

Evolution of the concept of corporate accountability in UK and India

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The concept of Human rights has been evolved as an anti-thesis to the arbitrary exercise of power by the state authorities all over the world. By way of giving national and International protection, through implementing various strategies, we have made the state actors disciplined. To a greater extent we have got a system in place to make the State Actors respect and protect human rights. But the postmodern neo liberal global economy faces a serious threat to human rights from non-state actors like MNCs and TNCs. The system that has been made working against the State actors like constitutional protection of human Rights against State violations through Part III of the constitution of India, Human Rights Act of 1998 in UK etc. have got limitations in applying it against TNCs and MNCs. We are witnessing a global try for a decade or two, to bring the corporations under a disciplined code so that they will be forced to respect, protect human rights while doing business with the sole aim of making profits. This paper is a try to draw an outline regarding the process of evolution of introducing accountability against corporations in UK and in India. Both the countries are in the process of bringing accountability to corporations for their Human Rights Violations. Though all these initiatives are in rudimentary stages in both the countries, still it is worthy to know about the innovative legislative, administrative and judicial strategies for protecting human rights against non-state actors in India and UK.

Introduction

International codes for corporate behaviour have been proposed, discussed, negotiated and promulgated by governments, transnational corporations and inter corporate associations over the past few decades. Transnational corporations evoke particular concern, now a day, because it has got direct relationship with human rights as they are the most dynamic sectors of national economies such as extractive industries, telecommunication, information technology, electronic

consumer goods, banking, finance and security trading. They bring new jobs, capital and technology and they certainly are capable of fostering development. But the story may not be like this always. Instances of Human Rights violations like child labour, failure to provide safe and healthy working conditions; attempts to repress independent trade unions, dumping toxic wastes and many more have been reported against TNCs all over the world. Some of these abuses disproportionately affect developing countries, minorities, indigenous people and other vulnerable groups. This new challenge to the human rights protection regime is being confronted by both national and international initiatives. Human rights advocates all over the world realises that it is imminent to confront various forces encompassed in the term globalisation, which is actually the outcome of the dramatic increase of investment by multinational corporations. The economic might of some corporations has even eroded the power of the state. This paper is an insight into the evolution of the initiatives of UK and India for making corporations disciplined so as to respect and protect human rights.

The emerging corporate accountability agenda includes proposals to establish institutional mechanisms that can hold corporations liable, rather than simply urging companies to improve standards or to report voluntarily. This shifted urge was actually the result of a civil society campaign which was more like an uproar from 1971 onwards in UK. Campaign groups were able to expose the worst examples of corporate behaviour and indicated what kind of behaviour might be better. In UK, a coalition of NGOs, trade unions and think tanks known as the Corporate Responsibility Coalition (CORE)¹ had been developing proposals on how company law could be changed to hold UK companies to account. CORE would like to see a new legal duty placed on companies (or their directors) requiring them to report annually on the significant negative social and environmental impacts of their business operations, products, policies and procedures. There should be a requirement for these reports to be independently audited and for a range of Key Performance Indicators (KPIs) to be developed to facilitate comparisons between companies and sectors. UK company law already places a fiduciary duty on company directors, requiring them to act in the interest of the company and shareholders. This should be counter balanced with new duties requiring directors to take reasonable steps to reduce the significant negative social and environmental impacts of their business operations, products, policies and procedures, which have been identified through the mandatory reporting requirements. This new duty could be referred to as a "duty of care" to people and the environment. Individuals or communities who suffer significant negative impacts because of the failure of UK companies (and directors) to have proper regard to these new duties, should be given the legal right to seek redress in a UK court, with legal aid. But the CORE

¹ The Corporate Responsibility Coalition (CORE) is a broad grouping of over 100 UK based environment, human rights and development organisations, think tanks and trade unions including Action Aid, Amicus, Amnesty International (UK),

CAFOD, Christian Aid, Friends of the Earth, Save the Children, New Economics Foundation (NEF), T&G Union, Trade craft, Unison and Unity Trust Bank.
<http://corporate-responsibility.org/>

approach still waiting to be realised and implemented through proposed changes in Companies Act of UK.

