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Analyzing the Evolving ESG Regulations in India: A Guide to Implementing ESG Strategies

Kaleeswari K[*] & Rajdip Bhadra Chaudhuri[1]

[*]*Assistant Professor, Department of Law, S. Thangapazam Law College, Vasudevanallur, Tamilnadu, India*

[1]*Assistant Professor, Department of Law, Xavier Law School, St. Xavier's University, Kolkata, India*

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Abstract

ESG is an acronym that stands for Environmental, Social, and Governance considerations. ESG takes the holistic perspective that sustainability involves a broader range of issues beyond merely environmental considerations. ESG may be defined as a framework that helps stakeholders understand how enterprises and governments handle risks and opportunities associated with environmental, social, and governance norms. Policymakers worldwide recognize the necessity of strengthening structures to support and accomplish goals related to sustainable development. ESG outcomes and measures are gaining increased attention due to the rising momentum of policies. ESG Disclosure acts as a representative measure of an organization's dedication to sustainability and exceptional management. Despite the increasing importance of ESG in the business and commercial sector, there is currently no formal regulation in India that defines ESG compliance. The compliance with environmental, social, and governance (ESG) standards in India is based on many legal sources. The paper examines the development of regulatory rules for firms in India regarding ESG throughout time and predicts the future legislation in this field.

Corresponding Author:
K. Kaleeswari

Assistant Professor, Department of Law, S. Thangapazam Law College, Vasudevanallur, Tamilnadu, India

kaleeskathir46@gmail.com

1. INTRODUCTION

Socially responsible investment (SRI) is an investment strategy that considers ecological, social, and governance (ESG) aspects, as well as the long-term well-being and stability of the market and society as a whole. ESG factors are a subset of non-financial performance measures. They comprehend that the establishment of enduring, viable earnings relies on systems that are socially, environmentally, economically stable, functioning, and well-governed. ESG, or Environmental, Social, and Governance, refers to a set of standards that socially conscious investors utilize to screen investments, as per one definition. The environmental criteria evaluate the effectiveness of a firm in managing the environment. Social criteria assess the management of a company's interactions with its workers, vendors, clients, and the communities in which it works. Governance encompasses several subjects including as leadership, CEO remuneration, audits, internal controls, and shareholder rights. Regulatory bodies are increasingly engaged in setting rules and standards for environmental, social, and governance (ESG) matters. Investors are expected to increasingly seek ESG information, leading authorities worldwide to continue their recent efforts to establish regulations. Companies may enhance their regulatory posture by adopting a holistic understanding on ESG and moving away from fragmented assessment processes. Various organizations are collaborating to set benchmarks and determine the significance of certain factors in order to facilitate the integration of these factors into the investment process. These organizations include the Sustainability Accounting Standards Board (SASB), the Global Reporting Initiative (GRI), and the Task Force on Climate-related Financial Disclosures (TCFD). ESG reporting in India commenced in 2009 when the Ministry of Corporate Affairs

