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BUSINESS AND HUMAN RIGHTS: NEED FOR A LEGAL REGULATORY FRAMEWORK IN INDIA

Dr. Honey Sharma*

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ABSTRACT

The United Nations' (UN) "Guiding Principles on Business and Human Rights (GPs)" were approved by the "Human Rights Council (HRC)" in June 2011. Three pillars serve as the foundation for the GPs: access to effective remedies, business responsibility to respect human rights, and the duty of nations to preserve such rights. "States are required to adopt a variety of steps under all three pillars of the GPs, particularly Pillar 1 and Pillar 3, to ensure that commercial enterprises do not violate human rights and that appropriate remedies are available in cases of infringement." According to the UN Working Group on the Issue of "Human Rights and Transnational Corporations and Other Business Enterprises," all states are required to develop, adopt, and update a "National Action Plan (NAP) on "Business and Human Rights (BHR)" as part of their duty to disseminate and implement the GPs. In June 2014, the HRC passed a resolution urging governments to develop NAPs. As of February 29th, 2016, ten states had NAPs in place, and several more were in the process of doing so. This article examines two key issues in light of this: first, whether India needs a national BHR framework to implement the GPs; and second, if so, what should the framework's content be and what rules should be followed to guarantee the process is transparent, inclusive, and legal.

Keywords: Business and Human Rights, National Action Plan, Guiding Principles on Business and Human Rights, United Nations, India.

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1. INTRODUCTION

Businesses have made positive contributions to society, but there is mounting evidence of their detrimental effects as well. These effects are frequently recognized as being intergenerational, particularly when it comes to the degradation of natural resources like air and water, which affects the rights of future generations. "In 2011, the UN Human Rights Council endorsed the UNGP[1] on Business and Human Rights, which explicitly stated that corporations must refrain from negatively affecting rights even when governments are unable or unwilling to enforce the relevant laws." It also stated that victims of corporate abuses must have access to remedies.

In the form of Fundamental Rights and the Directive Principles of State Policy, human rights are inscribed in the Indian Constitution. India has also ratified several UN conventions, demonstrating its support for human rights. "National Voluntary Guidelines (NVG)"[2] were announced by the Indian government's "Ministry of Corporate Affairs (MCA)" during the same time at which the UNGP framework was launched in 2011. "Business should promote and respect human rights," according to the NVG Principle 5. Therefore, a human rights perspective is at the heart of the conversation about ethical business activity in India. A new version of the NVG, known as the "National Guidelines on Responsible Business Conduct (NGRBC)"[3], was published in 2019. "The Sustainability Development Goals (SDG) (2015), UNGPs, Paris Climate Change Agreement (2015), India's ratification of the ILO Core Convention on Minimum Age and Worst Forms of Child Labor (2017), SEBI's mandate on Business Responsibility Reporting (2012), and the Companies Act, 2013 are all in line with the NGRBC".

The NGRBC also gives any business, regardless of size, ownership, industry, or location, a chance to declare their corporate social responsibility. By saying that "human rights are rights inherent to all human beings, and that everyone, individually or collectively, is entitled to these rights, without discrimination," NGRBC expressly recognizes the importance of Principle 5. It also acknowledges the fundamental, unalienable, interdependence, and indivisibility of human rights. It acknowledges the supremacy of the State's responsibility to safeguard and uphold human rights and is inspired, informed, and

1 Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, A/HRC/17/31 March 21, 2011.

2 "Guidelines on Corporate Governance for Central Public Sector Enterprises Issued by the Ministry of Heavy Industries and Public Enterprises in May 2010," *available at:* https://dpe.gov.in/sites/default/files/R-2.pdf. (last visited on February 18, 2024)

3 "National Guidelines on Responsible Business Conduct (2011)," *available at*: https://www.mca.gov.in/Ministry/pdf/NationalGuildeline_15032019.pdf. (last visited on February 18, 2024)

guided by the Indian Constitution and the International Bill of Rights.

