the occasion.

DAY-1 (26TH NOVEMBER, 2011)

Session

1

Corporate Social Responsibility: Global Idea and National Importance



Soon after the Inaugural session, the first technical session on “**Corporate Social Responsibility: Global Idea and National Importance**” began. It was chaired by **Prof. (Dr.)S. Surya Prakash**, Chairperson, NLIU Bhopal. The Keynote Speaker for this session was **Mr. Anil Kumar**, Chief Executive Officer at My Source Innoventures Pvt Ltd. He gave a brief overview about the concept of Corporate Social Responsibility and mentioned the advantages, scope, current global trends and current CSR perspectives. During this session, eight papers were presented.

The first speakers of this session were Ms Nidhi Sinha & Ms Neetika Jindal from Amity University Rajasthan on Corporate Social Responsibility; Global Idea and National Importance. The paper critically analyzed the contemporary discourse of corporate social responsibility.

The second paper was presented by Mr. Luv Saggi & Mr.Tanmay Sadh from University of Petroleum & Energy Studies, Dehradun on Corporate Social Responsibility ; Global Idea And National Importance. The paper related the global idea with the Indian national scenario. It also addressed the importance of CSR in India and how it can contribute to bring about overall Inclusive development.

The third paper was presented by Mr. Ayush Yadav from Institute Of Law, on Significance of Corporate Social Responsibility in National Welfare. The paper pointed out that CSR is about how companies manage the business processes to produce an overall positive impact on society. It was also pointed out that the intention behind Corporate Social responsibility is to increase the participation in social welfare such that a company performs well in the long run.

The fourth paper was presented by Mr. Amankera from National Law University, Jodhpur on Corporate Social Responsibility-Global Idea and National Importance. The author addressed the issue of expanding legal base lines caused by the emergence of CSR. The central theme of the paper was to understand the changing dynamics of CSR as a Global idea and understanding the significance / Implication in national scenario.

The fifth paper was presented by Mr. Siddharth Godha & Mr. Umang Dave from Institute of Law, Nirma University, Ahmedabad on Corporate Social Responsibility : Impact of Globalization in India. The paper encouraged Indian corporate giants to perform Corporate Social Responsibility towards the under-privileged sections of the society, by promoting demand and providing them sufficient means to stand at par in order to compete with their competitors outside India so as to be able to participate in the existing system of globalization.

The sixth paper was presented by Mr. Hitesh Agrawal & Ms. Namrata Mishra from Institute of Law, Nirma University, Ahmedabad on Emerging CSR Strategies in the Era of Globalization within the Indian Context. The paper discussed the CSR strategies, their impact on MNC's globally and the Indian scenario specifically.

The seventh paper was presented by Mr. Ronak Arora from Gujarat National Law University on Developing CSR Globally: India at Centre Stage. The paper highlighted the importance of CSR under taken by Indian firms and foreign firms alike.

The eighth paper was presented by Ms. Shinjini Kharbanda from School Of Law, Christ University on CSR of Transnational Corporations and Corporate Crimes- a Confluence. The paper provided a comparative view of preventing corporate crimes and inability of the adjudicative mechanism in effectively regulating transnational corporations specifically in the case of developed countries.

Prof. (Dr.).S. Surya Prakash, session chair, concluded the session by giving an overall view about the research conducted/presented by the researchers.

Session

2

Legal Impact Analysis of CSR in Industry, Trade and Commerce



The Second technical session on “**Legal Impact Analysis of CSR in Industry, Trade and Commerce**” was chaired by **Prof. S.K Jain**, Head of Department, IIT-DELHI. The key note speaker for the session was **Mr. B. Sai Chandravadhan**, Managing Director, Sand Legal Services Private Limited. He introduced the topic for the session and defined CSR as a business strategy adopted by the corporate sector at large and elucidated on the various laws prevalent in India for enhancing Corporate Governance. In this session, seven papers were presented.

The first paper of the session was presented by Ms. Kiran J. Pandya and Mr. Raunak Sharma, from Institute of Law, Nirma University, Ahmedabad, on the “Legal Perspectives of Corporate Social Responsibility on a Global level”. The paper focused on ensuring that corporations follow guidelines specified in various policies and compacts in order to understand their social responsibility at the National and International level.