(MCA) published the Voluntary Guidelines on Corporate Social Responsibility. Since then, there have been significant advancements in the reporting landscape, including the introduction of Business Responsibility Reporting (BRR), Corporate Social Responsibility (CSR), internal reporting (IR), the National Guidelines on Responsible Business Conduct (NGRBC), and the most recent addition, the Business Responsibility and Sustainability Report (BRSR)[1]. India, like many other developing countries, faces several environmental, social, and governance (ESG) challenges. These challenges are intensified by the country's large population, socio-economic diversity, and ambitions for economic growth. In 2012, the Securities and Exchange Board of India (SEBI) mandated that the top 100 publicly traded companies, ranked by market value, must file a Business Responsibility Report. SEBI has also mandated the requirement for ESG reporting. Subsequently, in 2015, the scope of this was broadened to encompass the leading 500 publicly listed companies based on their market value. The Securities and Exchange Board of India (SEBI) introduced a recently developed Environmental, Social, and Governance (ESG) reporting structure called the Business Responsibility and Sustainability Report (BRSR) on May 10th, 2021. As per BRSR guidelines, publicly listed firms (those ranked in the top 1000) must provide a concise overview of their noteworthy environmental, social, and governance (ESG) risks and opportunities. Additionally, they are expected to provide a plan for mitigating or adapting to these risks and the associated financial consequences. The objective of BRSR was to mandate that the top 1000 publicly listed companies demonstrate their commitment to sustainability to stakeholders. Starting from the financial year 2022-2023, the top 1000 companies ranked by market capitalization will need to submit BRSRs instead of the present BRR. Submission of the BRSR is not required for the fiscal year 2021–2022. In accordance with the specified criteria, both the Bombay Stock Exchange (BSE) and the National Stock Exchange (NSE) of India will separately create a list of companies that meet these requirements and make it available on their respective websites. Other publicly traded companies may choose to provide Business Responsibility and Sustainability Reports in their annual reports. The Ministry of Corporate Affairs (MC) and The Securities and Exchange Board of India (SEBI) are the main regulatory bodies in India responsible for overseeing corporations created under the Companies Act and publicly traded companies, as well as Asset Management Companies (AMCs) managing mutual funds, with regards to Environmental, Social, and Governance (ESG) matters. The SEBI BRR is the most stringent in terms of mandating ESG reporting. In addition, the Ministry of Corporate Affairs (MCA) has made it compulsory for companies to report on their Corporate Social Responsibility (CSR) activities as required by the Companies Act[2]. Furthermore, regulatory bodies responsible for upholding environmental and labor regulations, such as the Central and State Pollution Control Boards and the Ministry of Environment, Forest, and Climate Change, play a substantial role in ensuring compliance with environmental, social, and governance (ESG) standards in their respective domains. In order to ensure the incorporation of environmental, social, and governance (ESG) factors, it is necessary to implement regulatory measures and require firms to report on their adoption of ESG practices[3]. At present, the European Union (EU) possesses the most extensive regulatory requirements. Non-governmental reporting standards, such as those established by the Global Reporting Initiative (GRI), are also implemented. The United Nations has also established sustainable development goals (SDGs), one of which is SDG 13, focused on climate action, which was adopted in 2015[4].

2. REVIEW OF LITERATURE

Mony and Babu (2020) In his book provides an in-depth analysis of the evolution of Corporate Social Responsibility (CSR) in India. It discusses the historical context, various models, and theoretical underpinnings of CSR practices in Indian corporations. Mony emphasizes the significant role played by the Companies Act, 2013, particularly Section 135, in mandating CSR activities. The book also explores how these regulatory frameworks have influenced corporate behavior and contributed to sustainable development. Ramesh Maji and Lohia (2023) in their paper investigates the relationship between ESG disclosures and the financial performance of Indian companies. The authors analyze data from the top 1000 listed companies in India and find a positive correlation between comprehensive ESG disclosures and financial performance. They argue that transparent ESG reporting not only enhances corporate reputation but also attracts investors, leading to better financial outcomes. The study highlights the effectiveness of SEBI's BRSR guidelines in promoting ESG transparency. Vishali and co-authors (2024) examines the impact of ESG integration on the performance of mutual funds in India. The study finds that mutual funds with a strong focus on ESG criteria tend to outperform those without such focus. The authors attribute this to the growing investor preference for sustainable investment options and the positive market perception of ESG-compliant companies. The paper suggests that the Reserve Bank of India's initiatives in promoting ESG considerations in financial institutions have been instrumental in this trend. Kholkute and Shroff (2022) in the discusses the challenges faced by small and medium enterprises (SMEs) in India in implementing ESG practices. Mishra and

[1] *Kakran, Shubham & Kumar, Ashish. (2023). ESG REPORTING LANDSCAPE IN INDIA: CONTRASTING APPROACHES AND INSTITUTIONAL FRAMEWORKS. 01. 53-60.*

[2] *https://www.taxmann.com/post/blog/guide-to-esg-in-india*

[3] *Gnana, Sruthi & Kumar, Senthil & Benazir, A & Lalita, Babulal & Jubilie, S & Malusare, & Machindra, Sunil & Khushboo, Adhav & Joseph, Amal & Sunil, Machindra & Adhav, & Khushboo, Amal & Joseph, & Pareek Ph.D., Manoj. (2022). Making ESG Work: Examining the Changing ESG Regulations in India ., Research Trends in Commerce & Management, Volume-2 , Chapter 4 of the book. 10.25215/9395456299.*

[4] *REGULATION (EU) 2020/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 https://eur-lex.europa.eu/legal-content/EN/TXT/ PDF/?uri=CELEX:32020R0852&from=EN*