Modern Slavery Act (MSA 2015)

Another positive initiative which can, directly or indirectly, have an impact on business and human rights paradigm is the Modern Slavery Act (MSA 2015)² entered into force on July 31, 2015 in England and Wales. The Act introduced the legal concept of 'modern slavery'.³ The ground breaking Act requires businesses to be transparent with regard to the slavery and human trafficking implications of their supply chains. Specifically, certain businesses with their financial year ending on or after 31 March 2016 will be required to produce an annual Slavery and Human Trafficking statement.⁴ If an organisation does not prepare a statement; the Secretary of State can apply for an injunction to force compliance. If an organisation still refuses to comply they will be deemed to be in contempt of a court order, which is punishable by an unlimited fine.⁵ It is expected, however, that this will be a last resort. Rather it is expected that pressure from consumers, investors and non-governmental organisations as well as the potential threat to their reputation will encourage organisations to comply with the Act. The Modern Slavery Act criminalises holding another person in slavery or servitude and requiring another person to perform forced or compulsory labour and clarifies that the appearance of, or actual, consent of a worker to exploitative work is irrelevant where the worker is being held in forced labour, slavery or servitude. The Act also introduces a single offence of human trafficking covering both sexual and non-sexual exploitation. The Act has some extra territorial application for human trafficking offences, providing that UK nationals will be liable under the Act irrespective of where the act takes place, while non-UK citizens will be liable if any part of the arranging or facilitating takes place in the UK, or the travel consists of arrival in or entry into, departure from, or travel within, the UK.

National action Plans⁶

Beyond all these actions state started to have some initiatives to strengthen the policies for protecting human rights and to implement laws for promoting corporate accountability. The first step was National Action Plans which embodies the UK's commitment to protect human rights by helping UK companies understand and manage human rights. UN Human Rights Council called on all States to implement the UN Guiding Principles on Business and Human Rights (UNGPs) and develop national action plans in June 2014.⁷ The UK was the first State to produce a National Action Plan on Business and Human Rights to

implement the United Nations Guiding Principles on Business and Human Rights. The action plan sets out the Government's plans to do the following:

- implement UK Government obligations to protect against human rights abuse within UK jurisdiction involving business enterprises;
- support UK businesses to meet their responsibility to respect human rights throughout their operations both at home and abroad;
- support access to effective remedy for victims of human rights abuse involving business enterprises within UK jurisdiction
- promote understanding of how addressing human rights risks and impacts can help build business success;
- promote international adherence to the UN Guiding Principles on Business and Human Rights, including for States to assume fully their duties to protect human rights and assure remedy within their jurisdiction
- ensure policy consistency across the UK Government on the UNGPs.

The action plan also sets out the Government's expectations of businesses which are:

- comply with all applicable laws and respect internationally recognised human rights, wherever they operate
- seek ways to honour the principles of internationally recognised human rights when faced with conflicting requirements
- treat as a legal compliance issue the risk of causing or contributing to gross human rights abuses wherever they operate
- adopt appropriate due diligence policies to identify, prevent and mitigate human rights risks, and commit to monitoring and evaluating implementation;
- consult people who may potentially be affected at all stages of project design and implementation, for example taking into account language and other potential barriers to effective engagement
- emphasise the importance of behaviour in line with the UN Guiding Principles to their supply chains in the UK and overseas
- adopt or participate in effective grievance mechanisms which are transparent, equitable and predictable
- be transparent about policies, activities and impacts, and report on human rights issues and risks as appropriate as part of their annual reports.

²http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf.

³The term includes slavery, servitude and forced or compulsory labour and human trafficking

⁴ The Statement will need to contain details of the steps a commercial organisation has taken during the financial year to ensure that slavery and human trafficking is not taking

place: in any part of its own business, and in any of its supply chains – at any level.

⁵ Modern Slavery Act, § 5(2015).