The challenge has grown more difficult considering two interrelated factors: (i) the growth of corporations' power, influence, and range of activities; and (ii) the expansion of multinational corporations (MNCs), which conduct business on a global scale and through supply chains. Even though both of these issues together highlight the shortcomings of the state-centric approach to international human rights realization, states continue to play a crucial role in ensuring that businesses abide by human rights standards for legitimate reasons. Additionally, there is a growing consensus that businesses themselves should be accountable for respecting human rights. Both components are included in the GPs[4], which were approved by the HRC in June 2011. The three pillars of the GPs are access to effective remedies, corporate responsibility to uphold human rights, and the role of nations to protect such rights. "The GPs' three pillars, particularly Pillars 1 and 3, call for states to implement a range of measures to protect human rights in an era of free-market capitalism and liberalized society." As a component of the state obligation to disseminate and put into practice the GPs, the UN Working Group (UNWG) "strongly encourages all states to develop, enact, and update a NAP" on BHR. The UNWG has created a guide providing several recommendations for states and other stakeholders to help direct this process[5]. To implement the GPs, several states have created or are creating NAPs[6]. States in the Global North initially took the initiative to introduce NAPs[7], but now nations in the Global South are being urged to do the same. Considering this, this study investigates two major issues: To implement the GPs, India must first determine whether it requires a new national BHR framework. If so, what should the framework's content be, and what procedures should be followed to ensure that it is transparent, inclusive, and legitimate[8]?

4 Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, A/HRC/17/31 (March 21, 2011).

5 OHCHR, State National Action Plans, *available at*: http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx. (last visited on February 18, 2024)

6 UNWG on Business and Human Rights, Guidance on National Action Plans on Business and Human Rights, Version 1.0 (December 2014), *available at:* https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNWG_NAPGuidance.pdf (last visited on February 18, 2024)

7 As of 20 February 2016, ten states (the UK, the Netherlands, Italy, Denmark, Spain, Finland, Lithuania, Sweden, Norway and Columbia) have launched the NAPs. Several other states are in the process of developing a NAP or have committed of doing so. OHCHR, 'State National Action Plans', *available at*: http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx. (last visited on February 18, 2024)

8 The UNWG states that one of the four essential criteria for NAPs is their development in 'inclusive and transparent processes' *Supra* note 6.

2. NHRC AND ITS FUNCTION IN INDIA'S BUSINESS AND HUMAN RIGHTS

The NHRC has had a significant impact on highlighting the obligation of the state to uphold rights and ensure access to remedies if they are violated. The NHRC is essential in ensuring that labour law enforcement is carried out. It also organizes training and workshops for public employees and officers to familiarize them with current laws and equip them as duty-bearers. It is a crucial part of protecting environmental rights and ensuring that infractions by industries are dealt with appropriately because it is a quasi-judicial body. The NHRC has also played a key role in drawing attention to problems with government policies and acting in response to complaints against business practices and socially detrimental procedures. An international network of National Human Rights Institutions (NHRIs) exists under the name "Global Alliance of National Human Rights Institutions (GANHRI)". GANHRI, a non-UN organization, works to coordinate activities among NHRIs all around the world and the UN system. The protect-respect-remedy framework of the UNHRC recognizes the importance of NHRIs and encourages them to increase their capacity to deal with pressing problems in the area of business and human rights[9]. The NHRC of India has taken a leading role in advancing this agenda. It has been routinely hosting conferences and workshops with business organisations like CII to discuss regional, national, and global developments. In order for Indian enterprises to freely employ a self-assessment tool with regard to their responsible conduct, the NHRC prepared a draught of the tool in 2017[10]. The corporate landscape has seen a number of changes in the previous ten years that are related to governance and social responsibility. The relationship between business and society has evolved into a responsible business agenda as a result of Section 166 of the 2013 Firms Act clearly acknowledging the board's fiduciary obligation to its stakeholders and SEBI implementing BRR for a certain class of companies. "The NGRBC acknowledges the growing consensus that the SDG commitments must be upheld through collaborations between various actors and the explicit role those businesses may play as a force for good."

