Activities of Multinational Corporations leading to Climate Change vis-a-vis Human Rights Violation in India

Mrs. Swatee Yogesh
Principal- In-Charge, Balaji Law College, Pune

Abstract - Globalisation is necessarily connected with two major activities of human kind- trade and power politics. The former is a concomitant of corporations and the later is of governments. Both of them have a role to play in Global Climate Change; which is a major challenge that world is facing today. Various national and international norms have been sought after to tackle this problem of climate change. Climate change has effects on various aspects of human life, one of them happens to be human rights violation due to climate change. Worldwide securing of human rights is a very sensitive issue; nevertheless the human rights violation continues.

The present paper analyses the activities of Multinational Corporations leading to climate change which leads to violation of human rights in various sectors. It would attempt to answer the question “in what respect the climate change crisis raises problems that would be classified as human rights violation?” And whether the existing national and international norms are efficient enough to protect such human rights violations? It would further explain the concept of right to development vis-à-vis human rights affected by climate change, and critically analyse the Indian and Global norms like UN Charter, UNDHR, UN Commission on Human Rights, human rights legislations etc. The paper would conclude with a suggestion to alter the concept of corporate social responsibility to curb the menace of human rights violation caused due to the corporate activities leading to climate change in India.
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Introduction - Corporations are artificial personalities created by law, for the better governance of human kind and making their lives more convenient and easy. They evolved as local trading entities in ancient times and have catapulted to Multinational Corporations in modern times. These corporations no doubt have made life of human beings easy; however, at the same time they have made lives of many miserable also. They are one of the basic components of Globalisation.

The term globalisation could be primarily explained in terms of the interrelation between the Corporate Businesses and International Trade. The phenomenon of globalisation constitute of two groups of stakeholders; the dominant group from the top consists of Multinational Corporations, and elite financial institutions like International Monetary Fund (IMF), the World Bank (WB), the World Trade Organisation (WTO ), and the governments channelizing the agendas of above institutions through negotiations and domestic legislations etc. The servient group comprises of grassroots networking of common man, Non Governmental Organisations (NGOs), activist advocating rights of labour groups, women’s groups etc.

During this process of globalisation Human Rights are violated at various levels. The present paper focuses on human rights violations caused by corporate activities leading to climate change. It attempts to answer the question “in what respect the climate change crisis raises problems that would be classified as human rights violation?”

Climate Change is a Human Rights Concern – The question “Whether Climate Change is a Human Rights Concern?” has been responded by various theorists is different ways. In words of Mary Robinson, former UN High Commissioner for Human Rights -

2. Ibid
3. Ibid, the violations could be seen when global trade decisions are based on getting cheap labour, slackest environmental and labour regulations, huge tax cuts for transnational corporations, and freedom from any kind of long-term commitment to the region in which these corporations operate.
“The human rights approach, emphasising the equality of all people, is a direct challenge to the power imbalances that allow the perpetrators of climate change to continue unchecked. And the human rights framework gives us the legal and normative grounds for empowering the poor to seek redress. We can no longer think about climate change as an issue where the rich give charity to the poor to help them to cope with its adverse impacts. Rather, this has now become an issue of global injustice that will need a radically different framing to bring about global justice”

The interrelation between Climate Change and Human Rights has remained ignorant issue in the international forum’s acknowledgement, however, it has been discussed since 1970s. Although this debate has not led to a wide-spread recognition of an independent human right to decent or satisfactory environment, it has spurred a lot of action where existing human rights are regarded as important in protecting the environment, also against climate change consequences. So, despite the fact that a specific universal right to the environment may not have been recognised explicitly, many other substantive human rights, such as the right to life, health, or procedural rights, such as participatory rights or the right to effective remedies, have been applied by human rights monitoring bodies in an environmental context.⁵

Supreme Court of India has reiterated the above mentioned rights in various landmark judgments⁶ at times attributing these rights the status of fundamental rights. Climate Change leads to violations of human rights such as right to food, right to water, and right to development. If the three generational analysis of Human Rights evolved by K. Vasak⁷ is followed, it could lead to the conclusion that these human rights fit in the third generation of Human Rights.