⁶ See <https://www.gov.uk/government/news/uk-first-to-launch-action-plan-on-business-and-human-rights>

⁷ Resolution 26/22 of UN Human Rights Council

State Level Initiatives

In UK, state level protection is available in many ways. For instance, labour rights are human rights and the employment tribunal mechanism is available for abuses by business enterprises. These tribunals provide a range of effective remedies directly to the victim. As those who wish to bring a complaint must now pay a fee, there is still a financial, and possibly a social, barrier to access to a remedy for victims. Judiciary contributes a lot to make the transnational corporations accountable while remedying human rights violations of multinational and transnational corporations. The primary judicial remedy in the UK in this area is provided by employment tribunals. Procedure in the employment tribunals is governed by a separate set of rules to that of the civil courts.⁸ The judicial remedies provided by civil law, especially through tort claims, are available and have been used in regard to abuses of human rights by business enterprises in the UK and overseas. As a consequence, there has been compensation paid to some of the victims. However, there are procedural and financial barriers which inhibit the ability to bring these claims, such as restrictions on legal aid and insufficient disclosure requirements. The main causes of action for abuse of a human right by a business enterprise are likely to arise under the tort of negligence. In order to make out a negligence claim there are a number of key elements⁹:

- The defendant acted or omitted to act.
- The act or omission caused loss and damage to the claimant.
- In all the circumstances the defendant owed a duty of care to act or not to act.
- In this regard:
 - the damage must be reasonably foreseeable;
 - there must be a sufficient relationship of proximity between the claimant and defendant;
 - It must be just, fair and reasonable to impose liability on the defendant.
 - The defendant's actions or omissions breached the duty of care in that they were

⁸ See <https://www.gov.uk/courts-tribunals/employment-tribunal>

⁹ *Chandler v. cape*[2012] EWCA Civ 525

¹⁰ *ibid*

¹¹ Those circumstances include (1) the businesses of the parent and subsidiary are in a relevant respect the same; (2) the parent has, or ought to have, superior knowledge on some relevant aspect of health and safety in the particular industry; (3) the subsidiary's system of work is unsafe as the parent company knew, or ought to have known; and (4) the parent knew or ought to have foreseen that the subsidiary or its employees would rely on its using that superior knowledge for the employees' protection.

¹² This is an act or omission which is an interference with, disturbance of or annoyance to, a person in the exercise or enjoyment of their right to property (a private nuisance); or a right belonging to them as a member of the public (a public nuisance)

below the standard of care objectively expected in the circumstances.

- The loss and damage was sufficiently foreseeable and of a type which UK law recognises.

In relation to the duty of care, a particular issue may arise about the links between one business and another, especially concerning a parent business and its subsidiary. In *Chandler v Cape plc*¹⁰ the Court of Appeal held that, in appropriate circumstances, the law may impose a duty of care on a parent business in relation to the health and safety of its subsidiary's employees.¹¹ This decision indicates that it is possible for a parent business itself to owe a duty of care for an abuse of human rights (in that case to the employee's rights to life and to health) depending on the particular facts. Other causes of action for which a tort claim could be brought are: Nuisance,¹² Trespass to the Person¹³, tort of intimidation, where there is a threat of violence. These torts may be relevant where the business has committed or been complicit in acts such as wrongful arrest or torture/ill-treatment for its own purposes or on behalf of the state. The House of Lords developed a new private law cause of action against a business enterprise, where it considered that the protection of the claimant's right to privacy outweighed the defendant's business freedom of expression.¹⁴ The telephone "hacking" inquiry also raised issues concerning the breach of the right to privacy by business enterprises. There are also a range of specific legislations that can be used against individuals or business enterprises that act negligently.¹⁵ Thus, there are a number of causes of action that can be brought by victims of human rights abuses committed by business enterprises. However, it should be noted that the claim must be drafted in terms of the tort, rather than in the direct language of a "human rights" claim.

Non – Judicial Remedies

A large number of State non-judicial mechanisms are available in UK as a means of access to a remedy for victims of abuses of human rights by business enterprises. Many of the OECD member States including the UK have established National Contact Points (NCPs)¹⁶. Complaints can be brought by an

¹³ This includes assault, battery and false imprisonment, (the right not to be ill-treated and the right to liberty), committed negligently or intentionally.

¹⁴ *Campbell v MGN Ltd* [2004] UKHL 22

¹⁵ These include: the Employers Liability (Defective Equipment) Act 1969 (where an employee suffers injury as a result of a defect in equipment supplied by the employer and the defect is due to the fault of a third party, the injury is deemed attributable to the negligence of the employer); the Occupiers Liability Acts of 1957 and 1984 (where the occupier of premises/land owes a duty to visitors and trespassers respectively to take such care as in all the circumstances is reasonable); and the Environmental Protection Act 1990 (which can extend to nuisances).

