

NEW NORMS LIKELY AFTER LOK SABHA POLLS

Centre may Allow Cos a Bigger CSR Canvas to Paint On

More activities could be added; penalty structure may be reviewed to ensure strict compliance

Banikinkar Pattanayak

New Delhi: The Centre is weighing a proposal to tweak corporate social responsibility (CSR) norms for widening their scope and coverage besides reviewing the penalty structure to discourage companies from non-compliance, people aware of the development told ET.

Deliberations on the matter have started and a final decision will be taken soon, they said. The changes, once finalised, could be part of amendments to Companies Act, 2013, as well as relevant rules, which the Ministry of Corporate Affairs (MCA) is planning to introduce after the general election, one of the persons said.

Section 135 of Companies Act requires firms of a certain size to spend every year at least 2% of average net profits of previous three financial years on stipulated CSR activities. Failure to do so will make a company liable to pay a penalty twice the unspent amo-

Chipping In

COMPLIANCE STATUS

Number of cos in FY22 that spent

| | |
|-----------------------|--------|
| More than prescribed | 10,657 |
| Exactly as prescribed | 1,251 |
| Less than prescribed | 3,151 |
| Zero | 3,984 |

CSR SPENDING



SOURCE: MCA

unt, or ₹1 crore, whichever is less. Even every officer of a company who is in default is also liable to a maximum penalty of ₹2 lakh.

To be sure, the current penalties are still way above the levels stipulated earlier. However, they are not acting as a deterrent and doing little to force companies, especially some of those with high spending obligations, from complying with CSR provisions on time, the people said.

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The Fine Loophole

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“Where the companies are supposed to spend a large amount of money on CSR, they can potentially keep the unspent amount in fixed deposits or deploy it elsewhere and get away with a penalty of just Rs 1 crore. So, this cap is being reviewed,” a second person said.

The government is also considering widening the scope of activities eligible for CSR expenditure, said experts. “One way of doing it is to remove unnecessary specifics while stipulating eligible activity heads and let companies cover a wider spectrum of activities within the broad heads,” another person said.

As many as 3,984 companies, which were required to undertake CSR obligations, did not spend any amount in FY22, according to the latest available official data. Total CSR expenditure in FY22 stood at

Rs 26,279 crore, a tad higher than Rs 26,211 crore in the previous year, the data showed.

LOCAL AREA CSR SPENDING

The Centre could also relook at local area CSR expenditure stipulations, said one of the persons cited earlier. Section 135(5) of Companies Act says, “the company shall give preference to the local area and areas around it where it operates” for its CSR spending.

However, a 2021 FAQ issued by the MCA said, “the preference to local area in the Act is only directory and not mandatory in nature and companies need to balance local area preference with national priorities”. FAQs usually don’t have solid legal sanctity but this one led to unnecessary ambiguity over the actual intent of the law that now needs to be addressed, the people said.

Navy assists oil tanker as it comes under Houthi attack

30 members, including 22 Indians, reported to be safe

AGE CORRESPONDENT
NEW DELHI, APRIL 28

The Indian Navy said on Sunday that its Explosive Ordnance Disposal (EOD) team had boarded the Panama-flagged crude oil tanker *Andromeda Star* with Indian crew for risk assessment after it was hit by an anti-ship ballistic missile launched by Yemen's Houthi rebels in the Red Sea.

A total of 30 crew members, including 22 Indian nationals, are reported to be safe and the vessel is continuing its scheduled transit to the next port, said the Indian Navy.

The tanker is reported to be engaged in Russia-linked trade and is said to be en route from Primorsk, Russia, to Vadinar, India.

"A mission-deployed Indian Naval destroyer

INS Kochi responded to a maritime security incident involving an attack on Panama-flagged crude oil tanker *MV Andromeda Star* on April 26," said the Indian Navy in a statement.

The oil tanker was intercepted by the Indian Navy ship, and an aerial reconnaissance by helicopter was undertaken to assess the situation. The EOD team was deployed onboard the merchant vessel for residual risk assessment, said the Indian Navy.

