



# Corporate Accountability for Environmental and Wildlife Harm: An Emerging Legal Paradigm in India and International Law

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**Abstract.** A new legal paradigm of corporate responsibility with respect to economic and wildlife damage is emerging as both a fundamental change in Indian jurisprudence and under international law that considers voluntary corporate social responsibility (CSR) to be replaced by an obligatory and enforced duty of substantial reasons of constitutional responsibility, strict liability, and restorative justice. Corporations as legal entities have now a constitutional obligation under the Fifth Fourth Amendment Art 51A (g) to maintain the protection of ecosystems, biodiversity and wildlife, including the critically endangered Great Indian Bustard of this legal obligation, not simply as philanthropic activity. In this ecocentric mindset, it combines the polluter-pay principle whereby a firm has to finance the restoration of habitats, the recovery and preservation of endangered species in the event that the operations impact on them. Parallel developments in other countries also include the adoption of advisory opinions by the International Court of Justice, the International Tribunal of the Law of the Sea, and the Inter-American Court of Human Rights underlining the obligations of states to control corporate activities that result in climate and environmental harm.

**Keywords:** Corporate Accountability, Environmental Harm, Wildlife Protection, CSR Mandate, Polluter Pays Principle, International Binding Treaty.

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## 1 Introduction

The principle of corporate responsibility towards the environment and wildlife destruction has been transformed as an emerging legal paradigm that manifests strength in India and international law through judicial activism, statutory evolution, and normative pressures of nations of the world. In India, the basic environmental laws like the Environment (Protection) Act, 1986; the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; and the Wildlife (Protection) Act, 1972, hold liabilities on corporations in regard to pollution, disruption of habitat and endangered species. The judiciary has led the way in the principles of absolute and strict liability (modeled by the case of Oleum Gas Leak and Bhopal), the polluter-pay principle and precautionary solutions, allowing the National Green Tribunal and the Supreme Court to cause restoration costs, penalties and injunction. With constitutional requirements set out in Article 51A(g) of the Companies Act, 2013, the protection of the natural environment, forests, wildlife, and the attitude of the living creatures, the application of which, understandably, to CSR under Section 135, explicitly stated them being a constitutional requirement should the Union of India provide legal requirements concerning such constitutional obligations. The Court ruled that CSR is not voluntary charity but an obligatory obligation and turns it into Corporate Environmental Responsibility (CER). Corporates need to focus on protecting the ecosystem especially where mining, production of power or infrastructure poses a hazard to an endangered species [1]. The ruling forced non-renewable energy companies to pay in-situ and ex-situ conservation with the polluter-pay principle enforced stringently and the companies viewed as guests on the wildlife habitat. This ecocentric change tackles the loopholes in the enforcement aspects of the implementations of CSR in the past where companies committed fewer and minimal budgets to environmental participation, and only a small percentage of corporations participated in biodiversity projects [2].

These tools aim to introduce due diligence, liability and access to redress of transnational companies, and thus fills gaps in voluntary mechanisms like the United Nations Guiding Principles. This convergence is an indicator of a paradigm where corporate profitability is subordinated to ecological integrity with promoting preventive action, enhanced enforcement and global harmonization to fight the loss of biodiversity and destruction of habitat. This has been supplemented by the National Green Tribunal deciding on cases of restoration in pollution and habitat, but problems remain in post-facto fines and clearances, as criticised in continuing petitions. The paradigm internationally is based on soft law like the United Nations Guiding Principles on Business and Human Rights, and OECD Guidelines that promote due diligence and are not legally binding. The latest advisory opinions on greenhouse-gas pollution in the sea (ITLOS, 2024), the relations linking human rights to the climate (IACtHR, 2025) and on the responsibility of the state (ICJ, 2025) allege the responsibility to regulate corporate emission and environmental footprint, including control at extra-territorial level. These bolster liability in harms associated with climate, like the new litigation (such as in the case of the 2025 United Kingdom case against Shell due to damage by a typhoon). The current advocate status of the United Nations on developing a legally binding instrument on Business and Human Rights,

expected to be developed after the eleventh round of the IGWG, holds the promise of providing a legally binding approach to human-rights and environmental due diligence, victim remedies and corporate liability (civil, criminal, administrative) throughout value chains. Suggestions focus on not causing harm, access to justice opportunities, and prioritising rights over gains, and environmental terms in drafts are enhanced [3].