The second paper of the session was presented by Ms. Arti Aneja, Faculty of Law, University of Delhi, on “Morality of Multinational Beverage Corporation in India: A Paradox of CSR”. The paper suggested for an extension of Corporate Governance theory and practices to take better account of the problems arising in the Beverage Industry and laid great stress on the Coca Cola case as a landmark in this sector.

The third paper was presented by Mr. Anil Vishnoi from NLU, Orissa on “Disciplinary approach of law and Corporate Social Responsibility: The road towards reality”. The paper aimed to establish a collaboration between corporate, government and society as a whole, thus focusing on the various issues having legal, ethical and social implications in various upcoming sectors.

The fourth paper was presented by Mr. Arunesh Nanda and Mr. Ankit Kumar, from MATS Law School, Raipur, on “ Corporate Social Responsibility: Legal impact analysis of CSR in food, beverages, drugs, consumer goods and natural resources industry”. The paper suggested that the corporate sector has an obligation towards the society that extends beyond its obligation towards shareholders.

The fifth paper presented by Mr. Siddhanth Pandey, from Institute of Law, Nirma University, Ahmedabad on “CSR: Responsibility of the company on the consumer” focused on the responsibility of the Corporate sector and its contribution towards economic development, by serving the consumers in the best of their capacity.

The sixth paper was presented by Mr. Praveen Kumar, from MDU, Rohtak, on “CSR and environmental issues: A special reference to Individual Producer Responsibility”. The paper suggested the effects of Environmental Corporate Social Responsibility, mainly focusing on the principle of Individual Producer Responsibility.

The seventh paper was presented by Mr. Tarun Pillai, from HNLU, Raipur on “Legal impact analysis of CSR in Food, beverage, drugs, consumer goods and natural resources industries”. The paper emphasized on the need to rekindle the realization among the rapidly mushrooming Corporations and described the laws and their effectiveness in quality control and policing the food, beverage and drug industry.

Clip:

http://mylaw.net/Article/B_Sai_Chandravadhan_on_Corporate_Social_Responsibility/

Session

3

CSR AND ENVIRONMENTAL ISSUES



The Third technical session on 26th November was on “**CSR and Environmental Issues**” and the session was chaired by **Prof. Dharmendra Singh Sengar**, IIM-Lucknow, Noida Campus. The Keynote Speaker for this session was **Mr. Anjan Das Gupta**, Partner HSA Associate, Mumbai who enlightened the participants with the importance of Education system for creating the awareness amongst the students. A total of eleven papers were presented in this session.

The first paper of the session was presented by Mr. Akshay Arora from Symbiosis Law School, Pune on Corporate Social Responsibility, Judiciary, Brunt Land Report, Environment, Corporations. The paper realized the role of Judiciary in checking and regulating the corporate entities with respect to environmental pollution.

The second paper was presented by Charcha Sharma & Shikha Patel from Institute Of Law, Nirma University, Ahmedabad on Developing Green Innovation: A Pathway To Social Responsibility. The paper focused on green innovation and stated that it contributes to growth of Company by helping them to establish new ventures for future return and fulfilling the responsibility towards society and leading towards development of the nation.

The third paper was presented by Sridevi V.S from Gujarat National Law University on Corporate Green Washing- Dawn of Era of Corporate Going Green. The paper discussed on how far the corporates have been successful in its endeavour between lure for profits and its rat race to establish its stand in the market.

The fourth paper was presented by Gazal Singh Choudahary, Akansha Gehlot & Surbhi Bhati from Institute Of Law, Nirma University, Allahabad on Environmental Protection: The Most Essential Concern In View Of Corporate Social Responsibility. The paper analyzed environmental risks & how they can be mitigated through CSR.

The fifth paper was presented by Kush Saggi & Anandita Trivedi from University of Petroleum and Energy Studies, Dehradun on Corporate Social Responsibility and Environmental Sustainability. The paper brought forward the impact of corporate actions on environment and how the problem can be solved by adopting CSR practices.

