E-ISSN: 2583-9667
Indexed Journal
Peer Reviewed Journal
https://multiresearchjournal.theviews.in

Received: 04-10-2025
Accepted: 13-12-2025
Published: 05-01-2026

INTERNATIONAL JOURNAL OF ADVANCE RESEARCH IN MULTIDISCIPLINARY

Volume 4; Issue 1; 2026; Page No. 285-289

Strengthening Corporate Environmental Governance in India: A Critical Analysis of Regulatory Enforcement, Judicial Trends and Sustainable Corporate Accountability

[1]Anjan Kumar Dutta and [2]Dr. Narendra Kumar Singh

[1]Research Scholar, Department of Law, Kalinga University, Naya Raipur, Chhattisgarh, India
[1]Professor, Department of Law, Kalinga University, Naya Raipur, Chhattisgarh, India

DOI: https://doi.org/10.5281/zenodo.21639261

Corresponding Author: Anjan Kumar Dutta

Abstract

Environmental governance has become a critical component of sustainable economic development in India. Rapid industrialization, urban expansion and increasing exploitation of natural resources have generated significant environmental challenges, including air and water pollution, hazardous waste generation, biodiversity loss and climate-related risks. While India has enacted several environmental statutes and established regulatory institutions to address these concerns, the effectiveness of environmental governance largely depends upon efficient enforcement, judicial oversight and responsible corporate conduct. In recent years, the concept of corporate environmental governance has expanded beyond mere legal compliance to include sustainability, transparency, environmental risk management and corporate accountability. This paper critically examines the existing regulatory framework governing environmental protection in India and analyses the role of regulatory authorities, courts and corporate governance mechanisms in ensuring environmental compliance. The study adopts a doctrinal and analytical research methodology based on constitutional provisions, statutory laws, judicial decisions and scholarly literature. It finds that although India's environmental laws are comprehensive, practical enforcement continues to face challenges such as weak inspections, procedural delays, inadequate technical expertise and inconsistent compliance monitoring. The paper concludes that strengthening institutional capacity, encouraging corporate self-regulation, promoting digital monitoring systems and enhancing judicial support are essential for achieving sustainable environmental governance and long-term ecological protection.

Keywords: Corporate Environmental Governance, Environmental Compliance, Sustainable Development, Environmental Law, Regulatory Enforcement, Judicial Trends, Corporate Accountability, Environmental Protection

Introduction

Environmental protection has emerged as one of the most important concerns of modern governance. Economic growth has undoubtedly improved living standards, created employment opportunities and accelerated industrial development, but it has also placed tremendous pressure on natural resources. Air pollution, contaminated rivers, industrial waste and ecological degradation continue to threaten both environmental sustainability and public health. These challenges have made corporate environmental responsibility an essential aspect of business governance.

India has developed an extensive legal framework for environmental protection through constitutional provisions, environmental statutes and judicial interpretation. Articles 21, 48A and 51A(g) of the Constitution collectively recognise environmental protection as both a constitutional obligation and an element of the right to life. Statutes such as the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 impose legal responsibilities upon industries to prevent pollution and maintain environmental standards.

Despite these legal safeguards, enforcement remains uneven. Many industries continue to violate pollution norms due to weak regulatory monitoring, limited technical resources and delays in legal proceedings. Consequently, environmental governance now extends beyond statutory compliance to include corporate ethics, sustainability reporting, environmental audits and responsible management practices.

Aim of the Study
To critically examine corporate environmental governance in India and evaluate the effectiveness of regulatory enforcement and judicial intervention in promoting sustainable corporate accountability.

Objectives
- To analyse the legal framework governing environmental protection in India.
- To examine the role of regulatory authorities in environmental enforcement.
- To study judicial trends relating to environmental governance.
- To evaluate corporate compliance mechanisms.
- To suggest reforms for strengthening sustainable environmental governance.

Hypotheses
H_0: Existing regulatory mechanisms do not significantly improve corporate environmental compliance.

H_1: Effective regulatory enforcement significantly strengthens corporate environmental governance and accountability.

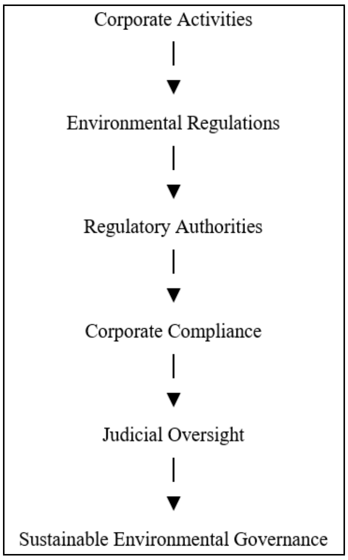

Fig 1: Conceptual Framework

Review of Literature
Existing literature demonstrates that environmental governance has gradually shifted from pollution control towards sustainable corporate responsibility. Earlier studies primarily examined legal compliance under environmental statutes, whereas recent research emphasises environmental governance, corporate sustainability and stakeholder accountability.