Similar findings have been noted in terms of convergence on similar issues - the strict liability and CSR-directed conservation join and take the model of international pressure over poking at due diligence as a binding liability and restorative mechanism (e.g., the Corporate Sustainability Due-Diligence Directive of the European Union has its impacts felt). But there are still loopholes such as India has weaknesses in its enforcement, challenges with the corporate veil-piercing and adoption of a reactive instead of a preventive strategy, and the world struggles with state obstruction and causation in global climate cases. Wildlife-oriented responsibility presents conformances between growth (e.g renewable energy infrastructure) and biodiversity, balanced by ecocentric reforms. Future imperatives require more rigorous punishment, incorporation of the rights-of-nature ideas, and alignment to the possible legally binding tool which prevents harm in advance. This paradigm eventually makes uncontrolled corporate development a secondary phenomenon to those limits in the planet and promotes responsible sustainable development that protects ecosystems and endangered species to the intergenerational equity [4].

## **2. Legal Framework in India: Statutes, Principles, and Judicial Evolution**

There has been a strong developmental shift in the legal framework of corporate responsibility towards the environment and its wildlife to incorporate a more proactive approach to pollution prevention based on strict liability, restoration needs and deterrence measures. The framework, is based on the constitutional requirements, including Article 48 A that demands the State to protect and improve the environment and Article 51 A(g) stating one of the essential responsibilities of citizens, including corporations recognized as legal persons, to preserve nature, is interwoven with the statutory provisions, common-law doctrines, and dynamical judicial interpretations of the same [5]. These constitute the core environmental laws, i.e., Environment (Protection) Act, 1986 (EPA), Water (Prevention and Control of pollutions) Act, 1974, Air (Prevention and Control of pollutions) Act, 1981, and the National Green Tribunal Act, 2010, which have the effect of placing civil and criminal responsibilities on corporate bodies in the event of infractions.

As a follow-up to the Bhopal incident, the EPA is a general law that grants the Central Government the authority to oversee the use of hazardous materials, prescribe emission limits and penalties including tenure and monetary fines. Section 16 makes companies and persons who committed offenses liable for it unless they can prove that they took due diligence or were not aware of the offense, which means that one can prosecute directors and managers. By the Water and Air Acts, Pollution Control Boards are instituted that implement consented mechanisms, effluent or emission requirements, and closure capacities to the non-compliant industries. Corporate

offenses initiate fines, incarceration, and corrective orders [6]. The National Green Tribunal Act established the NGT as a dedicated institution in the prompt adjudication of the environmental disputes, through the application of principles like a polluter pays, precautions, and sustainable development. The NGT is imposing compensation in relation to the extent of damage and size of the business as mentioned in the recent Supreme Court observations that suggest that liability is related to the operating revenue to increase accountability.

The development of judicial evolution has proved to be transformative as it opened up concepts of strict and absolute liability. The Oleum Gas Leak in the year 1986 (*M.C. Mehta v. Union of India*), that brought about absolute liability on hazardous industries as excluding acts of god or sabotage by third parties - and that attributed liability on enterprises regardless of negligence. This paradigm was solidified in the case of the Bhopal Gas Tragedy (Union Carbide) yet settlement criticism highlighted the inadequacy of enforcing it. In the case still called *Vellore Citizens Welfare Forum v. Union of India* of 1996 including sustainable development, precautionary, and polluter-pay principles as part of Article 21(R) of the right to life. The most recent jurisprudence, the case set in December 19, 2025 in the case of *M.K. vs. Ranjitsinh* demonstrates this trend. *Union of India (2025' INSC 1472)*, associates corporate responsibilities with the safety of wildlife and compels the restoration of habitats in the projects, which change ecosystems [7]. This jurisprudence is supplemented with the NGT which grants ecological restoration expenses and fines. Taken together, this paradigm makes corporate activities subservient to environmental demands, moving towards preventative and restorative justice, grappling with the problems of enforcing the rules and veiling in companies.