The sixth paper was presented by Amit Kumar from Hidayatullah National Law University, Raipur on Legal Issue of Corporate Social Responsibility in Cases of Natural Disaster. The paper dealt with a critical analysis of the natural accidents and the legal framework thereby formulated by government to make corporations liable by following CSR as a mandate.

The seventh paper was presented by Mr. Anshul Gupta, from Rajiv Gandhi National University of Law, Patiala, on “Legal issues of Corporate Social Responsibility in case of natural disaster: Exhaustive Analysis”. The paper aimed at analyzing the foundation and role of CSR, specifically discussing the role of private sector at the time of Gujarat earthquake.

The eighth paper was presented by Mr. Anupam Pillai and Mr. Sujoy Sur, from NLU, Orissa, on “CSR and Environment Issues”, it focused on the socio-economic principles and suggested that it is a need of the hour to take CSR up as a legally binding code of conduct.

The ninth paper presented by Aishwarya Mohapatra from Gujarat National Law University on “CSR & Disaster Management: A Legal Angle”. The paper focused on how CSR can help in Disaster Management.

The tenth paper presented by Ms Somitra Chaturvedi & Mr. Arpit Kalra, from Institute of Law, Nirma University, Ahmadabad, on “Corporations & Natural Disaster: Need for Legislative guidelines” focused on the role of corporations at the time of natural disasters and emphasized on the need of formulation of guidelines for the same.

The eleventh paper was presented by Divya Muralidharan & Risa Das from National Law University, Orissa on “Corporate Social Responsibility and Environmental Issues Going Green- the way forward?” The paper addressed the debate between development and environment. It highlighted on the need for sustainable development.

The session chair ended the session by highlighting the various issues raised by the researchers and applauded them for their extensive in depth research on the subject.

DAY-2 (27TH NOVEMBER, 2011)

Session

4

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



The first Technical session of 27th November was on “**Legal & regulatory regime of CSR in India: Strength & Reforms**”, chaired by **Prof. V.K. Gupta**, (Retd.) Dean & Professor, Faculty of Law, JMI University, Delhi. The Keynote speech was delivered by **Mr. Rajiv Bakshi**, Vice President-Legal, Godrej Industries. In this session twelve papers were presented.

The first speaker for the session were Raghvendra Singh Sisodia & Dr. Snehal Maheshkar from Mewar University, Chittorgarh, who presented a paper on CSR & Innovative Tools –a Need of Today. The paper aimed at explaining the Corporate Social Responsibilities with respect to Sustainable Development. The paper was conceptual in nature and focused on different CSR innovative tools implemented by the organizations.

The second paper of the session was presented by Aniket Pandey and Apoorv Pandey from UPES, College of Legal Studies, Dehradun on Legal and Regulatory Regime of CSR in India: Structure, Strength and Reforms. This paper was an outline of legal and regulatory framework of Corporate Social Responsibility in India. The paper specifically dealt 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.

The third paper of the session was presented by Mayank Soni from Institute of Law, Nirma University on Legal and Statutory Regime of CSR in India. In Addition to CSR Regulation of Multinational Companies under International Law, this paper examined the legal and statutory regime of CSR in India and also CSR regulation of multinational Companies under international Law. The paper theoretically analyzed some statues, guidelines, codes etc. regulating CSR in India.

The Fourth paper of the session was presented by Jayesh Surisetti on Legal and Regulatory Regime of CSR in India: Structure, Strength and Reforms in CSR. The paper sought 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 was also dealt with in detail with specific case laws.

The fifth paper of the session was presented by Saumya Yadav from National Law University, Delhi on Legal Position of Corporate Social Responsibility in India: Whether It Should Be Made Mandatory? The aim of the paper was to bring out the concept of CSR with respect to its legal position in India.

The sixth paper of the session was presented by Nisarg H. Vyas from Institute of Law, Nirma University on Capitalism And: Strange Bed Fellows?. The paper sought to explain CSR as a 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. Recommendations were also given by the speaker to have a mandatory CSR is arbitrary.

The seventh paper of the session was presented by Gaurav Singh from GNLU, Ghandhinagar on "Legal and Regulatory Regime of CSR in India: Structure, Strength and Reforms CSR. The paper was about how Corporate Social Responsibility (CSR) can be taken up as a concept by companies for benefit of the society in general, independent of the business gains.

