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EDITORIAL ANALYSIS

The Judicial Push for Environmental CSR — From Charity to Constitutional Duty

 **THE HINDU**

25 March 2026

SUBJECTS COVERED**ENVIRONMENT****ECONOMY****GS PAPERS****GS2****GS3****CURATED & WRITTEN BY****Bharat Choudhary**

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The Judicial Push for Environmental CSR — From Charity to Constitutional Duty

The Hindu

25 March 2026

GS2

GS3

TH The Hindu

MAINS RELEVANCE:

GS Paper 2

GS Paper 3



INTERVIEW ANGLE

"The Supreme Court says environmental CSR is a constitutional duty under Article 51A(g), not charity. Should India mandate a minimum percentage of CSR spending on environment and ecology?"

WHY IN NEWS

The Supreme Court, in the Great Indian Bustard conservation case, ruled that Corporate Social Responsibility (CSR) must inherently include environmental responsibility, invoking Article 51A(g) to reframe green spending as a constitutional duty, not discretionary charity.

The Editorial Argument

The Hindu argues that the Supreme Court's ruling represents a paradigm shift in how India conceptualises the relationship between corporate activity and environmental protection. By linking CSR to Article 51A(g) — the fundamental duty to protect the natural environment — the judiciary has elevated environmental spending from a voluntary corporate choice to a constitutional obligation.

The CSR Spending Imbalance

CSR CATEGORY	SHARE OF TOTAL CSR SPENDING
Education	~38%
Healthcare	~22%
Rural development	~10%
Environmental sustainability	7-9%
Others	~20%

Despite the climate crisis and India’s own vulnerability to environmental degradation, corporations have overwhelmingly favoured human-centric sectors. Environmental initiatives receive less than one-tenth of total CSR spending.

The Supreme Court’s Constitutional Framing

A bench of **Justices PS Narasimha and AS Chandurkar** passed sweeping directions to protect the Great Indian Bustard (GIB), which faces extinction from overhead power lines and solar infrastructure in Rajasthan and Gujarat.

Key directives:

- **Revised Priority Conservation Areas:** 14,013 sq km in Rajasthan + 740 sq km in Gujarat
- **Blanket prohibition** on solar projects above 2 MW capacity in conservation zones
- **Ban on new overhead transmission lines** within designated areas
- Environmental CSR spending declared a **constitutional mandate** under Article 51A(g)

Article 51A(g) — The Fundamental Duty

Article 51A(g) states: *“It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.”*

The Court held that corporations, as legal persons and citizens, cannot claim to be “socially responsible” while ignoring the environment. CSR funds are the “tangible expression” of this constitutional duty.

Great Indian Bustard — Conservation Crisis

PARAMETER	DATA
IUCN Status	Critically Endangered
Population	~150 individuals (2025 estimate)
Primary habitat	Thar Desert (Rajasthan), Kutch (Gujarat)
Major threat	Overhead power lines (collision and electrocution)
Secondary threats	Habitat loss, hunting, wind energy infrastructure
Conservation plan	undergrounding of power lines in priority areas

The GIB has declined from an estimated **1,260 individuals in 1969** to approximately **150 today** — an 88% decline in five decades.

Policy Implications

The editorial argues this ruling should catalyse three reforms:

- 1 **Mandatory environmental allocation:** Amend Schedule VII of the Companies Act to mandate minimum 15-20% of CSR spending on environment
- 2 **Corporate biodiversity offsets:** Companies operating near ecologically sensitive areas should fund conservation as a condition of environmental clearance
- 3 **CSR impact assessment:** Move from output-based reporting (amount spent) to outcome-based assessment (ecological recovery metrics)

CSR Framework in India

PARAMETER	DETAIL
Legal basis	Section 135, Companies Act, 2013
Applicability	Companies with net worth Rs 500 crore+ OR turnover Rs 1,000 crore+ OR net profit Rs 5 crore+
Spending mandate	2% of average net profits of preceding 3 years
Schedule VII	Lists eligible CSR activities (environment is listed but not mandated)
Total CSR spending (FY2024)	~Rs 30,000 crore

UPSC RELEVANCE

Article 51A(g), CSR under Section 135 Companies Act, Great Indian Bustard IUCN status, Schedule VII

Judicial activism in environmental protection; fundamental duties and their enforceability

Corporate environmental responsibility; biodiversity conservation; renewable energy vs wildlife conflict

★ FACTS CORNER — KNOWLEDGEPEDIA

SUPREME COURT CSR-ENVIRONMENT RULING:

Bench: Justices PS Narasimha and AS Chandurkar

Case: Great Indian Bustard conservation

Key holding: Environmental CSR is constitutional duty under Article 51A(g)

Conservation zones: 14,013 sq km (Rajasthan) + 740 sq km (Gujarat)

Solar project ban: above 2 MW in conservation zones

CSR IN INDIA:

Section 135, Companies Act, 2013

2% of average net profits (preceding 3 years)

Total CSR spending FY2024: ~Rs 30,000 crore

Education: 38%, Healthcare: 22%, Environment: 7-9%

GREAT INDIAN BUSTARD:

IUCN: Critically Endangered

Population: ~150 (down from 1,260 in 1969)

Habitat: Thar Desert (Rajasthan), Kutch (Gujarat)

Primary threat: overhead power line collisions

Wildlife Protection Act, 1972: Schedule I

OTHER RELEVANT FACTS:

Article 48A (DPSP): State shall protect environment and wildlife

Article 51A(g): Fundamental duty to protect natural environment

National Wildlife Action Plan 2017-2031

Desert National Park (Rajasthan): key GIB habitat

Sources: [The Hindu](#), [LiveLaw](#), [CSR Universe](#)

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