## **2.1 Key environmental statutes: Environment Protection Act 1986, Water Act 1974, Air Act 1981, and National Green Tribunal Act**

The leading environmental laws in India have elaborated an all-inclusive regime that places corporations responsible to pollution and ecological damages through a nexus of regulation, penalties and remediation. The Environment (Protection) Act, 1986 (EPA), which serves as the umbrella legislation in the post-Bhopal era, vests the Central Government with the powers under section 3 to maintain and improve the quality of the environment, control dangerous materials as well as impose emission/effluent norms [8]. It also forbids releases that go beyond the fixed limits (Section 7) and graduates government the opportunity to impose the shutdown or limit polluting activities (Section 5). The liability of corporations under the EPA is severe where Section 15 prescribes penalties of up to five years imprisonment or fines, and Section 16 constitutes companies and persons in control responsible without proving they knew or acted in due diligence, making it easier to fight negligence or conspiracy [9].

The Water (Prevention and Control of Pollution) Act, 1974, is a legislation related to water pollution, it establishes Central and State Pollution Control Boards, which advise and provide standards, and consent of discharges (Section 25). Violations are associated with penalties provided in the Section 43-44 which implies imprisonment up to six years upon the persistence of wrongdoing as well as the Boards have the

power to pursue an injunction or make a closure (Section 33). Corporations come under vicarious liability whereby an officer can be punished whenever violation is committed under the consent conditions or negligence.

Similarly, Air (Prevention and Control of Pollution) Act, 1981 is a law that provides safeguarding of air pollution by establishing Boards where consent and emission levels are fixed (Section 21). Sanctions are similar to those in the Water Act, which include fines, imprisonment and authority of Boards to suspend activities (Section 31A). These Acts focus on prevention through consent processes and surveillance, making industries responsible in case of non-conformity [10].

In a breakthrough, the National Green Tribunal Act, 2010, established the NGT that handles major environmental controversies rapidly under seven laws, such as the EPA, Water and Air Acts. The NGT uses the principles of polluter-pay, precautionary, and sustainable-development (Section 20) and provides compensation, restoration costs, and penalties. It deals with civil proceedings and sets liability in proportion to the damage done, usually to corporate processes, and sentences restitution. The NGT has jurisdiction over pollution, destruction of biodiversity, and destruction of habitats and can appeal to the Supreme Court.

## **2.2 Wildlife-specific protections: Wildlife (Protection) Act 1972 and corporate restrictions on habitat disruption or species harm**

The Wildlife (Protection) Act, 1972 (WPA) provides special protective measures over wildlife and habitat placing stiff corporate penalties on practices that produce disturbance and distress. The WPA has been amended on several occasions to broaden its scope to categorize species under schedules I-IV to signify the degree of protection, outlaw the process of hunting or poaching (Section 9), or regulate trade and possession (Sections 39-49). More importantly, the Act preserves habitats as Subsection 29 in the Act barred the destruction or exploitation or diversion of wild animals or their habitat in the fleece without transparentance by the Chief Wildlife Warden, and only the subsequent approval could be granted by the National Board of Wildlife. Section 35(6) has similar prohibition on National Parks. The barricading of corporate projects such as mining, infrastructure, or even development of energy poses a hindrance when such projects threaten the habitat or species [11].

Section 57 holds the companies liable such that they and responsible officers are guilty of the crimes, and the liability is vicarious, unless it can be shown that due diligence was exercised. The punishment includes fines, imprisonment, up to seven years and crimes against Schedule 1 species. The disturbance of habitat, e.g. by diversion of watercourses, deforestation, or infrastructural developments within a protected area needs clearances under the Forest (Conservation) Act with the approval of wildlife boards. The WPA has the power of making proclamations of sanctuaries, parks, tiger reserves, and community reserves, thus limiting commercial operations within the areas.

Court execution has changed towards incorporating the concept of precaution by banning activities that change the habitats without full evaluation of impact. The sanctity of the regulation over wildlife is reinforced through judicial rulings like those in support of the ban on the ivory trade as reasonable restrictions on Article 19(1)(g) of the species [12]. The WPA also combines with the procedures of the Environmental Impact Assessment, which requires the clearance of wildlife of a project located within a protected area or on a nearby one. Violation leads to action against the NGT that could provide repair or damages.