Sharma highlight issues such as lack of resources, insufficient expertise, and inadequate regulatory support as major barriers. The study calls for targeted government interventions and capacity-building programs to help SMEs adopt ESG strategies effectively. It also suggests that more tailored guidelines and financial incentives could enhance ESG compliance among smaller firms. O'Hare (2021) analyze the implementation and impact of the National Guidelines on Responsible Business Conduct (NGRBC) issued by the Ministry of Corporate Affairs. Their research indicates that while large corporations have made significant progress in aligning their practices with the guidelines, smaller companies lag behind. The study highlights the need for more robust enforcement mechanisms and continuous monitoring to ensure broader compliance. The authors also emphasize the importance of stakeholder engagement and awareness campaigns to promote responsible business conduct. Priya Singh (2020) explores the role of the Securities and Exchange Board of India (SEBI) in promoting ESG reporting among listed companies. The study details the evolution of SEBI's guidelines, particularly the transition from voluntary to mandatory ESG disclosures. Singh argues that SEBI's proactive approach has significantly improved the quality and consistency of ESG reporting in India. The paper also discusses the challenges of ensuring compliance and the potential for further regulatory enhancements to support sustainable business practices. The reviewed literature collectively underscores the importance of regulatory frameworks in promoting ESG practices in India. While significant progress has been made, particularly among large corporations, challenges remain in ensuring uniform compliance and effective implementation across all business sizes. Continued efforts to enhance regulatory support, capacity-building, and stakeholder engagement will be crucial for the long-term success of ESG initiatives in India. The positive impact of ESG integration on financial performance and investor sentiment highlights the growing relevance of sustainable practices in the corporate and financial sectors.

3. METHODOLOGY

The study is conducted through secondary research and analysis of contemporary literature on ESG socially responsible investment as a whole, with a specific focus on the sustainability information industry. It includes government studies, reports from legal experts, and publicly available documents such as rules. The sources of information include academic research, reports from governmental agencies, business groups, think tanks, and NGOs, as well as publicly available material from institutional investors. The literature analysis focuses only on the regulatory components of ESG rules in India and examines the overall impact of these policies within the Indian environment. Existing research on ESG regulations has been focused on developed nations, with less attention given to studying these regulations in India.

4. DISCUSSION

ESG criteria pertain to investments made in economic choices that aim to promote long-term economic and social well-being without causing harm to the environment. Customers anticipate that firms will allocate time and money towards implementing sustainable practices due to the heightened environmental and social consciousness. The emphasis on the influence of ESG disclosures on company financial performance has led to a worldwide rise in ESG disclosures and reporting mechanisms. Mandatory reporting of non-financial information is now a legal requirement in some European countries. This shift from voluntary to mandatory disclosure prompted other countries to implement compulsory ESG disclosure regulations in order to promote sustainable development. The practice of disclosing non-financial disclosures has expanded due to many causes such as enhanced visibility, consumer education, and risk reduction. Especially in underdeveloped countries where the ESG framework is still in its early stages and requires urgent attention. There is potential for further improvement and advancement. Nevertheless, advanced countries like as Sweden, Norway, Italy, the UK, Denmark, and Germany have achieved notable progress in the field of ESG reporting through voluntary disclosure and reporting systems. While legislative frameworks have increasingly focused on social issues, businesses must nevertheless prioritize the particular ESG-related elements that are crucial for creating long-term benefits for their operations, shareholders, and society as a whole.

The Securities and Exchange Commission (SEC) is the major regulatory body responsible for supervising the public markets in the United States. The Department of Labor (DOL), which oversees employee benefit programs in the private sector, has endeavored to regulate ESG. While the Securities and Exchange Commission (SEC) requires public companies to disclose information that is relevant to investors, such as ESG-related risks and the consideration of diversity in selecting directors, there is currently no federal requirement for ESG disclosures in the United States[5].

5. FUTURE TRENDS IN THE ESG SPACE

- There is a global trend towards decreasing emissions to the point where they are balanced out by absorption, and firms have a joint responsibility in contributing to this reduction.
- There is a heightened emphasis on incorporating ESG principles into business operations.
- Emphasis on data privacy and safeguarding.
- To reassess the fundamental reason for a firm's existence within a broader framework in order to create value for all parties involved and reconsider their underlying rationale for engaging in a certain business venture.
- Ensuring the durability of supply chains and effectively handling disturbances in supply chains
- Linking executive compensation at commercial organizations to Environmental, Social, and Governance (ESG) results.
- Artificial Intelligence (AI) and machine learning will further revolutionize ESG data collection and analysis, providing more accurate and predictive insights. Leveraging big data will allow for more comprehensive

[5] *Pareek, Manoj, Making ESG Work: Examining the Changing ESG Regulations in India (October 25, 2022). Research Trends in Commerce & Management, Volume-2 (2022)., Edition: First Chapter: 4Publisher: RED'MAC INTERNATIONAL PRESS & MEDIA. INC., DOI: 10.25215/9395456299, Available at SSRN: https://ssrn.com/abstract=4258206*

and real-time ESG assessments, improving the quality of information available to investors.