¹⁶ The UK NCP comprises two staff, with the occasional support of another member of staff, and is partly funded by the Department for International Development (DfID). It has a Steering Board, on which there are 5 representatives of government departments, and 4 nongovernment

interested party, which may be an individual or community, and can be brought by a trade union, NGO or other entity on behalf of a complainant. The complaint must relate to one of the matters listed in the OECD Guidelines. Whilst these matters cover a wide range of issues, such as the environment, taxation and consumer interests, the significant majority of complaints since 2011 have related to human rights, including labour rights. The Gang Masters Licensing Authority (GLA) was established pursuant to the Gang masters (Licensing) Act 2004 (GLA Act) in UK.¹⁷ There are eight areas of good practice which must be satisfied before the GLA to grant a licence. These are: fit and proper test; pay and tax matters; prevention of forced labour and mistreatment of workers; accommodation; working conditions; health and safety; recruiting workers and contractual arrangements; and sub-contracting and using other labour providers. The third standard includes physical and mental mistreatment, restricting worker movements, debt bondage, retaining identification documents and withholding wages. Thus the GLA can be considered to deal with human rights abuse in terms of the prohibition against slavery, forced labour and torture, inhuman or degrading treatment and punishment, rights to work (safe conditions of work and fair remuneration), rights to an adequate standard of living freedom from unlawful detention, and possible rights of children and of non-discrimination. The Equality and Human Rights Commission (EHRC)¹⁸ is recognised by the UN as the National Human Rights Institution (NHRI) for England and Wales. It is a public body established under the Equality Act 2006, with a general mandate to reduce inequality, eliminate discrimination and to protect and promote human rights. The EHRC has intervened in some cases involving complaints about the abuse of human rights by business enterprises. These have included cases where the business enterprise has been carrying out public activities, such as providing care services for local councils, and, more rarely, in employment issues within a business.¹⁹ UK is trying to bring down a concerted action of government, by way of changed policies, action plans and amendments in legislations and new legislations to cope up with the emerging issues of liability, accountability of corporations, CSOs and corporations and other business houses. To some extent they have succeeded in bringing down a common internationally acclaimed standard with in their territory. Now they are trying to improvise

their implementing the strategy through their latest action plans and policies.

Corporate Accountability in India

The Bhopal Gas tragedy exposed the power asymmetry between MNCs and developing countries, as well as obstacles faced by victims in transnational litigation in India. Even now, 33 years after the disaster, the legal battle to hold actors accountable for the gas leak and to clean the Bhopal plant site continues before the courts both in India and in the United States (US). After this tragedy in 1984, a number of amendments have brought in much legislation in India.

India has a huge corpus of labour laws comprising 44 central and more than 100 state laws, dealing with varied aspects such as employment, wages and remuneration, working conditions, health and welfare, retrenchment and lay-offs, and post-retirement benefits. This labour law framework operates within the larger context of the International Labour Organization (ILO) Conventions ratified by India. The health and safety of workers has been addressed in laws such as the Factories Act 1948, The Mines Act 1952, the Dock Workers (Safety, Health and Welfare) Act 1986, Workmen's Compensation Act 1923, and the Employees State Insurance Act 1948. For example, the Factories Act has specific provisions to ensure that the factory premises are kept clean and hygienic; the Act also regulates workers rest, time of work and vigour to a worker while in service or post retirement. The Indian environmental law corpus, which received a boost after the 1984 Bhopal gas disaster, is quite extensive. The entire environmental corpus applies to business activities directly or indirectly.²⁰ Liability for offences committed by a company under the Act falls on every person who is directly in charge of and responsible for the conduct of its affairs. Moreover, if the officers of a company are proved to be at fault (e.g., negligent) in relation to committing an offence, they will be liable individually as well. The penalty for contravention of the Environment (Protection) Act includes imprisonment fine or both. Civil liability may also arise under the environmental tort principles developed by the courts. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 changed the legal landscape that prevailed under the 1894 Act in several areas. First of all, it made compulsory Social Impact Assessment (SIA) and a consultation with the relevant Panchayat, Municipality or Municipal

representatives, including one representative of trade unions, one of business and one of non-governmental organisations, with one independent.