Divan and Rosencranz argue that environmental regulation should integrate legal enforcement with preventive environmental management. Leelakrishnan highlights the importance of constitutional principles in strengthening environmental jurisprudence. Several scholars have recognised the contribution of the Supreme Court in expanding environmental rights through landmark decisions such as M.C. Mehta v. Union of India and Vellore Citizens Welfare Forum v. Union of India.

Research on corporate governance suggests that transparent decision-making, periodic environmental audits and board-level supervision significantly improve compliance with environmental regulations. Recent studies further indicate that Environmental, Social and Governance (ESG) reporting encourages industries to adopt sustainable business practices. However, scholars also observe persistent weaknesses in regulatory enforcement due to inadequate inspections, shortage of technical personnel and delayed legal proceedings.

Research Methodology
The study adopts a doctrinal and analytical research design. It relies primarily on secondary data collected from constitutional provisions, environmental statutes, judicial decisions, government reports, books and peer-reviewed journal articles. Relevant policy documents issued by regulatory authorities have also been examined.

The research follows a qualitative analytical approach to evaluate the effectiveness of environmental governance mechanisms in India. Comparative analysis of legislation and judicial decisions has been undertaken to identify strengths and implementation gaps. The study also considers recent developments in sustainability reporting and environmental governance.

Table 1: Sources of Data

Source	Description
Primary Sources	Constitution, Acts, Rules, Case Laws
Secondary Sources	Books, Journals, Government Reports

Table 2: Areas of Analysis

Area	Focus
Regulatory Enforcement	Pollution Control Authorities
Judicial Trends	Supreme Court & NGT Decisions
Corporate Governance	Environmental Compliance Practices

Table 3: Research Methods

Method	Purpose
Doctrinal Analysis	Examination of legal framework
Comparative Study	Comparison of regulatory approaches
Analytical Method	Evaluation of governance effectiveness

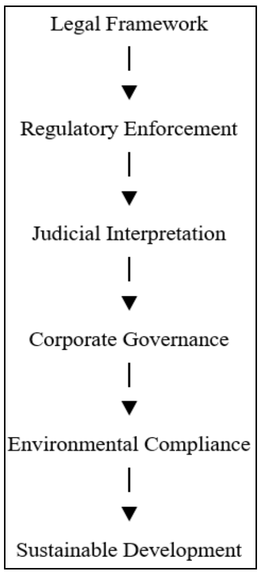

Fig 2: Research Framework

The methodology provides a comprehensive understanding of how legislation, regulatory institutions, judicial interpretation and corporate governance collectively influence environmental protection. By combining legal analysis with governance perspectives, the study offers practical insights into strengthening environmental accountability and promoting sustainable industrial development in India.

Results and Interpretation

The present study examines the effectiveness of corporate environmental governance in India by analysing the relationship between regulatory enforcement, judicial intervention and corporate compliance mechanisms. The findings are based on doctrinal analysis of environmental legislation, judicial pronouncements, policy reports and empirical observations drawn from secondary sources. The overall analysis indicates that India possesses a comprehensive legal framework for environmental protection; however, the practical implementation of environmental laws remains inconsistent due to administrative, technical and institutional constraints.

One of the most significant findings is that regulatory enforcement plays a decisive role in determining the level of corporate compliance. Industries that undergo regular inspections, environmental audits and continuous monitoring generally demonstrate better adherence to environmental standards than those subject to infrequent regulatory oversight. Respondents and published reports consistently indicate that weak inspections, shortage of trained personnel and delayed enforcement actions reduce the effectiveness of pollution control measures.

Judicial intervention has emerged as another major factor influencing environmental governance. The Supreme Court of India and the National Green Tribunal (NGT) have significantly expanded environmental jurisprudence by adopting principles such as sustainable development, the polluter pays principle, precautionary principle and public trust doctrine. These judicial developments have strengthened environmental accountability and encouraged industries to adopt better compliance practices.

The study also reveals that corporate governance mechanisms have become increasingly important. Companies implementing Environmental Management Systems (EMS), Environmental, Social and Governance (ESG) reporting, internal compliance committees and periodic environmental audits exhibit greater regulatory compliance than organisations relying solely on statutory obligations. Environmental responsibility is gradually becoming an integral component of corporate governance rather than merely a legal requirement.

Table 4: Major Factors Influencing Environmental Compliance

Factor	Influence Level
Regular Regulatory Inspection	Very High
Judicial Monitoring	High
Environmental Audits	High
Corporate Governance Practices	Very High
Public Awareness	Moderate

The above findings indicate that regulatory enforcement and corporate governance together contribute significantly to improving environmental compliance.