The swift action of the Indian Navy ship reiterates the commitment and resolve of the Indian Navy in safeguarding the seafarers plying through the region, it said.

The US Central Command (CENTCOM) had on Saturday also confirmed a hit by the Houthi

rebels. In a statement, CENTCOM said that Iranian-backed Houthi terrorists launched anti-ship ballistic missiles (ASBMs) from Houthi-controlled areas of Yemen into the Red Sea towards *MV Andromeda Star*, a UK-owned and Panamanian-flagged Seychelles-operated vessel. "MV *Andromeda Star* reports minor damage but is continuing its voyage," said CENTCOM.

The Houthi rebels had also claimed responsibility for the attack.

The attack is among the latest strikes by the Iran-aligned Houthis, which have escalated since November. The Houthis have said they are targeting commercial ships from Israel, the US, and the UK in a show of solidarity with Palestinians in Gaza.

Navy rescues oil tanker hit by Houthi missiles in Red Sea

TIMES NEWS NETWORK

New Delhi: Indian Navy has come to the rescue of yet another commercial vessel, the Panama-flagged crude oil tanker Andromeda Star, after it sustained minor damage in a missile attack by the Iran-backed Houthi rebels in the Red Sea.

Destroyer INS Kochi, responding to the “maritime security incident”, rushed to the aid of Andromeda Star, which had a 30-member crew, including 22 Indian nationals, an officer said on Sunday.

“First, an aerial reconnaissance by a helicopter was undertaken to assess the situation. Then, an explosive ordnance disposal team boarded the merchant vessel for residual risk assessment. The crew members were found to be safe,” he added. The oil tanker is now continuing its transit to Vadinar in India.

“The Navy’s swift action reiterates the commitment and resolve of the force in safeguarding the seafarers plying through the region,” the officer said.

RIGHT TO A FUTURE

The apex court has made an 'observation' on the right to be free from the adverse effects of climate change. Can this pave the way to a cleaner future?

BHAVINI MISHRA & SHREYA JAI
New Delhi, 28 April

What would it mean to have a legislation on climate change? A law that gives citizens the right to demand clean air and water, sustainable development, and balanced ecology. A legal tool to empower the citizens to ask for a less-carbon future. A legal subsection that can better the life of species, in addition to humans.

A recent observation by the Supreme Court in a case that argued the pros of solar power plants against the rights of an endangered bird in Rajasthan seeks to raise similar questions. In the case of M K Ranjitsinh & Ors v Union of India, it is the first instance where the Supreme Court has mentioned the "right to be free from the adverse effects of climate change." The Court ruled in favour of the solar industry.

Rights and wrongs

This has started a debate among the factions of law, legislature and environment protection. A right to climate change under the country's Constitution was not recognised by the founding fathers, but they did stipulate the "right to life" under Article 21. Citing the same section, the SC said: "As the havoc caused by climate change increases year by year, it becomes necessary to articulate this as a distinct right."

The articulation of a fundamental right in the context of climate change — sourced from both the right to equality in Article 14 and right to life in Article 21 — is extremely significant.

"It is likely to be considered a strong precedent for future litigation where climate change issues are raised. The Court has worded the right quite broadly and it can be invoked in a variety of cases, whether those raising concerns relating to adaptation to climate impacts or making demands for mitigating causes contributing to climate change," says Shibani Ghosh, an environmental lawyer and researcher.

Ghosh says this not only sends a strong signal by the Court but also places the High Courts and the National Green Tribunal on much stronger footing to exercise their jurisdiction and adjudicate climate claims. While identifying a climate right, the judgment also identifies the Indian State as being responsible for mitigating green house gases emissions, adapting to climate impacts and protecting the fundamental rights of individuals.

The idea of making the state responsible for climate claims is not new and has gathered pace in the last decade, with several countries drafting legislation on it. A study by the Grantham Research Institute on Climate Change and Environment in 2021 said there were 167 countries with close to 1,200 climate laws in place. Though most of them pertain to issues related to climate action, such as emission control, it does indicate a growing trend of legally binding climate targets. The United Kingdom, for instance, has a legally binding target for reducing carbon emissions.