The eighth paper of the session was presented by Jaypreet Singh Kohli & Abhinav Bhattacharya from UPES, Dehradun on Legal and Regulatory Regime of CSR in India: Structure, Strength and Reforms. In this paper the legal framework of corporate social responsibility was conceptualized and addressed. The potential conflict between the emphasis on Corporate Social Responsibility and the regulatory approach was also addressed. The current interest in Corporate

Social Responsibility within the broader debate on the relationship between law and non-legally enforceable norms was explained in the paper.

The ninth paper was presented by Dr. P.C. Kogta & Dr. Satish C. from Director, Maharaja College of Management, Professor and Board of Governors Maharaja College Sharma on Legal and Regulatory Regime of CSR in India: Structure, Strength and Reforms (principles of Natural Justice). The paper explained the legal regimes of CSR in India in accordance with the principals of natural justice.

The tenth paper was presented by Prarthana Sampath on Legal and Regulatory Regime of CSR in India. The paper precisely discussed issues relating to the proper implication of rules, regulations and policies governing CSR in private and public companies.

The eleventh paper of the session was presented by Udit Raj Sharma & Saumik P. Batham from UPES, Dehradun on Corporate Social Responsibility- Expanding Horizons. The paper aimed to undermine and explore the concept of Corporate Social Responsibility (CSR) in the past, present and in the most anticipated- future context, along with its expanding global and national scenario. The research paper also discussed Corporate Philanthropy, Governance and Ethics in relation to CSR.

The twelfth paper in this session was presented by Bhartendu Yadav & Amit Yadav from Institute of Law, Nirma University on Corporate Social Responsibility: Indian Perspective. This paper explained how CSR emerged in India and which activities have been undertaken by the corporates for the society and why it has become so important today, that almost every company is making charitable contribution each year and how it is contributing towards growth & development of the Nation as a whole.

Throughout the session the conversation was about the legal and regulatory rules of CSR in India. The session ended with the session chair and the delegates discussing about the exactly what does the concept of Corporate Social Responsibility means? Many different views were given. Among those the accepted one was “CSR is a blend of Individual and Social Responsibility.”

Session

5

Corporate Social Responsibility: Measurement and Reporting



The theme of the second session was “**Corporate Social Responsibility: Measurement & Reporting**” and the session chair was **Mr. P K Agarwal**, Assistant Director General, Unique Identification Authority of India. The Keynote speaker was **Ms. Garima Babbar**, Manager, Development Sector Practice, KPMG India, highlighted what is required to be done in the legal area so that Corporate Social Responsibility is implemented in a better way. In this session nine papers were presented.

The first paper of the session was presented by Ali M. Shervani Partner, Consigliori Consultants on Corporate Social Responsibility-new Forms of Corporate Governance in Today's Economic Turmoil. The paper dealt with the new forms of Corporate Governance in today's economic turmoil. The paper in the end proposed the required approach for the corporates of Indian domicile as well as foreign companies. He had a very concrete suggestion and view that CSR is working to facilitate sustainability in the long run rather than short term plans and also CSR can be a key player to eradicate poverty in India.

The second paper of the session was presented by Samrat Thakkar from National Law University, Orissa on Corporate Social Responsibility and Environmental Protection. The main aim of this research paper was to realize the role of Judiciary in checking out the corporate entities with respect to environmental pollution. This paper examined whether internationally agreed environmental principles and nationally applicable environmental liability regimes justify progressive change within corporate governance law. It beautifully discussed how CSR could have prevented Bhopal Gas Tragedy and also concluded by saying that business cannot succeed in societies that fail.

The third paper of the session was presented by Aditya Singh Rajput & Avinash Das from National Law University, Orissa on CSR: Welfare in Disguise? There are various questions that have been raised regarding CSR 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 this paper these questions were answered.

The fourth paper of the session was presented by Utsav Gandhi & Ravi Thakur from Institute Of Law, Nirma University on Compulsory CSR Legislation: A Responsibility Or A Liability?. The author's conducted a survey of various companies to see whether a compulsory CSR policy by way of legislation would help in achieving the triple bottom line approach. The findings revealed that CSR guidelines which are issued by the Government should be a promotional and not a policing tool, aiming towards sustainability for welfare of the economy, people and environment.