3. IMPORTANCE OF HUMAN RIGHTS TO BUSINESS

Businesses are becoming more and more concerned with how their actions affect people, communities, and the environment. Respect for human rights is one of the key

9 OHCHR, 'State National Action Plans', *available at*: http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx. (last visited on February 18, 2024)

10 NHRC Annual Report Eng (2016-2017)-27022019.

indicators of a company's social responsibility. "And while the majority of businesses acknowledge the moral obligation to conduct themselves per human rights principles, awareness is emerging that respect for human rights may also be a strategy for enhancing corporate performance." Business is concerned about human rights for a variety of reasons, including:

i. **Adherence to both domestic and foreign laws**: Principles relating to human rights are incorporated into both domestic and foreign law. Companies can avoid legal issues with their international operations by making sure that their operations follow certain legal guidelines. "In recent years, courts in the United States and other countries have heard claims that multinational corporations, frequently through their business partners, have contributed to human rights violations through their global operations."

ii. **Addressing Consumer Concerns**: Consumer awareness of how employees who manufacture items for the global market are treated has increased due to the media's growing attention on businesses' role in the protection of human rights, prompting requests for greater openness. "Some companies have been chosen as the targets of campaigns by human rights, labour rights, religious, or consumer organisations alleging violations of human rights. Such campaigns can be avoided, their effects on the business can be mitigated if they do occur, and the reputation of the organisation as a whole can be protected by establishing and enforcing a sincere approach to human rights."

iii. **Promoting the Rule of Law**: The creation of an orderly society, which is necessary for business to function properly, is one of many ideals outlined in the Universal Declaration of Human Rights. By applying human rights principles thoroughly, consistently, and impartially, "a company's global operations can contribute to the development of legal systems where contracts are fairly enforced, bribery and corruption are less frequent, and all business entities have equal access to the legal system and equal protection under the law."

iv. **Fostering Community Goodwill**: A global company's presence may be viewed favourably or unfavourably in a particular locale. Human rights violations must be prevented to foster good neighbourliness and a steadier and more efficient economic environment.

v. **Supply Chain Management (SCM):** Many businesses want to encourage their international business partners to abide by labour and human rights laws, so

they have human rights policies. These recommendations can also be used by companies to help them choose reliable, moral, and well-run business partners.

vi. **Improving risk management**: Predictability is essential for stable and efficient business operations. The denial of basic human rights frequently leads to social or political unrest. "Possible outcomes of this include labour unrest, a restriction on access to goods and services, or a pause in the flow of finished goods." Additionally, avoiding public controversy reduces the initial costs of resolving well-known disputes.

vii. **Maintaining Open Markets**: The former United Nations Secretary-General, Kofi Annan, claims that fostering social values "can assist in ensuring that markets remain open." The most recent WTO Ministerial demonstrated how widespread worries about, among other things, how business and human rights interact hinder the advancement of international trade agreements. "For several countries that are believed to have widespread human rights violations in the United States, both nationally and at the state level, as well as in the European Union, trade sanctions have been imposed or proposed." Businesses can ensure that sanctions don't limit their ability to conduct business abroad by pushing for greater respect for human rights in these nations.

viii. **Increasing Productivity and Retention of Employees:** Workers who receive fair treatment, respect, and dignity are more likely to be productive. Greater productivity results from defending the human and labour rights of employees and those employed by business partners. Businesses that adhere to labour laws and human rights standards also have lower employee turnover rates and produce better-quality goods.

ix. **Applying Corporate Principles**: When basic human rights are denied in ways that make it difficult for a company to run its operations in a way that is consistent with its declared values, employees and other stakeholders may lose faith in the company's integrity.