For the first time now, India has initiated an informed discussion on having

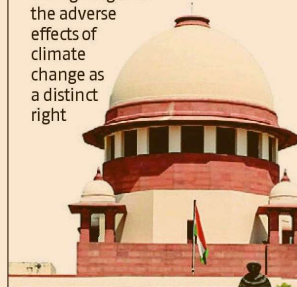
WHAT THE SC SAID

■ Despite governmental policy and rules and regulations recognising the adverse effects of climate change and seeking to combat it, there is no single or umbrella legislation in India which relates to climate change and the attendant concerns. However, this does not mean that the people of India do not have a right against the adverse effects of climate change

■ Article 14 and 21 are important sources of the right to a clean environment and the right against the adverse effects of climate change

■ The right to a healthy environment encapsulates the principle that every individual has the entitlement to live in an environment that is clean, safe, and conducive to their well-being

■ As the havoc caused by climate change increases year by year, it becomes necessary to articulate the right against the adverse effects of climate change as a distinct right



similar legislation. Under its National Action Plan on Climate Change (NAPCC), India has eight missions, each with its own target. In its last submission to the UNFCCC, India has committed to become a net zero economy by 2070 and have 50 per cent of its energy requirement met through green sources. Neither the net zero target nor any other mission is a law.

Only 18 countries across the globe have a detailed plan on meeting their net zero targets, according to Net Zero Tracker. India in its last submission in 2022 outlined a 120-page plan to reduce carbon emission, promote green energy, and realise its sustainable development goal. Most of the country's global commentary largely revolves around its low carbon growth and attacking the developed world for being historical polluters. India is also a strong votary of the 'polluter pays' principle.

Duty, rights, politics

But none of these intentions reflect in the plan of the two national parties. In their respective manifestos, neither the Bharatiya Janata Party nor the Congress Party committed to any numerical targets on environment and climate, and there is no mention of any law or rule on climate action.

The BJP's Sankalp Patra has a chapter that says, if elected the party "will use both traditional wisdom as well as modern practices to contribute to a healthier planet." The plan mentioned is more or less similar to India's current climate action plan. It includes the net zero target, river revitalisation, air quality improvement, afforestation, and protecting various ecologies — from the Himalayas to the coastal regions. The manifesto also mentions the schemes launched in the second term of the BJP government: PM Surya Ghar Yojana, Railway Electrification, PM e-Bus, promotion of EVs, Ethanol and Bio-fuel promotion, and Green Credit Programme.

There is no mention of the rights of the individual, but it does highlight the "LiFE Mission" launched in 2022. The Mission aims at fostering "sustainable life choices among Indian citizens." The language of the mission makes it fall more under the "duty" part of the Constitution, than "rights", says an environmentalist.

The Congress, under whose regime India drafted its first NAPCC, in its Niyay Patra talks about climate funding through a "green transition fund", with states and the private sector, and a separate adaptation fund as well. "We will launch a Green New Deal Investment Programme focused on renewable energy, sustainable infrastructure and the creation of green jobs," it says. There is no mention of any duty or right.

There has hardly been any precedent in the country where a lawmaker has proposed to have a legal legislative structure to climate action. In 2021, BJP MP Jayant Sinha had moved a private bill proposing a Climate Change (Net Zero Carbon) law.

"I have submitted a Private Members Bill in Parliament to make this a legally binding commitment — we will surely attract massive investments around the world if we take this approach," Sinha had posted on his social media handles.

But experts say India's apex court arguing for defending the rights of an individual against the effects of climate change might pave the road towards legislation.

"The right to be free from the adverse effects of climate change is much broader than the right to clean air or health, which is also a part of the right to life. Being a fundamental right, this right can be enforced against the State. You could of course file a case of nuisance against your neighbour but not a writ. On a serious note, relying on this right, one could file a PIL against the government for not implementing, say, sustainable development goals adequately," says Shruti Kanodia, Managing Partner, Sagus Legal.