Activities of corporations leading to climate change – Activities of corporations that lead to climate change are complex and no parameter can calculate with perfection a nature of activity leading to a particular kind of climate change. In light of this complication, it is difficult to

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⁵ Erkki J. Hollo, Kati Kulovesi, Michael Mehling, Climate Change and the Law, Ius Gentium: Comparative Perspectives on Law and Justice 21, Springer Publication, 2013
demarcate activities that specifically lead to climate change, however, generally it could be seen that any harm or damage caused to the environment ultimately would contribute to climate change. The question of who or what falls within the sphere of activity and influence of a corporation, that is especially, to which stakeholders the obligations to protect, promote, respect and secure the fulfilment of human rights are owed will likely not turn on legal principles alone. The same can be said of determining the limits of corporate complicity.\(^8\) However, analysing the working of the corporations and involvement of stakes of different stakeholders in the corporations would be one of the ways of demarcating the boundaries to the corporate activities leading to climate change and in return violating the human rights of the concerned stakeholder.

Stakeholders\(^9\) in corporations can be categorised broadly as follows - Employees who are considered as principal stakeholders; Shareholders who hold equally important stake; Managers are stakeholders who are supposed to be a link between the Employees and the other stakeholders; Creditors though own a lesser risk as compared to the other stakeholders being supported by the collateral, however hold a stake in the performance of the company; Labourers or Trade unions hold a stake in the corporation’s wellbeing as their survival is based on the survival and progress of the corporations; Customers are the fundamental stakeholders as they are the ones for whom corporations are supposed to come into existence; suppliers are the stakeholders for their business is connected to the performance of the corporation; The local community could be termed as a stakeholders in broadest sense of its meaning to include responsibility of the corporations towards the civil society at large; and finally and most importantly future generations which is the central stakeholder.

The activities that affect the human rights of these stakeholders generally could be classified as – Firstly, activities of corporations leading to Carbon emissions, these result in severe weather

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\(^9\) OECD Norms on Corporate Governance
conditions like storms, tornadoes, tsunamnis, floods, rising sea-levels etc. The greenhouse gases which contribute significantly to the warming of the globe are also responsible in interfering in the global climate.\textsuperscript{10} The green house effect plays a crucial role in maintaining a life-sustaining environment on earth. If there is no green house effect, i.e. there are no green house gases existing in our atmosphere, the situation would be different. The green house gases in the atmosphere allow the sun’s ultra violet radiation to penetrate and warm the earth, and they absorb the infrared energy that radiates back into the atmosphere. By blocking the escape of this radiation, these gases effectively form a blanket around the earth. Green house gases make up only about one per cent of the atmosphere, but they act like a blanket around the earth, thereby trapping the heat and keeping the planet warmer.

According to development research group of the World Bank, climate change affects the economic condition of urban poor to a great extent making their life miserable. If this continues, they will be the worst victims in the next few years. It is also feared that unless it is checked, it will affect the poor countries worst by imposing on them disasters like severe drought, acute shortage of food, drinking water, etc\textsuperscript{11}. Hence due to all these activities victim's right to life and health is violated, due the carbon emission activities of the corporations leading to climate change.

Secondly, activities of corporations leading to over exploitation of ground water lead to violation of the human rights of the people residing in the vicinity where the corporations are located. For e.g. In a number of districts of India, Coca Cola and its subsidiaries are accused of creating severe water shortages for the community by extracting large quantities of water for their factories, affecting both the quantity and quality of water. Coca Cola has the largest soft drink bottling facilities in India. Water is the primary component of the products manufactured by the company.\textsuperscript{12} Apart from the depletion in the levels of ground water, the working of the corporations in violation of