The fifth paper of this session was presented by Prof. Pushp Lamba, Visiting Faculty Symbiosis Law School Noida, IIT-M Visiting Faculty on Creating a Successful Organizational Business Model on the CSR Framework. In this paper the speaker tried to redefine Corporate Social Responsibility as Corporate Social Obligation i.e. CSR as CSO. The speaker also gave a business model, which had CSO and CSR as the base, which is a new concept and is used by very few companies, like Microsoft, right now.

The sixth paper of the session was presented by Mr. Aditya Khandelwal, Institute of Law Nirma University, Ahmedabad on Corporate Social Responsibility and Higher Education. This paper mainly consisted of the role of CSR in higher education of India. The conclusion of the paper was that CSR is helping India in enhancing the higher education by employing different strategies and providing opportunities.

The seventh paper of the session was presented by Vikas Nehra from National Law University, Orissa on Corporate Social Responsibility: A Need of Present and Future. This paper was a piece of thought, concerned with Corporate Social Responsibility (CSR) that forms an integral part of the business policy. The objective of this paper was to provide a global CSR perspective and to correlate CSR with Environmental and Legal issues, an effort to showcase CSR as an inseparable part of the Governance structure.

The eighth paper of the session was presented by Dr. Mithilesh Vishwakarma Associate Professor, CPJ-CHS School of Law on Growing Expectations of People under the Phrase. The different

subjects that were discussed in this work included, Societal living and the State, Environment and Human Rights, Co-existence of Business and social ethics and emerging issues of national importance.

The ninth paper of the session was presented by Aditya Kavia & Sanjivani Singh on Measurement and Reporting of Corporate Social Responsibility in Contemporary Times. This paper made an attempt to examine how the role of welfare state has expanded even to private institutions (e.g. MNC's) through Neo-liberal principles. It discussed how there is a paradox between the definition of a Corporate and CSR, how far is this responsibility being carried out by the institutions and is CSR just simply misused by corporates for their benefit to justify their well-established motives.

Throughout the session the delegates tried to give an answer to the question what ought to be done in the legal area so that Corporate Social Responsibility is implemented in a better way. CSR was also correlated with environmental and legal issues and how CSR fits into the picture does was also visualized. The Role of CSR in a country's economy was also dealt with. The session chair ended the session by saying that before figuring out the answer to the given question what is necessary is to understand and define the concept of CSR.

Clip: http://mylaw.net/Article/A_Conference_on_CSR_in_SLS_Noida/

Session

6

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



The third technical session on “**Corporate Social Responsibility: Ethical, Legal and Social Implications (ELSI) of CSR in Movie, Media, and Mass communication Industry**” was held on 27th November 2011 and the session chair for this session was **Prof. A.P. Singh**, School of Law and Legal Studies, Guru Govind Singh Indraprastha University. The Keynote Speaker for this session was **Capt. Sanjay Moholkar**, (Head-Claims, Bajaj Allianz General Insurance). A total of nine papers were presented and discussed in this session.

The first speaker of the session was Arahant Jain from UPES, Dehradun who spoke on Corporate Social Responsibility: Putting Social-economic Development on a Fast Track. The paper aimed to understand the very importance of CSR in India and the value it holds in dealing with the issues of a very grave importance like poverty, illiteracy, lack of healthcare etc., which in a way he

contended to be the hindrance in nation's development. The key point put forth was that India at this moment needs a strong support from the corporate world in order to sustain the development.

The second paper was presented by Raghav Sabharwal and Divya Verma from Amity Law School, Delhi. Guru Gobind Singh Indrapastha University on the topic Legal and Regulatory Regime of CSR in India: Structure, Strength and Reforms. The paper dealt with the emerging legal issues in CSR. The object of the paper was 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. They proposed a solutions that would lead to the destination of bridging the gap between law and ethics thereby paving the path for sustainable development. He appealed that CSR promoters should be given tax exemptions and CSR should be included in academics for students. CSR practice should be made mandatory for public sector undertakings and continue to be voluntary for private sector organizations.