### **3. Corporate Social Responsibility (CSR) as a Tool for Environmental and Wildlife Accountability in India**

Corporate Social Responsibility (CSR) has developed as a strong statutory instrument in India, which carries the ability of the model to compel corporates with environmental and wildlife accountability. The clause of 135 of the Companies Act, 2013, which was initially seen as a discretionary practice of ethics, has changed CSR into an enforceable, mandatory provision that makes corporate actions compatible with constitutional requirements. Qualified entities- their net worth has to be 500 crore and above, their turnover has to be 1000crore and above or their net profit has to be 5crore and above have to allocate at least 2percent of their average net profits during the last three fiscal years to items included in Schedule 7 [13]. This Schedule clearly covers "an ensuring environmental sustainability, ecological balance, protection of flora and fauna, animal welfare, agroforestry, conservation of natural resources and thus helps to directly fund biodiversity and wildlife projects. Existing statutory design places the ecological welfare over profit maximisation, especially in industries like energy, mining and infrastructure development that have a significant impact on integrity of habitats.

The historic ruling of the Supreme Court in the case of *M.K.Ranjitsinh and others v. 19th December, 2025, Union of India (2025 INSC, 1472)* is a quite significant jurisprudential change. By redefining CSR as being necessarily inclusive of Corporate Environmental Responsibility (CER) the Court resorted to Article 51A(g) of the Constitution, which commits all citizens to safeguard and enhance the natural environment, forests and wild animals. The decision held that CSR was not optional philanthropy but it has become a constitutional obligation. Corporations as legal persons and key players in the society should not purport to be socially responsible when they facilitate environmental damage or cause degradation of the environment. The ruling reiterated that CSR allocation should be concrete in terms of this obligation and that the allocation should be focused on ecosystem protection rather than the periphery charitable projects [14]. As regards to wildlife, a decision on the same courts CSR as restorative and preventive and obliges companies to set aside resources to conserve the habitat in the face of development pressures. When statutory CSR is combined with non-statutory principles of legal fairness like polluter-pay and intergenerational equity, biodiversity-endangering operations by the business are held accountable. Although the implementation of a similar system is yet to be uniform, the move is a step in the right direction of ecocentric systematic of corporate governance [15].

### **3.1 Evolution Under the Companies Act 2013: Compulsory CSR and its connection to the environmental duties**

The transformation of the CSR under companies act of 2013 has been a historic shift between voluntary philanthropy, enforcement of the company onto the compulsory guidelines of governance, and an overt identification of the corporate obligation towards the environment. The provisions of section 135 which validated on April 1, 2014, require eligible companies to allocate 2 percent of their net profit to Schedule VII activities and the establishment of a CSR Committee, development of a policy, and filing of annual reports [16]. Various Schedule VII provisions, such as (iv) the specific requirement to make a business sustainable, ecologically balanced, and protect flora and fauna, animal welfare, incorporate the pollution control, conservation, and protection of biodiversity right into the decision-making of corporations. Section 166(2) impacts on directors by requiring them to act in the best interests of stakeholders including the community and environment.

Before 2013, the CSR was very discretionary, and there was not much concern with the environment. Transparency and impact evaluation was emphasized under the mandatory regime of the Act which was strengthened by other regulations and acts including Companies (CSR Policy) Amendment Rules. Connection with the environment was also strengthened by judicial exegesis. It is notable that the Supreme Court ruled against the defendant despite the jury's perceptions of his guilt and it is worth mentioning that the Supreme Court overruled the defendant even when the jury perceived him to be guilty. Under Articles 48A and 51A (g) of the constitution requires, stating that these implant them irrevocably. The Court has stated that spending CSR money to protect the environment is a constitutional requirement and not a voluntary act of charity, refusing to draw a distinction between social protection and the conservation of the environment [17]. In this regard, companies need to focus on CER especially in environmentally sensitive activities.

This incorporation relegates the profit motives to sustainability whereby firms are required to act proactively as it requires funds to restore habitats. The ecocentric approach taken by the ruling has seen to it that CSR is put in place to adequately fix any threat to wildlife due to the industrial activity, which puts the regulatory framework towards restorative justice and the preventive accountability through the corporate space in India [18].