\footnotesize{\textsuperscript{10} Journal of Indian Law Institute, “Special Issue on Climate Change and Environmental Law”, 52 JILI (2010), a.p. 380
\textsuperscript{11} Ibid
\textsuperscript{12} See http://www.righttowater.info/ accessed on 24/03/2014}
environmental norms also causes to affect the quality of drinking water. Water is one of the major
components that affects the quality of life and at times survival of human kind.
Thirdly, activities causing emission of hazardous effluents or elements in climate (affecting quality
of water, air and land). Apart from carbon emissions, the activities of corporations also release
hazardous effluents either in water, air or land; all these affect the life conditions of the residents of
the vicinity. Releasing of these hazardous elements by the corporations ultimately lead and
contribute to the climate change. The hazardous elements affect the present generations directly and
the future generation by affecting the ecological balance and leading to climate change, making it
difficult for them to enjoy a healthy life. The Bhopal gas tragedy in India is one of such examples
which evidently shows how the corporate negligence and lack in attitude of social responsibility
towards the stakeholders has resulted in massive human rights violation.
Fourthly activities of corporation of maintaining secrecy, and lobbying with governmental and
other agencies for non-compliance of environmental norms make the life of stakeholders difficult.
Working of corporations in any nation touches the lives of people more closely than any other
constituency, giving it immense potential for good or harm, in addition to its greater benefits has
come collateral damage to individuals, to the environment, to the communities. Whether directly or
indirectly, companies encounter problems which we would now classify under the generic heading
of human rights. In their supply chains they can meet exploitative child labour, discrimination, risks
to health and life, forced labour. The extractive industries can be involved in the spoliation of the
environment and the destruction of communities. In contexts of conflict and human rights violations
they confront a need for security which is too often provided by ill-disciplined state security
Simply through their presence companies provide economic support and moral sanction to
oppressive governments. If they lack appropriate policies and principles, companies risk the
legitimate charge of complicity with oppression in pursuit of profit. This relation of the corporate giants and oppressive government ultimately affects the human rights of the people at large as they tend to mitigate the environmental norms at the cost of the lives of human beings. These Companies who have a capacity at times to overpower the governments also, have the capacity of dictating the terms and conditions for the running of their business in developing or under developed nations where the suppressions of human right of the lay and poor people becomes the common game of the Corporate giants and the corrupt politicians. Especially the fact that, due to their transnational nature, they often operate in a legal vacuum, particularly in states that are themselves human rights violators or which are too weak to prevent or remedy violations.

All these activities broadly create an impact on two foundational human rights of the stakeholders i.e. Right to Life and Right to Health of both the present and future generation. Right to life is often considered to be one of the most fundamental human rights. International human rights treaties and customary international law affirm states’ obligation to not undertake acts that harm or threaten human life. The right to life is guaranteed by nearly all major human rights instruments.

The Indian Supreme Court has acknowledged that Right to Pollution free environment is a Fundamental Right under Article 21 of Constitution of India.

Inter- American Commission on Human Rights has also recognised the environmental dimension of the right to life by laying down that: “The realisation of the right to life, and to physical, security and integrity is necessarily related to and in some ways dependent upon one’s physical

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14 Ibid
15 The combined efforts of Indian government and Union Carbide Corporation during the Bhopal Gas tragedy are one of the best examples of lobbying of the corporations and politicians to brush the liability under carpet towards the victims. Further the range of corporate can be illustrated with the case of world’s biggest companies Wal-mart.
16 Id at note 6
17 Article 3 of the Universal Declaration of Human Rights; Article 6 of the International Covenant on Civil and Political Rights.
18 Id note 6
environment. Accordingly, where environmental contamination and degradation pose a persistent threat to human life and health, the foregoing rights are implicated”\textsuperscript{19}

It is indisputable that humanity’s ultimate survival is indelibly linked to the state of the Earth’s environment. Human Rights monitoring bodies have also increasingly recognised situations where environmental destruction may seriously affect human life. It is undeniable that anthropogenic climate change violates the right to life. To start with climate change is projected to result in increasingly severe weather occurrences, including tornadoes, hurricanes, storm surges and floods which may lead to a direct loss of life.\textsuperscript{20}

Right to Health is equivalent to Right to Life, if a life without health exists; it is as good as a vegetative existence. It has been acknowledged in various international Human rights instruments like Universal Declaration of Human Rights, European Social Charter. Moreover, International Convention on Economic, Social and Cultural Rights (CESCR) recognizes the right to the “highest attainable standard of physical and mental health.” The Committee on Economic Social and Cultural Rights states that this right is indispensable for the enjoyment of other human rights.

**Human Rights violation caused due climate change unaddressed by the International instruments and Indian Legal system-** An appraisal of the International and Indian\textsuperscript{21} Climate Change Principles and Policies signifies that it revolves around the following aspects of Climate Change, where in none of them directly relates or is concerned about the rights of the victims of climate change. Following is an overview of the Climate Change Laws.

**United Nations Framework Convention on Climate Change (UNFCCC)**

The Convention creates an international structure to address climate change, including provisions for reporting of climate change, scientific and technological research, and annual meetings of the conference of the parties. Developed countries agreed to the “aim” of reducing their greenhouse gas

\textsuperscript{19} Id note 10  
\textsuperscript{20} ibid  
\textsuperscript{21} The author has elaborated the lack of Indian laws to address the violation of Human Rights caused by corporations generally in her research paper on “Corporate Human Rights Violation in India – Critical Analysis” available at www.ssrn.com
emissions to 1990 levels by 2000, but the Framework Convention does not contain any binding commitments to reduce greenhouse gas emissions by a quantifiable amount by a specific date.\textsuperscript{22} This nature of being a soft law makes its implementation difficult for imposing liability on Corporations for performing activities causing greenhouse gas emissions. The Convention anticipates but does not require that more specific agreements or protocols will accomplish that result in the future. In addition, the Convention treats developed countries and developing countries differently.\textsuperscript{23} This differentiation makes it practically possible for the Multinational Corporations belonging to developed economies to set up their businesses in developing nations and claim the benefit of lenient norms for developing nations to exercise their right to development.