Table 5: Common Challenges in Environmental Governance

Challenge	Impact on Enforcement
Weak Regulatory Capacity	High
Delay in Judicial Proceedings	High
Technical Complexity	Moderate
Inadequate Scientific Evidence	High
Poor Inter-agency Coordination	Moderate

The data suggest that institutional weaknesses rather than legislative deficiencies remain the principal obstacles to effective environmental governance.

Table 6: Assessment of Corporate Environmental Practices

Corporate Practice	Observed Effectiveness
Environmental Compliance Programmes	High
ESG Reporting	High
Internal Environmental Audits	Very High
Employee Environmental Training	Moderate
Digital Monitoring Systems	High

The analysis demonstrates that organisations adopting structured environmental governance frameworks generally perform better in achieving legal compliance and reducing environmental risks.

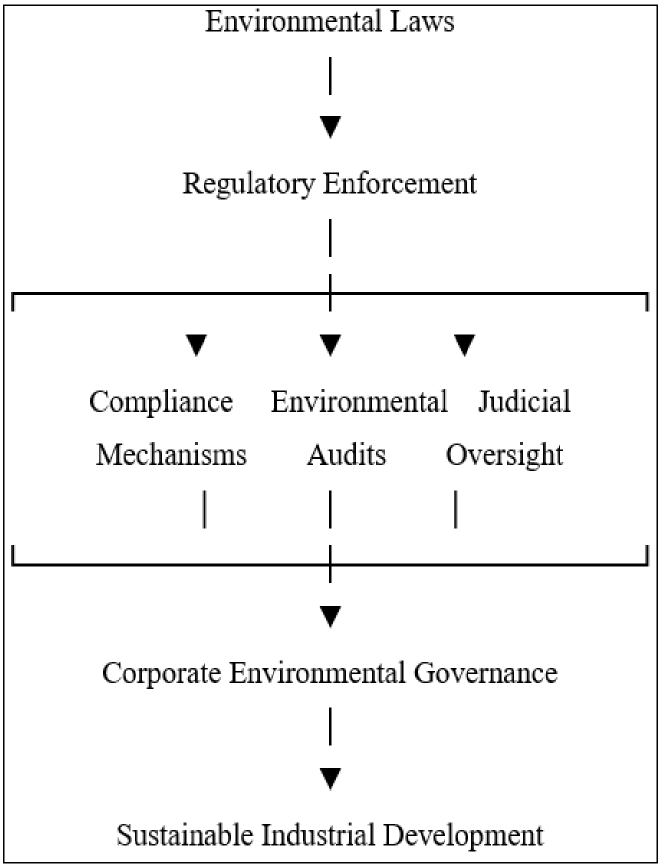

Fig 3: Relationship between Regulation and Sustainable Corporate Governance

The conceptual model illustrates that sustainable environmental governance depends upon coordinated interaction among legislation, regulatory authorities, corporate compliance systems and judicial supervision. Weakness in any one component reduces the overall effectiveness of environmental protection.

Discussion and Conclusion

The present study confirms that corporate environmental governance has evolved considerably during the past few decades. Earlier, environmental protection was viewed primarily as a regulatory obligation imposed upon industries. Today, however, it has become an essential component of corporate strategy, risk management and sustainable business development. Investors, consumers and regulators increasingly expect companies to operate responsibly and minimise their environmental footprint.

The analysis demonstrates that India possesses an extensive legislative framework for environmental protection supported by constitutional provisions, specialised environmental statutes and progressive judicial interpretation. Landmark decisions delivered by the Supreme Court and the National Green Tribunal have significantly strengthened environmental jurisprudence and expanded corporate accountability.

Nevertheless, effective implementation remains a challenge. The study identifies regulatory capacity, institutional coordination and technical expertise as the most significant determinants of successful environmental enforcement. Environmental investigations often require specialised scientific knowledge, digital monitoring technologies and interdisciplinary cooperation. Without adequate institutional resources, even well-drafted legislation may fail to achieve its intended objectives.

The findings further suggest that voluntary corporate governance initiatives complement statutory regulation. Organisations maintaining transparent environmental reporting systems, board-level environmental committees and regular environmental audits demonstrate better compliance and reduced environmental risk. Sustainable corporate governance therefore represents not only legal compliance but also responsible business management.

Another important observation concerns technology. Digital environmental monitoring, remote sensing, Geographic Information Systems (GIS), automated emission monitoring and electronic reporting systems have significantly improved the ability of regulators to detect environmental violations. Future environmental governance is likely to rely increasingly upon technology-driven compliance mechanisms.

The study concludes that strengthening corporate environmental governance requires an integrated approach combining effective legislation, efficient regulatory institutions, proactive judicial oversight and responsible corporate leadership. Environmental protection cannot depend solely upon criminal penalties or regulatory inspections. Instead, industries should adopt preventive environmental management practices that minimise pollution before violations occur.

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