

Report of workshop on
National Guidelines on Social, Environmental & Economic Responsibilities of business (NGs)
and
Legally Binding Instrument to regulate, in international Human Rights Law, the activities of
transnational corporations and other business enterprises (LBI)

Background

MCA is in process of updating of National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business (NVGs) released by Ministry of Corporate Affairs in 2011 and inviting suggestions on Legally Binding Instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises (Legally Binding Treaty).

As much time has passed since the NVGs were released, IICA through a two member committee has updated the same and inter-alia, renamed it as National Guidelines on Social, Environmental and Economic Responsibilities of Business (NGs). The draft NGs have been published at the Ministry's website for inviting public comments.

The 'Zero Draft' of LBI is international human rights treaties of recent years addressing issues around business and human rights. The draft is published in the context of establishment by the United Nations Human Rights Council in Geneva through resolution 26/9, in 2014 of an Intergovernmental Working Group created to elaborate a draft treaty on business and human rights. The treaty recognises the primacy of human rights over all trade agreements and states that Transnational Corporations (TNCs) and Other Business Enterprises (OBEs) shall put efforts to promote and ensure respect for human rights, and shall use their influence for the same.

Regional Workshops/ Consultations

In order to reach maximum stakeholders, MCA through IICA and NFCG has organised a series of consultations as per the following schedule –

Date	27 August 2018	29 August 2018	31 August 2018	05 September 2018
Place	Kolkata	Mumbai	Bengaluru	Delhi
Venue	Aauris Hotel	ITC Maratha Hotel	Conrad Hotel	India Habitat Centre

The workshops were attended by more than 200 delegates from corporates, academic institutions, professional institutes and NGOs.

The presentations were made by Mr. Viraf Mehta and/or Mr. Shankar Venketeshwaran, members of committee on updating the national guidelines on the revised principles and other amendments undertaken in the revised guidelines. The workshops were intended to deliberate upon these amendments of the national guidelines to understand the scope and the responsibilities of the corporates. The discussions in regard to the NGs were around the need of the amendments in national guidelines, voluntary nature and scope of the guidelines and suggested revised framework of Business Responsibility Reporting.

The consultation/workshop provided a platform to discuss the consequences of Legally Binding Instrument on the Indian corporate eco-system considering the challenge being faced by the corporates functioning and the prevailing laws in India. In order to demystify the provisions of LBI, domain experts as mentioned below were invited for each of the workshop as mentioned below –

Location	Speaker
Kolkata	Prof. Vaneeta Patnaik, NUJS
Mumbai	Mr. Behram N Vakil and Ms Richa Rai
Bengaluru	Prof H K Nagraj and Prof Priya – NLSIU
Delhi	Mr. Nawneet Vibhaw, Associate Partner, Khaitan & Co.

The discussion in regard to the Legally Binding Treaty were regarding jurisdiction of Legally Binding Treaty, its impact on FDI in India, liabilities of government, TNCs and OBEs arising out of LBT, comparison between existing laws on Human Rights in India to be followed by the corporates and provisions of LBT and the prospective stand of India on LBT.

Special Guests

The following eminent personalities had graced the occasion with their presence at different locations and had represented the Ministry of Corporate Affairs –



Mr. Alok Samantarai, Regional Director (Eastern Region), MCA at Kolkata

Mr. Manmohan Juneja, Regional Director (Western Region), MCA at Mumbai

Mr. Gyaneshwar Kumar Singh, Joint Secretary, MCA at Delhi



Dr. Sameer Sharma, DG & CEO, IICA had extended the key address in the workshops held at Mumbai, Bengaluru and Delhi and briefed about the concept of business and human rights as a legacy of Indian history referring to Gandhi's trusteeship. He also briefed about the linkages between draft NGs and united nation guiding principles (UNGP) allowing corporates to match the international standards with respect to responsible business.

While talking about LBT, Dr. Sharma clarified that India's position is yet to be build up and thus, the inputs from the stakeholders are crucial.

Conclusion

The workshops has facilitated in engaging the stakeholders and receiving the relevant inputs with regard to the draft national guidelines and legally binding instrument. The inputs and discussions will be integrated in order to finalise the national guidelines and to present India's position with respect to LBI at the forthcoming session of inter-governmental working group of UNHRC in October, 2018.