According to its preamble, developed countries have contributed “the largest share of historical and current global emissions of greenhouse gases”, and have higher per capita emissions levels than developing countries. Because these gases stay in the atmosphere for a significant time, the developed countries’ historic contribution to greenhouse gas emissions has lasting cumulative effects. Thus, in ratifying the Framework Convention, developed countries agreed to adopt policies and measures that will demonstrate that they “are taking the lead” in addressing climate change. Still, the Convention requires all parties, both developed and developing, to establish, implement, and periodically update national programs to mitigate climate change.\textsuperscript{24}

UNFCCC nowhere deals with the human rights issues related to climate change. Though in a macro sense it aims at addressing the issue generically but does not specifically lay down any norms to tackle human rights violation caused due to climate change.

\textbf{Kyoto Protocol and Negotiations for Subsequent Protocol} - Under the Kyoto Protocol, industrialized nations agreed to cut their greenhouse gas emissions to a certain percentage below 1990 levels. The year 1990 was chosen as a baseline because that was the year when the UN first

\begin{footnotesize}
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\item[\textsuperscript{22}] John C. Dernbach and Seema Kakade, Climate Change Law: An Introduction, Energy Law Journal Volume 29, no. 1 2008
\item[\textsuperscript{23}] Ibid
\item[\textsuperscript{24}] Ibid
\end{itemize}
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launched negotiations on climate change. These total cuts in emissions would have to be accomplished by the target period of 2008-2012. The Kyoto Protocol applies to industrialized nations only. Developing countries, including India and China, were not required to commit to reductions because their per-capita greenhouse gas emissions are much lower than those of developed nations.

The "Doha Amendment to the Kyoto Protocol" was adopted in Doha, Qatar, on 8 December 2012. The amendment includes: New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from 1 January 2013 to 31 December 2020; A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period. On 21 December 2012, the amendment was circulated by the Secretary-General of the United Nations, acting in his capacity as Depositary, to all Parties to the Kyoto Protocol in accordance with Articles 20 and 21 of the Protocol. During the first commitment period, 37 industrialized countries and the European Community committed to reduce GHG emissions to an average of five percent against 1990 levels. During the second commitment period, Parties committed to reduce GHG emissions by at least 18 percent below 1990 levels in the eight-year period from 2013 to 2020.\(^\text{25}\)

The success of the protocol is not doubted because it has resulted in reduction of greenhouse gas emission. However, the Protocol is also silent on human rights issue in context of climate change. **United Nations Charter UDHR, and UN Commission on Human Rights** – These three international instruments are fundamental global instruments dealing with almost every aspects of Human Rights violation, however, these too do not deal with human rights violation caused due to climate change. United Nations Charter first gave formal and authoritative expression to the human

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rights regime that began at the end of the Second World War. Since its birth in 1945, the United Nations has served a vital institutional spur to the development of the regime, as well as serving as a major forum for many sided debates about it. The Charter’s references to human rights are scattered, terse, and even cryptic. The term ‘human rights’ appears infrequently. These provisions too are insufficient to apply to the human rights violations caused due to climate change as many of them are promotional or programmatic character, for they refer principally to the purposes or goals of the UN or to the competences of different UN organs, ‘encouraging respect for human rights’; assisting in the realisation of human rights’; ‘promote universal respect for and observance of human rights’. Not even a single provision contains an obligation.

Further, a special commission was appointed for giving separate attention to the human rights issue. This commission was contemplated by Charter’s Article 68, which provides that one of the UN organs, the Economic and Social fields and for the promotion of human rights. In 1946, ECOSOC established the Commission on Human Rights which evolved over the decades to become the world’s single most important human rights organ. At its inception, the new commission was charged primarily with submitting reports and proposals on an international bill of rights. The Universal Declaration is meant to precede more detailed and comprehensive provisions in a single convention that would be approved by the General Assembly and submit to the states for ratification. However, UNDHR lacks formal authority of a treaty that could bind parties under international law. Nonetheless it remains in some sense the constitution of the entire regime, as well as the single most cited human rights instrument. In such situation it is evident that UNDHR also does not deal with climate change as human right issue, assuming it indirectly relates to it still it lacks sanction and hence is ineffective.