- There will be a push towards harmonizing ESG reporting standards globally, with frameworks like GRI, SASB, and TCFD playing a central role. Governments and regulatory bodies will introduce more stringent ESG disclosure requirements, ensuring greater transparency and accountability.
- Increased emphasis on achieving carbon neutrality and reducing carbon footprints will be a priority for both companies and investors. Growth in green bonds and climate finance products will provide more avenues for funding sustainable projects.
- Greater focus on diversity, equity, and inclusion (DEI) within companies, with investors scrutinizing corporate practices more closely. Attention to human rights and fair labor practices will become more critical, with companies expected to uphold higher ethical standards.
- ESG factors will become integral to mainstream investment strategies, not just niche or specialized funds. Growth in impact investing, where investors seek measurable social and environmental benefits alongside financial returns.
- Use of block chain technology to enhance transparency and traceability in ESG reporting and supply chain management. Development of fintech solutions aimed at promoting sustainable finance and providing innovative ESG investment products.
- Improved methodologies for quantifying and measuring the impact of ESG initiatives on financial performance and societal outcomes. Companies will adopt integrated reporting, combining financial and ESG performance metrics to provide a holistic view of their impact.
- Collaboration between businesses, governments, NGOs, and other stakeholders to address global ESG challenges collectively. Increased public-private partnerships aimed at driving large-scale sustainable development projects

Regulatory monitoring is crucial to address sustainability concerns, enable efficient management of Environmental, Social, and Governance (ESG) risks, and prevent deceptive environmental claims (greenwashing). Regulators worldwide have implemented measures to enhance the amount and regularity of regulatory actions[6].

6. CONCLUSION

Given the ongoing interest of investors and public society in ESG-related matters, it is likely that regulators will persist in urging corporations to enhance the transparency and comparability of their ESG claims and disclosures. The growing complexity of environmental challenges, including the problem of unintended "greenwashing," necessitates heightened regulatory measures. In addition, there is expected to be a greater focus on the regulation of Environmental, Social, and Governance (ESG) categories beyond just the "E" aspect. It is possible that new rules will be introduced in the areas of governance and social responsibility. Companies must actively recruit employees with particular ESG expertise and/or provide training to current personnel in order to effectively address new laws, as these issues are extensive and intricate. The discussion over new laws must incorporate the most essential measures for companies. Regulatory bodies like as the FCA are seeking input directly from professionals in the field, as well as insights on how potential regulations or disclosures might impact daily business activities. In order to guarantee that regulators are fully informed about their concerns and stances, firms should take a proactive strategy towards potential laws and regulations. SEBI has implemented a wide range of ESG measures in recent years, including ESG ratings and Business Responsibility and Sustainability Reporting for issuers. While asset management businesses primarily utilize ratings, regular investors are the ultimate beneficiaries. Retail investors often purchase ESG funds without comprehending the significance of the ratings, despite the fact that these ratings are used as the foundation for constructing investment portfolios. Asset managers possess a favorable vantage point to comprehend the distinctions. Therefore, it is insufficient for ESG rating suppliers to just elucidate the significance of the ratings to asset managers. Asset managers must effectively communicate this information to investors in a clear and straightforward manner. In India, the disclosure of environmental, social, and governance (ESG) information has been increasing due to regulatory changes, government initiatives, and businesses recognizing the importance of ESG actions and disclosure as a necessary component of their operations. The transition towards prompt and uniform sustainability disclosure and reporting by businesses is now under progress, and may be observed using the following means. There is currently a greater number of firms engaging in the exchange of information. Business disclosure has become more comprehensive. An increasing number of organizations are now eager to openly provide information about their sustainability initiatives. The global regulatory efforts to foster and direct the expansion of the sustainable investment market, with the aim of advancing more robust and sustainable communities and economies, are expected to see a substantial rise in the foreseeable future. India should include the most effective methods and regulatory standards from different nations and adapt them to local conditions in order to ensure that its rules are in accordance with current developments.

7. AUTHOR CONTRIBUTION STATEMENT

Study conception, design, data collection, analysis and interpretation of results, and manuscript preparation were performed

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9. CONFLICT OF INTEREST

Conflict of interest declared none.

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[6] *Sharma, Preeti & Panday, Priyanka & Dangwal, R.. (2020). Determinants of environmental, social and corporate governance (ESG) disclosure: a study of Indian companies. International Journal of Disclosure and Governance. 17. 10.1057/s41310-020-00085-y.*

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