<https://www.gov.uk/government/groups/uk-national-contact-point-for-the-organisation-for-economic-co-operation-and-development-guidelines>.

¹⁷<http://www.legislation.gov.uk/ukpga/2004/11/contents> Initially, the GLA operated under the auspices of the Department of Environment, Food, Regions and Agriculture (Defra) but in 2014 it was transferred to operate under the Home Office in order to link it more directly to the law enforcement branches of government.

¹⁸ See <https://www.equalityhumanrights.com/en>

¹⁹ **R (on the application of Unison) v. Lord Chancellor**. [2015] EWCA Civ 935

The Commission intervened and provided expert legal evidence in this case which found that fees for those bringing Employment Tribunal claims were unlawful. The decision by the Ministry of Justice to introduce fees was judged unlawful under both domestic and European law because it prevents access to justice. Employment Tribunal cases are also important to wider society as they show how people can take action to uphold their employment rights. The fees were also found to be indirectly discriminatory because the higher fees for more complex claims put women at a particular disadvantage, since more women brought such claims.

²⁰ Environment (Protection) Act §16(1986)

Corporation before acquiring any land for a public purpose or for other purposes mentioned in Section 2(2) of the Act (e.g., public-private partnership projects). Section 4(4) of the Act provides that SIA should look at whether the proposed acquisition serves a public purpose, an estimation of the number of people possibly affected and/or displaced, the extent of properties (including common properties) likely to be affected, and a cost-benefit analysis of the proposed project. Part B of Chapter II of the Act further provides for appraisal of the SIA report by an Expert Group. Rehabilitation and resettlement provisions will apply in cases where (i) a private company purchases land beyond a specified limit, through private negotiations with the landowners; or (ii) a private company requests the government to acquire land for a public purpose as defined in the Act²¹. Act set out procedural requirements for the resettlement and rehabilitation scheme²², Chapters V-VII lay down the particulars of the awards, the procedure and manner of rehabilitation and resettlement, and the national monitoring of the rehabilitation and resettlement, respectively. The Second Schedule lays out the entitlement of the displaced people whose livelihoods were primarily dependent on the land. All these provisions have ultimately makes the corporation accountable while they are trying to acquire land for setting up their business.

Parallel to the above discussed legislative initiatives, with the evolution of the notion of constitutional torts – whereby human rights ‘violations by the state and its agents are also perceived as torts – tort law has played a key role in developing the principles of constitutional law horizontally. In India, the development of constitutional tort had its roots in a range of violations of the right to life under Article 21 of the Constitution. Some of the early constitutional tort decisions did not involve corporate wrongs. However, the Supreme Court subsequently developed principles concerning the right to life, the right to health, and the right to a pollution free environment, which have had a direct connection with corporations and their actions. The absolute liability principle²³ the polluter pays principle²⁴ and the precautionary principles²⁵ have been used to hold corporations accountable for breaching law and constitutional human rights. Indian tort law has yet to gear up to deal with mass tort actions. Mass tort claims have not entered the Indian judicial arena, though there have been incidents in India that could be categorised as mass torts.

²¹ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act §2(3) (2013)

²² Ibid §§ 16-19

²³ M.C. Mehta V. Union of India (1987) S.C.1086(India)

²⁴ Indian Council for Enviro Legal action v. Union of India and others, A.I.R. 1996 S.C. 1446(India)

²⁵ Vellor Citizen’s Welfare Forum v. Union of India, A.I.R.1996 S.C.2715

National Green Tribunal

The National Green Tribunal (NGT) was set up on 18 October 2010 under the NGT Act 2010 ‘for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to the environment and giving relief and compensation for damages to persons and property’. Apart from the Principal Bench in Delhi, the NGT has zonal benches for Eastern, Western, Central and Southern regions. This may be listed as a major development in protecting environmental rights and the tribunal is not bound by the normal rules of procedure laid down by the Civil Procedure Code 1908 or by the rules of evidence laid down by the Evidence Act 1872, but it should still follow the principles of natural justice. The NGT Act provides for penalties for noncompliance with its orders, awards or decisions.²⁶ If the non-complying party is a company, the punishment is a much bigger amount of fine²⁷ and where an offence is committed by a company, ‘every person who, at the time the offence was committed, was directly in charge of, and directly responsible to the company for the conduct of the business of the company as well as the company’ shall be held liable.²⁸ Such people would not be liable if they could prove that the offence was committed without their knowledge or that they had exercised all due diligence to Prevent the offence from being committed. As a ‘one-stop forum’ to deal with all types of environmental disputes, the NGT – being largely free from many legal trappings – offers significant potential in providing effective remedies in cases of environmental pollution caused by business activities. The NGT has given several important judgments in the last few years.