The third paper was presented by Dhruv Rana and Manasi Singhal from Institute of Law, Nirma University, Ahmedabad on Ethical, Legal and Social Implications of CSR in Movie, Media, Mass Communication and Telecom Industry. The paper discussed the role of Media in contributing well towards CSR as well as Sustainable Development agendas. They pointed out that media has their primary duty to look upon this aspect as they reflected all those matters which brings out a fruitful result and helped in building a healthy society.

The fourth paper was presented by Aashka Shah and Aditya Choksi from Institute of Law, Nirma University, Ahmedabad on Human Rights in the Global Marketplace. The paper discussed that 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. They associated CSR with Constitutional Values and that as Fundamental Rights derive their breath from Directive Principles of State Policies in Constitution similarly CSR should derive its breath from the Constitution. This point was very well recognised and applauded by the session chair Prof. A.P. Singh.

The fifth paper was presented by Nidhi Beniwal and Rashmi Ganesh Garhia from Institute of Law, Nirma University, Ahmedabad on Corporate Social Responsibility and Environmental Ethics in Context of India. The paper was divided into four sections. First section explained the meaning and importance of the CSR in relation to environment, in India. Second section described the role of companies in degrading the environment stating the example of Bhopal gas tragedy. Third section dealt with the extent of implementations of the provisions of Kyoto protocol and three-market based mechanisms. It also discussed about carbon trading at Indian level. Last section dealt with suggestions relating to implementations of CSR for saving the environment.

The sixth speaker of the session was Dr. Roopa Sharma Vivekanand Institute of Professional Studies, New Delhi who spoke on Corporate Social Responsibility towards Environment in India— an Overview. The paper studied government interventions to curb environmental damage identifying how of a majority of such units not being environmentally compliant and their inappropriate attitude towards the problem. It analysed strategies of environmentally responsible

companies in India and the overall benefits of integrating environmental issues, eco-costs, and green marketing within their business strategy upon brand building.

The seventh paper was presented by Arunima Tiwari and Bhumika K. Karia from MATS Law School, Raipur on Emerging Issues of Corporate Social Responsibility. The paper discussed that today customer satisfaction cannot be judged based on factors like price and service but there is a lot beyond that. The paper has brought up the role of CSR in various aspects like Environment, Community, Workplace, Marketplace etc. It discussed about the pros and cons of CSR and money making motive behind CSR of few organizations. They also outstandingly discussed the involvement of child labour in various organisations.

The eighth paper was presented by Salmoli Choudhary on Corporate Social Responsibility – Global Idea and National Significance. The paper aimed to examine the potentiality of this framework in redefining the scope of CSR. It asserted that 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? According to Salmoli, this endeavor was confined to municipal systems until recently. John Ruggie proposed a mechanism for placing the sole obligation with respect to their extra-territorial behavior on the company itself.

The ninth paper was presented by Divyanshu Kumar and Ravindra Kumar on Legal Issue of Corporate Social Responsibility in Cases of Natural Disaster. The paper highlighted 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.

In this session the role of the media in contributing towards CSR and Sustainable Development agendas was discussed. Here, when the word media is used it includes not only print media but also entertainment media. The application of CSR in movies also plays a very important role in the course of shaping or modulating the society. It was agreed upon that all forms of Media combined play a pivotal role in shaping a better society.

Session 7

Corporate Social Responsibility and Intellectual Property Rights



The fourth technical session on “**Corporate Social Responsibility: Ethical Corporate Social Responsibility and Intellectual Property Rights**” was held on 27th November 2011 and the session chair for this session was **Dr. S.C. Raina**, Professor of Law, Faculty of Law, Delhi University. The Keynote Speaker for the session was **Mr. Vikram Bhardwaj**, Head-Legal, Timex Group India Limited. Eight presentations were made during the session.

The First paper was presented by Shalini Barath and Vinita Charan Institute of Law, Nirma University, Ahmedabad on “Corporate Social Responsibility towards Higher Education in Today's Legal Regime”. The paper dealt with corporate social responsibility towards higher education and suggested implementations of different methods in education system are to be taken into consideration.