### **3.2 Application to wildlife harm: Use of CSR funds for conservation, restoration of damaged habitats, and protection of endangered species**

The CSR allocations are a fundamental way of reducing wildlife damage in India, as they make it possible to specifically invest in conservation, ecosystem repair and protection of endangered taxa. The environmental clause of Schedule VII expressly permits the expenditure of funds on protecting flora and fauna and on the welfare of animals thus permitting corporate funding of the activities like anti-poaching patrols, species recovery programmes, and habitat restoration projects. In practice, CSR has financed projects including afforestation, wetland conservation and creation of

biodiversity corridors often together with non-governmental organisations or state agencies [19].

This application is further intensified by union of India, which requires that funds in the CSR should be channeled into wildlife-specific responsibility. In the example of the endangered where the populations of the critically endangered bird are threatened by overhead power lines in Rajasthan and Gujarat, the Court directed non-renewable energy generating companies to invest in CSR funds to facilitate both in-situ and ex-situ conservation. Some of the measures are habitat restoration, installation of bird flight diverters, undergrounding power lines where practicable and investing in captive breeding and release programmes. The adjudication conceptualizes corporations as guests in the sensitive ecosystems, which requires them to justify CSR expenditures that alleviate harm created by their operational footprints such as the ecological fragmentation introduced by renewable energy infrastructure [20].

### **3.3 Challenges: Enforcement gaps, post-facto penalties, and integration with liability regimes**

The potential of CSR in environmental and wildlife responsibility is sunny in nature, but its effectiveness is faced with significant challenges that include enforcement shortcomings, post-emission regulation, and the absence of full liabilities integration between CSR and liability systems. Monitoring and verification arrangements are not effectively enforced, most enterprises declare that they are spending little on environmental legislations; they concentrate on less costly social policies rather than costly biodiversity projects [21]. There is compliance with minimal auditing by the Ministry of Corporate Affairs, but the deterrent effect is limited to penalties of twice the sum not spent or custodial sentences, which are insignificant by the metrics of low conviction rates and slow-moving adjudication.

The modern practice of CSR is being operated on reactive deployment: CSR money is often raised once the damage to the environment has been done, instead of being proactively used. With the Court prescriptive of CSR expenditure on GIB conservation, institutionalization to rely on corporate self-report-rationed and internal committee controls is susceptible to under-if-not-misdirected allocation. This responsive stance compares with the penal immediacy of the policies and laws presently in force in environmental protection, like the Environmental Protection Act or the Wildlife Protection Act where is liable as a result of a causative violation [22].

## **4. International Law Perspectives on Corporate Environmental and Wildlife Accountability**

International law approaches to the environmental and wildlife responsibility of corporations have developed significantly to a more emphasis on mandatory due-diligence structures, state-driven liability, and new mandatory binding infrastructure [23]. The key principles include the following: the principle of a polluter pays, sustainable development, precautionary approach, and the now established human right to a clean, healthy and sustainable environment which was

confirmed by the UN General Assembly in 2022 and supported by later judicial rulings [24]. These norms place obligations on states to control the actions of privately situated actors, e.g. multinational corporations, whose operations cause pollution, decline in biodiversity, habitat destruction, and harm to wildlife, e.g. through deforestation, promotion of illegal wildlife trade, or infrastructure projects disturbing ecosystems.

The UN Guiding Principles on Business and Human Rights (UNGPs, 2011) and OECD Guidelines on Multinational Enterprises continue to serve as principles of soft-law as they suggest that companies integrate human-rights and environmental due-diligence into their value-chains. However, they have been volunteered yet have raised concerns of increased responsibilities. The crucial loom date is the current negotiation of an UN Legally Binding Instrument (LBI) on the Transnational Corporations and Other Business Enterprises in Relation to Human Rights, being provided by the Open-ended Intergovernmental Working Group (OEIGWG). The 11th session in October 2025 has seen progress where article-by-article discussions of the implementation provisions will be involved and also the Chair proposed reformulations of the previous articles and the 2026 roadmap with the inter-sessional consultations will be discussed as well as the 12th session [25]. The treaty aims to oblige due diligence, corporate liability (civil, criminal, administrative), availability of remedies to victims, and prevention of effects on environment, including deterioration of biodiversity and impact to wildlife over prioritizing profits over rights with ever-increasing climatic and ecological crises.