Ghosh shares this view. "In future cases, presumably the government department that did not take the necessary or adequate steps to prevent or mitigate the adverse effects of climate change could be held liable. And, depending on the fact situation, this liability could extend to private entities as well," she says.

Right or not, the Indian citizen has found a legal precedence to raise a Greta Thunberg's "How dare you" question before its local and national leaders.

AFTER GOVT LIMITS USE OF SUGAR FOR PRODUCTION OF GREEN FUEL

US Offers to Help India Meet Ethanol Blending Target by '25

Proposes shipping ethanol and corn for feedstock

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New Delhi: An agribusiness trade mission from the US has proposed that India import ethanol and corn for feedstock to meet its ethanol blending target by 2025, after India limited the use of sugar for production of the green fuel.

"We believe that there's a great opportunity to support India's advancement in increasing ethanol production," said Alexis Taylor, United States undersecretary for Department of Agriculture leading the agribusiness trade mission to New Delhi. She has met with officials from the ministries of agriculture, external affairs and commerce & industry. India plans to start using 20% ethanol blended petrol (E20) from 2025. However, due to a lower production of sugarcane, the government



ISTOCK

in December banned the use of cane juice and B-heavy molasses for ethanol production.

It later put a cap on diversion of 17 lakh tonnes of sugar for ethanol production for the 2023-24 supply year (November-October). The government recently allowed sugar mills to use 6.7 lakh tonnes of B-heavy molasses as feedstock for making ethanol in the current year.

The US is one of the largest

producers as well as consumer of ethanol. However, it is also a large importer of ethanol. "Our ability to import ethanol into the United States gave the input certainty that investors needed to invest in our ethanol market," Taylor said, suggesting that its import of ethanol and corn for stock feed can help India mobilize investment for ethanol production. India is promoting the use of maize as an alternative to sugar to boost ethanol production and ensure sufficient supply of the sweetener in the market.

The government estimates production of maize to drop to 32.4 MT from the previous year's 38 MT according to the second advance estimates issued by the agriculture and farmers' welfare ministry, which traders said is insufficient to meet the demand once distilleries start producing ethanol with it.

गैस चूल्हे पर खाना बनाते समय सिलेंडर फटा

जासं, फरीदाबाद : मलेरना रोड स्थित घर के अंदर गैस चूल्हे पर काम करते अचानक से सिलेंडर फट गया। सिलेंडर फटने की वजह से गैस पर काम कर रहा व्यक्ति झुलस गया। वहीं रसोई पूरी तरह से जल कर खाक हो गई। मलेरना रोड स्थित गली नंबर एक में रहने वाले सोनी ने बताया कि वह अपने परिवार सहित यहां रहते हैं।



जला हुआ सिलेंडर • सो. इंटरनेट मीडिया

रिटाला की आकांक्षा पीएनजी लाइन, पार्क, मल्टीलेवल पार्किंग और स्टेडियम

धर्मेंद्र यादव • जागरण

बाहरी दिल्ली: रिटाला गांव के लोगों की चुनाव में खड़े प्रत्याशियों को सलाह है कि चुनाव जीतने के बाद अपनी प्राथमिकताओं में गांव को भी रखें। यहां की जरूरतों को समझें और उन्हें पूरा करें। उनका कहना है कि रिटाला को पीएनजी पाइपलाइन के अलावा स्टेडियम और मल्टीलेवल पार्किंग की जरूरत है। लोगों ने क्षेत्र के युवाओं में नशे की बढ़ती प्रवृत्ति पर चिंता जताते हुए इस पर अंकुश लगाने की मांग की। उन्होंने कहा कि नए जनप्रतिनिधि को रिटाला की आकांक्षाओं से अवगत कराकर पूरा कराने का अनुरोध किया जाएगा। महाराणा प्रताप चौपाल में दैनिक जागरण की ओर से आयोजित चुनाव चौपाल में 12 हजार से अधिक मतदाताओं वाले रिटाला गांव के लोगों ने अपने मुद्दे साझा किए।