4. INDIA'S NEED FOR BHR FRAMEWORK

The Indian government should start the process of establishing a national BHR framework for several reasons. To ensure that commercial firms operating inside its borders or under its authority do not violate human rights, India has ratified many international

human rights instruments. These international obligations are only restated by the GPs. The creation of a BHR framework would also be in line with the constitutional duty included in Article 51, which states that the state "should endeavor to… promote respect for international law."[11] Even if a legally binding international instrument to require companies to uphold human rights commitments is developed in the future, a national BHR framework would be helpful.

"The National Voluntary Guidelines on Social, Environmental, and Economic Responsibilities of Business, which were adopted by the Indian government in 2011, as well as CSR provisions in the Companies Act of 2013, the Model Bilateral Investment Treaty (BIT) of 2015, and the National Guidelines on Responsible Business Conduct (NGRBC) are just a few of the significant Corporate Social Responsibility (CSR) initiatives that have been adopted by the Indian government in recent years. The government should expand on these programs and inspire all kinds of businesses to include respect for human rights into their commercial operations by creating a BHR framework."

Numerous case studies have demonstrated that when businesses operating in India violate human rights, the impacted communities' resistance significantly slows down development initiatives. Conversely, "since some of these nations may not have sufficient regulatory frameworks in place to safeguard the human rights of their communities, Indian businesses, including public sector undertakings (PSUs), that operate abroad risk being accused of violating human rights." As a result, India requires a BHR framework for both Indian businesses operating within its borders as well as those doing so through subsidiaries or joint ventures. Implementing a BHR framework would benefit both India's long-term development goals and its domestic and foreign-operating businesses.

A BHR framework should aid in creating an inclusive and sustainable economic development model. The burdens and benefits of development must be distributed equally and proportionately among all societal groups to prevent social conflicts.

5. INDIA'S REQUIREMENT FOR A NEW NATIONAL FRAMEWORK ON BHR

A comprehensive analysis that considers the human rights implications of building an environment conducive to private investment-driven development may be preferable to taking a piecemeal approach to assessing various legal framework components.

11 The Constitution of India, art. 51.

Second, as was already said, the Indian Supreme Court has expanded the scope of various FRs under the Indian Constitution to include businesses. Even though these constitutional changes are beneficial, they cannot guarantee complete human rights protection in a free-market economy where the private sector plays a ubiquitous role. "A discussion of the BHR framework would make it possible to decide with knowledge whether it would be preferable to alter the constitution to extend the protection of FRs against corporations, comparable to the constitutional stance in South Africa."

Third, India has undertaken several CSR measures in recent years, the most significant of which is the requirement that large corporations dedicate 2% of their annual net profit over the previous three years to CSR.[12] By creating a BHR framework, the government would be able to build on these initiatives and inspire all kinds of businesses to include respect for human rights in their daily operations.

Fourth, given India's role as one of the major supporting states for the GPs, it makes sense for the government to implement the GPs domestically. The Constitution's Article 51, which states that the state must "promote respect for international law," as well as the HRC's resolution from June 2014 urging governments to adopt NAPs, give this mandate.[13] Making a national BHR framework would be advantageous even if a legally binding international instrument requiring businesses to uphold human rights commitments is later approved.

Fifth, India is no longer solely a destination for MNCs' international investments. Indian businesses, including PSUs, have operations and investments in many other countries. However, due to the possibility that some of these nations do not have sufficient regulatory frameworks in place to protect the human rights of their citizens, Indian businesses may be accused of committing human rights violations while conducting business abroad. As a result, India requires a BHR framework for both Indian businesses operating within its borders as well as those doing so through subsidiaries or joint ventures. It would be in the long run for Indian businesses doing business abroad to adopt a proactive, strategic, and responsible attitude to human rights; a BHR framework may inspire them to do so.