The latest advisory opinions by international courts have reinforced state obligations to control corporations with an indirect and dramatic effect on corporate responsibility. With anthropogenic greenhouse-gas emissions absorbed in oceans admitted as marine pollution under UNCLOS by the International Tribunal for the Law of the Sea (ITLOS) Advisory Opinion, states were obligated to prevent, reduce and control such pollution with stringent due-diligence procedures, including regulating the effect of the contribution of contribution of the private actors on the ocean warming, acidity and threat of biodiversity to the marine wildlife. The International Court of Justice (ICJ) Advisory Opinion unanimously upheld the responsibility of the customary international law to avoid serious environmental damage which was applicable to climate system as a global issue. States are required to execute due-diligence through regulatory nature, enforcement, monitoring and environmental impact assessment regarding cumulative effect which expressly entails the need to incorporate the private operator. Corporate things may be done abroad or cause harm that is transboundary or global, such as the fragmentation of a habitat of an endangered species, thus they can be considered an internationally wrongful act and must be discontinued, ensure such conduct does not recur, and recompense. Through the opinion, the harms of climate are associated with the human-rights abuse (life, health, food, adequate living standards), in which regulation of the fossil-fuel and high-impact industries are, as a main pattern [26].

Jurisdictional developments such as the Corporate Sustainability Due Diligence Directives of the EU which governs operations and value chains in large companies

has mandated large corporations to report and eliminate adverse human-rights and environmental impacts (such as biodiversity loss and pollution) in their operations and value chains, albeit the dilution eliminated harmonised civil liability aspects. Lawsuits boom, including the claim in the UK against Shell on paying damage due to typhoons caused by the contribution of carbon dioxide, are indicators of eventual holders of corporate responsibility as contributors to loss and damage, with attribution science supporting them.

Wildlife accountability is related to biodiversity frameworks including the Convention on Biological Diversity, and in which corporate action (e.g., supply chains including illegal logging or wildlife trafficking) results in due-diligence at new norms. There are still challenges: gaps in enforcement, proving causation in diffuse harms, resistance of the state and the problem of corporate veil. But a shift to the models of strict liability, the debate on ecocide, and rights-of-nature directions promises a new paradigm where the operations of corporations become secondary to environmental integrity [27]. A possible alignment with the possible LBI in the future may demand international standards of prevention, restorative justice, and prevention of the destruction of wildlife and habitats where intergenerational equity may be promoted in an age of escalating biodiversity crisis.

## **5. Conclusion and the Emerging Paradigm**

The new Indian-faceted international law legal paradigm of corporate responsibility to environmental and wildlife damages is a significant turning point to the ecological-focused regime of governance where corporate activities are made subservient to the ecological integrity, intergenerational justice, and planetary cultures. This paradigm is condensed in India with constitutional responsibility under Articles 48A and 51A(g), through the philosophy of strict liability in landmark cases like the Oleum Gas Leak and Bhopal and also through transformation of management by the Supreme Court in the case of *M.K Ranjitsinh and Others v. Union of India*. The redefinition of mandatory CSR through the amendments to the Companies Act, 2013, as Corporate Environmental Responsibility (CER) gave the Court a binding duty on corporations to finance habitat restoration, species protection and preventive actions, especially the critically endangered Great Indian Bustard which are affected by the renewable electricity infrastructure in the states of Rajasthan and Gujarat. This ecocentric would regard companies as custodians of society, in which they must place the importance of biodiversity over unregulated profits, and which develops and aligns development with the existence of wildlife through specific mitigations, such as bird diverters, corridor planning, and no-go areas in priority habitats.

These views entrench the right of the healthy environment and precautionary principles and duties of preventing substantial harm, which is projected to private operators through compulsory regulation, enforcement, and redress. Dimensions wildlife: Enhancing the balance of corporate activity and protecting biodiversity and livelihoods. Wildlife-specific responsibility presents subtle conflicts between the corporate-led development, biodiversity, and human lives. There are examples listed in India of such a balance: renewable energy projects that are vital to the mitigation of

climate and access to energy have posed a threat to habitat fragmentation and collision fatalities in such species like the Great Indian Bustard. Many obstacles remain, such as imbalance enforcement and corporate resistance, but the paradigm supports preventative, participatory, paradigms of solving profit and biodiversity and human dignity. Eventually, such a fusion promises a new era where business responsibility will guarantee ecological sustainability, prevent irreparable damage, and encourage fair and sustainable growth as the crises accelerate.

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