रिटाला गांव की महाराणा प्रताप चौपाल में दैनिक जागरण की ओर से आयोजित चुनाव चौपाल में क्षेत्र के मुद्दों और वहां की आवश्यकताओं के बारे में बताते लोग • जागरण



रिटाला में कई राष्ट्रीय स्तर के खिलाड़ी हैं, लेकिन स्टेडियम नहीं है। खिलाड़ियों को अभ्यास के लिए 20-20 किलोमीटर दूर जाना पड़ता है। यहां एक स्टेडियम की जरूरत है। जिसकी मांग नए जनप्रतिनिधि के समक्ष रखी जाएगी। - दीपक सिंह

वरिष्ठ नागरिक धर्मपाल सिंह ने कहा कि विकास योजनाओं में दिल्ली के गांवों का नंबर सबसे अंत में आता है। इस पर जनप्रतिनिधियों को विचार करना चाहिए और गांवों के

विकास के लिए और अधिक बजट उपलब्ध कराया जाना चाहिए। गांव के युवाओं के लिए स्टेडियम की सख्त जरूरत है। खिलाड़ियों को स्टेडियम नहीं होने से परेशानी पेश



रिटाला में पार्किंग न होने से वाहन सड़क किनारे एवं गलियों में खड़े रहते हैं। इससे जाम की समस्या रहती है। मल्टीलेवल पार्किंग, वरिष्ठ नागरिक क्लब, पार्क और डंपिंग यार्ड भी बनाया जाना चाहिए। - तरुण वत्स



युवा नशे की ओर जा रहे हैं, नए जनप्रतिनिधि से आस है कि वे इसके समाधान के लिए प्रयास करेंगे। चुनाव के बाद नए जनप्रतिनिधि के समक्ष यह मांग रखेगा। - जोनी ठाकुर

आती है। पार्क और तालाब की दशा भी सुधारी जानी चाहिए। सतबीर सिंह ने औषधालय में चिकित्सक एवं दवा की कमी की समस्या रखी और कहा कि गांव में



नशा रोकने के लिए बड़े स्तर पर अभियान चलाए जाने की जरूरत है। नशे के कारोबार को रोकने के लिए सख्त कदम उठाए जाने चाहिए। युवाओं के लिए रोजगार सृजित करने की दिशा में भी सरकार को विचार करना चाहिए। - विनीत उपाध्याय



गांव में पानी संचयन के लिए कोई टोस प्रबंध नहीं है। वाटर हार्वेस्टिंग सिस्टम लगाना चाहिए। तत्कालीन सांसद ने वाटर हार्वेस्टिंग सिस्टम लगवाने का वादा भी किया था, पर पूरा नहीं किया। - तेजेंद्र सिंह

जच्चा-बच्चा केंद्र और सामुदायिक भवन की मांग की। मूलचंद वत्स ने कहा कि रिटाला के ड्रेनेज सिस्टम नहीं है, जिससे जगह-जगह जलभराव रहता है। इस मौके पर



रिटाला की कई बाहरी कालोनियों को नियमित नहीं किए जाने से विकास कार्य नहीं हो पा रहे हैं। इन 10-12 कालोनियों को नियमित किया जाना चाहिए। ताकि, यहां रहने वाले लोगों को मूलभूत सुविधाएं मिल सकें। - राजू यादव



रिटाला से सटे बुध विहार, रोहिणी सेक्टर-5, विजय विहार में पीएनजी पाइपलाइन है, लेकिन रिटाला में नहीं है। यहां लोग अब भी गैस सिलेंडर ही ले रहे हैं। लोग पीएनजी चाहते हैं। - संजय ठाकुर

ठाकुर हरबंस सिंह, ठाकुर मनवीर सिंह, प्रदीप परमार, डाल सिंह गिल, डा. सुरेश प्रजापति, पवन ठाकुर, जगत ठाकुर, रोहित, मुकेश चौहान आदि लोगों ने हिस्सा लिया।