The Second paper was presented by Mohd. Nasir on CSR and Environment Protection in India: A Contemporary Perspective. The paper analysed the changed role of corporate post

globalisation, emphasised that although globalisation has potential for economic convergence, it has led to environmental hampering and climate change besides economic dichotomies. The paper called upon the corporates to inculcate CSR practises based on a compliance model of not just self and legal regulation but also multi stake-holder regulation and keep up the benign promise of inter-generational equity and sustainable development.

The Third paper was presented by Sourav Roy from NALSAR University of Law, Hyderabad on “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.” The paper suggested 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'. They proposed a model to achieve a workable balance of patent incentives and access to medical treatment is suggested. They pointed out that the time had come to recognize Right to Health as a Fundamental Right. The session chair Mr. S.C. Raina applauded him for brilliantly finding out how CSR can be a bridge between Pharmaceutical Industry and Human Rights.

The Fourth paper was presented by Sagar Suri on “Corporate Social Responsibilities and Intellectual Property Rights: “society” and “strategy”. The paper discussed as to what constitutes CSR, financial performance of an organization and then went on to explain IPR's with the help of various definitions and studies. Finally the paper concluded by highlighting the conflicting issues between IPR's and CSR and tried to throw a light on the road ahead. The session chair Mr. S.C. Raina encouraged him for creating a hypothesis on a tangible link between CSR and IPR.

The Fifth paper was presented by Animesh Khandelwal and Piyush Kumar from National Law University, Jodhpur on “The Doha Style Compulsory Licensing Regime: Corporate Social Responsibility Of Pharmaceutical Companies”. The propose of this paper was to study the TRIPS Council Decision from CSR perspective and analyze the effectiveness of the Decision in furthering the ends of CSR.

The Sixth paper was presented by Justin Jose from National Law University, Orissa on Corporate Social Responsibility. The article examined the concept and practices of Corporate Social Responsibility and further tried to understand and define Corporate Social Responsibility in a more precise manner. The paper laid great stress on the legislations and the legal aspect involving the concept of Corporate Social Responsibility.

The seventh speaker of the session was Abhayjeet Pathania from Rajiv Gandhi National Law University who spoke on CSR and Higher Education. The paper argued that 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. It was pointed out that most schools in the United States offered their students courses which were meant to accentuate their students to the pulse of society and encourage them to contribute to it willingly. The paper suggested such changes to be instituted in India.

The Eighth paper was presented by Natasha Sutaria from Institute of Law, Nirma University, Ahmedabad on “Corporate Social Responsibility And Intellectual Property Rights”. The paper

discussed that if the Corporates, as a social responsibility took initiatives to spread awareness amongst people 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.

In this session CSR was correlated with Intellectual property rights. The conflicting and consisting issues between the IPR and CSR were addressed. It was agreed upon that to a certain extent IPR's are useful in determining the strategy which includes CSR of a particular organisation. The session ended on the discussion of the question that how IPR regime can be perceived as the basis of better prospect towards Corporate Social Responsibility in India.

Valedictory session

HERE IT ENDS.....*“With the ending of the first conference another brick to our under construction building of achievements was added”*



The first National Conference at SLS Noida, added another brick to the under construction building of achievements. Hon'ble **Dr. Gulshan Rai**, Director General, Indian Computer (Department of Information Technology) Ministry of Communications & Information Technology, Government of India Emergency Response Team (ICERT) expressed his views on the topic, he quoted Honorable Justice Kapadia's statement "Judiciary should have constraints while dealing with public interest litigation." The CSR issue becomes more complex with more IT companies coming into picture. He left the stage by posing a question to everyone: How should we look at the whole issue of CSR, whether we should see it with respect to global policy or customer or local citizen where it stays? And once we have figured out this answer, the issue will become clearer and then we will know how to go about it. The award for the Best Paper (Management) was given to Jaspreet Kaur, Prestige Institute of Management, Gwalior. The Best Paper (Law) was awarded to Dr. Mithilesh Vishwakarma, Director, CPJ, IP Law College and Pankaj and Vikas Nehra, National Law College, Orissa.

The contribution of luminaries from diverse fields has added a new dimension to the study of CSR and this endeavor would certainly add a chapter in the history of SLS, NOIDA.