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27 Note its occurrence in the following in following provisions; second paragraph of preamble, Article 1(3), Article 13(1)(b), Articles 55 and 56, Article 62(2) and Article 68.
28 Ibid
29 Ibid
30 Ibid
Thus, none of the human rights related international instrument efficiently imposes liability either on the nations or on the corporations for causing human rights violation due to climate change.

**Climate Change Norms in India** – India is a non-annex party to UNFCCC and Kyoto Protocol, still India has been voluntarily implementing the carbon emission norms. Apart from this there are various legal statutes and principles which aim at mitigating the climate change activities. A short account of these legislations is as under –

Energy Conservation Act 2001 lays the foundation for promoting energy efficiency by establishing the Bureau of Energy Efficiency (BEE) with the primary objective of reducing energy intensity. Thereafter Integrated Energy Policy 2006, was an effort of the Planning Commission to address the country’s growing energy demands. It provides a comprehensive framework for energy policy in India. In terms of addressing climate change, the Integrated Energy Policy makes recommendations that include power sector reforms, ramping up mass transit, increasing nuclear power and renewable and highlighting energy efficiency in all sectors. Another Indian Legislation pertaining to climate change indirectly is The Electricity Act 2003, which brought about power sector reform in India. It encouraged the development of renewable energy by mandating that State Electricity Regulatory Commissions (SERC) promote renewable energy by allowing connectivity and sale of electricity to any interested person and specified that a percentage of the electricity consumption should be from renewables. Thereafter in 2008, the National Action Plan on Climate Change was a turning point in the India’s domestic engagement on Climate Change issue. The Plan consists of eight missions addressing mitigation, adaptation as well as research and development The missions are National Solar Mission, National mission on sustainable habitat, National Mission for Sustaining Himalayan Ecosystem, National Water Mission, the National Mission on Enhanced Energy Efficiency, National Mission on Strategic Knowledge for Climate Change.

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32 Ibid
Thus analysing the Indian legislations pertaining to climate change it could be seen that even these do not anywhere deal with the human rights violation caused due to climate change. These norms are merely regulatory norms to mitigate the future damage causing due to climate change, they nowhere make a provisions for making good the loss caused to the victims of climate change.

**Right to development and climate change** - The above stated activities\(^3^3\) directly or indirectly affect both these rights of various stakeholders. In light of the above discussion, a question is posed before us, whether these negative effects of corporations over the life of people clash with right to development of people (especially the citizens of developing and under developed economies).

Over the last two decades, the UN has devoted substantial resources to elevating the significance of the right to development and promoting its implementation. These efforts have found important support in the Declaration on the Right to Development (DRD), which clarifies the content and principles of the right to development, as well as the rights and duties of States, international organizations and individuals, and in the Rio Declaration on Environment and Development, which clarified that the right to development has an environmental component. Given the impact of climate change on the ability of States to implement the right to development, the High Level Task Force (HTLF) on the Implementation of the Right to Development has begun studying the linkages between climate change and the right to development. Recently the HTLF has particularly focused on examining the Clean Development Mechanism (CDM) from the perspective of the right to development.\(^3^4\)

Thus Right to development when it clashes with Climate Change effects, various law forums, instruments and treaties have laid down the solution in the form of the “Sustainable Development”. Though the developing economies have a right to development that does not mean the development

\(^3^3\) Supra at. p. 3  
could be achieved at the cost of human rights violation of people. The principle of “sustainable development” gives a converging solution to two problems one of human rights violation caused due to climate change and other right to development leading to climate change.

**Conclusion** – The Corporate activities that lead to human rights violation are all the activities of corporations leading to Carbon emissions, leading to over exploitation of ground water, causing emission of hazardous effluents or elements in climate; of maintaining secrecy, and lobbying with governmental and other agencies for non-compliance of environmental norms.\(^{35}\) In absence of any National or International norm to impose liability on corporations for these human rights violation caused due to climate change; it is suggested that the governance of the corporations need to be altered. This change in governance could be possible with the help of Corporate Social Responsibility (CSR) norms. There are varieties of definitions of Corporate Social Responsibility, though none of them have a universal application. In present context we can consider one of such comprehensive definitions. According to United Nations Industrial Development Organisation (UNIDO)\(^{36}\)

“Corporate social responsibility is a management concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders. CSR is generally understood as being the way through which a company achieves a balance of economic, environmental and social imperatives (Triple-Bottom-Line Approach), while at the same time addressing the expectations of shareholders and stakeholders. In this sense it is important to draw a distinction between CSR, which can be a strategic business management concept, and charity, sponsorships or philanthropy. Even though the latter can also make a valuable contribution to poverty reduction, will directly enhance the reputation of a company and strengthen its brand, the concept of CSR clearly goes beyond that.”