For example, in *MP Patil v. Union of India*,²⁹ in which the National Thermal Power Corporation Limited was found guilty of misrepresenting facts to obtain environmental clearance, the Principal Bench of the NGT stressed the importance of a rehabilitation and resettlement policy that takes care of the displaced people’s needs adequately. It also observed that the burden of proving that the goals of sustainable development were duly considered in the project was on the party proposing the project.

In *Sudip Shrivastava v. State of Chhattisgarh*³⁰ the NGT dealt with a case in which the Ministry of Environment and Forests approved a proposal to clear 1,900 hectares of forest land for coal mining. The Minister overruled a recommendation by the Forest Advisory Committee (FAC) to preserve the forest, claiming in part that the mining would occur in a “fringe” area separated from a

²⁶ imprisonment for up to three years, a fine of up to INR10 crore (100 million), or both; and, in the case of continued non-compliance, an additional fine that can extend to INR25,000 for each day of non-compliance National Green Tribunal Act §26 (2010)

²⁷ INR25 crore (250 million) and an additional fine for non-compliance of up to INR100,000 per day.

²⁸ National Green Tribunal Act § 27 (2010)

²⁹ <https://elaw.org/in.patil.14>

³⁰ <https://www.elaw.org/in.shrivastava.14>

biodiversity-rich forest (and mining no-go area) by a significant ridge. The Minister also claimed that the coal mining was necessary to support energy production in the states of Chhattisgarh and Rajasthan. The appellant challenged the Minister's decision to overrule the FAC's recommendation, stating that the decision was "purely on his subjective assessment without there being any basis for it; and the Minister had no power to take a contrary view from the one taken by the expert body. The Tribunal first declared that advice from the FAC is not binding, but cannot be ignored by the Minister without scientific basis. Tribunal was of the opinion that expert opinion cannot be brushed aside on imaginative grounds having no basis anywhere. The Tribunal concluded that the minister acted arbitrarily and rejected the FAC's advice for the reasons having no basis either in any authoritative study or experience in the relevant fields. In short the reasons adduced by the Minister failed to outweigh the advice rendered by the FAC. The Minister's order had been quashed by the tribunal.

The Southern Bench of the NGT in *Samata v. Union of India* relaxed the locus standi requirement by expanding the scope of 'aggrieved persons' to include an association of people likely to be affected by the order and functioning in the field of environment.³¹ Similarly, in *KK Royson v. Government of India*³², the Southern Bench held that the definition of the term 'aggrieved persons' could not be restricted only to those who were actually aggrieved since a matter regarding ecology and the environment concerns everybody directly or indirectly, thus giving them the right to initiate action. Local self-government institutions as the third tier of government gained a new life in India with the 73rd and 74th amendments of the Constitution in 1993. Article 243G empowers the state governments to confer on the Gram Sabhas and Gram Panchayats crucial decision making powers about plans/schemes of economic development and social justice concerning a number of matters enumerated in the 11th Schedule Constitution e.g., agriculture, water of the management, small-scale industries, social forestry roads, education, health and sanitation, and public distribution systems. In the era of globalization, multinational companies increasingly move around assets, products and wastes on a global chessboard to maximize their profits and minimize their costs. These companies are misusing loopholes and utilising the differences in legal provisions in national environmental and health law for their benefits. At the root of our environmental problems are the unsustainable practices of the corporations that shape our economies. The above discussion is actually an insight into the so far evolved concept of corporate accountability in England and India. Still the process of making the corporations accountable is a real challenge as the system of governance all over the world is deficient to deal with the issue. A global movement is already set in motion to make the corporations

accountable and how far it will hit the target is yet to be seen and experienced.

³¹ Decision available at <http://www.greentribunal.gov.in/DisplayFile.aspx>

³² Decision available at http://www.greentribunal.gov.in/Display_file_judgement.aspx?ID=6288