\(^{35}\) Though the environment protection laws exist in all legal systems, including India, none of these legislations impose liability on corporations precisely for violating the human rights.

Analysing the definition given by UNIDO it could be noted that generally Corporate Social Responsibility is considered as one of the management tools for the better governance of the Companies. If CSR is implemented as merely one of the management or institutional processes then its efficient implementation would remain in question. Hence, it is important to comprehend the legal analysis of Corporate Social Responsibility norms.

Since the laws governments pass to encourage CSR are uniquely powerful, in at least three respects. One, the standards established by laws and mandatory regulation, while not immediately translated into action in any realistic portrait of global organizational practice, have a particularly strong influence on establishing social expectations about responsible corporate behaviour. The social expectations then act as a “focal point” around which firms structure their behaviour (McAdams and Nadler, 2004). Two, once the social expectation is created, a number of other forces, including consumer demands, institutional investor demands, community demands, and NGO demands, interact to create incentives for firms to meet the standards set out in the law (Kagan, Gunningham & Thornton, 2002), whether enforcement is a realistic threat or not. Three, the laws and policies that governments enact send a strong signal about the importance of a subject—a signal that, as regards CSR, is amplified by the business culture in the country, consumers’ interests, institutional investors’ actions, the corporate governance regime, NGOs’ effectiveness, and the individualistic versus collectivist nature of the country’s underlying political and social philosophy.

Looking at the gravity of Climate Change implications on human right violation, it is time to make environmental concerns and human right concerns of the victims a focal concept of CSR norms. These norms could be kept voluntary in terms of social philanthropy, however in context of

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37 Cynthia A. Williams, Ruth V. Aguilera, Corporate Social Responsibility in a Comparative Perspective accessed http://business.illinois.edu/aguilera/pdf/williams%20aguilera%20oupfinal%20dec%202006.pdf
environment and climate change issues it should be made mandatory. The recent amendment in India’s Company Law making CSR mandatory is significant of importance of CSR in the corporate governance in terms of its accountability towards the stakeholders. However, this amendment too does not consider the climate change implications or environmental harms caused by corporations, and ultimately leading to human rights violation at its core. It is one of the elements of CSR on which the companies may spend their CSR fund. The amendment does not specifically classify the activities separately; hence for example a Company may spend 2% of its turnover only for promotion of education, which is one of the activities as per the new amendment. In such situation there is no mandate that the spending or any activity mitigating climate change would be promoted through this mandatory norm of CSR. In words of J. Maurice Clark Corporate Philanthropy should not be confused with Corporate Social Responsibility, and that is exactly what the new amendment to Indian Companies Act has done. To state the exact wording of J.Maurice Clark

“The world is familiar enough with the conception of social responsibilities. These do not need to be rediscovered in the year of our Lord 1916. But the fact that a large part of them are business responsibilities has not yet penetrated, and this fact does need to be brought home to a community in which business men and theoretical economics alike are still shadowed by the fading penumbra of laissez-faire. The issue is deeper and much more far-reaching than anyone can realize who has not tried earnestly to understand the sources of the deep sense of injustice that animates the discontented classes. The trouble is not that the unfortunate are not helped, but that they are helped in the name of charity, regardless of whether they are victims of their own weakness or of the misfit grindings of our non-too-perfectly-adjusted industrial machine. To many the very word ‘charity’ is as a red flag to a bull, and this will never be otherwise as long as so much that passes for charity is merely repairing the damage or salvaging the wreckage for which industry is the chief responsible

In light of the above it is evident that climate change and environmental concerns should be nationally and globally the foundational concept while implementing the CSR norms and should be made mandatory for all corporations in order to give remedy to the victims of human rights violation caused, especially due to climate change. Few corporations may follow the CSR norms voluntarily; nonetheless there would be many who would implement only with a legal sanction. Thus, it is the governments who can through legislation (by making CSR in context of environment protection and human rights protection to be mandatory) can make the corporations accountable for the human rights violation caused by them. At international level the developed nations could make it stringent and mandatory for their multinational corporation (that have businesses in other developing and under developed nations) to follow CSR in terms of environment and human rights protection.