12 Dr. Surya Deva, "Socially Responsible Business in India: Has the Elephant Finally Woken Up to the Tunes of International Trends?" *available at:* https://www.researchgate.net/publication/256021927_Socially_Responsible_Business_in_India_Has_the_Elephant_Finally_Woken_Up_to_the_Tunes_of_International_Trends/citation/download. (last visited on February 18, 2024)

13 Human Rights Council, A/HRC/26/L.1 (June 27, 2014).

6. SUGGESTIONS FOR THE CONTENT OF THE PROPOSED INDIAN FRAMEWORK

Instead of being pre-defined, the content of India's national BHR framework should be developed bottom-up through an open, transparent consultation process with all stakeholders. Nevertheless, some thematic ideas are presented below to open the discussion.[14]

i. **Stating a Clear Commitment to Protecting Human Rights**: Fundamental problems about the connection between human rights and development are essentially raised by BHR issues. Could (economic) progress be achieved without jeopardizing the rights of workers, the environment, or people? "Any workable BHR framework should present a vision for how human rights and development would coexist, or what position in the normative hierarchy human rights would occupy in the process of achieving development." The Indian government should make it clear that everyone's human rights matter while advancing the development agenda through its national BHR framework. This might entail shifting the mentality that puts "growth first" and the idea that other social groups' human rights are less important. Reiterating its commitment to preserve FRs under the Constitution, carrying out the tripartite obligations under international human rights law, and seriously considering the obligation to "guard" human rights under the GPs are all things the government should do. The requirements for respecting human rights for companies conducting business on Indian government property and under its authority (including extraterritorial economic activity) should be made explicit. This might be achieved, for instance, by requiring businesses to carry out due diligence as per Pillar 2 of the GPs.

ii. **Creating Coordination Committees**: The proposed framework should work to reduce, if not eliminate, the lack of coherence among (i) various central ministries, (ii) the central government and the state and Gram Sabhas, and (iii) the domestic legal system and India's international obligations. The formation of coordination committees, where a variety of viewpoints are discussed, disagreements are settled amicably, and a broad consensus is developed, is one method for achieving better coherence. "The BHR framework would be relevant to the following Indian government ministries and departments: External Affairs, Corporate Affairs, Housing and Urban Poverty Alleviation, Road Transport and Highways, Law

14 *Supra* note 6.

and Justice, Commerce and Industry, Water Resources, Environment, Forest and Climate Change, Drinking Water and Sanitation, Consumer Affairs, Food and Public Distribution, Women and Child Development, Health and Family Welfare, Chemicals and Fertilizers, and Tribal Affairs." These several ministries' interests don't always align. Additionally, not every department or ministry is aware of the activities of other departments and ministries. It would therefore be advisable to establish a nodal committee, headed by the prime minister, and composed of particular cabinet ministers. The categories (i) and (iii) mentioned in the preceding paragraph are the two levels on which this committee should attempt to create coherence. As the majority of the BHR concerns should fall within the existing scope of this Council, the Inter-State Council envisioned under Article 263 of the Constitution should be used to achieve type (ii) coherence as outlined above.

iii. **Examining the Regulatory Framework Currently in Place**: India already has a sophisticated legal system to address the junction of business and human rights. However, a key component of the proposed BHR framework should be to examine the current legal system to make it more responsive to prevent and address human rights violations by private companies. Numerous changes to various areas of law could be made considering a thorough analysis. For example, expanding the definition of "state" in Article 12[15] of the Constitution to include at least some FRs filed by corporations and other non-state actors would increase the Supreme Court's authority. This outcome can also be achieved by developing a test to determine whether a private non-state actor is a "state instrumentality" that emphasizes the non-state actor's roles more. "Alternately, the High Court's operating procedures could be altered to permit the High Courts to hear cases in which corporations violate the FRs under Article 226[16] of the Constitution. A special bench could be created by each High Court to hear these cases. Instead of viewing state regulation as inevitably an adversarial or hierarchical process, it may be necessary to replace fragmented, out-of-date, or onerous regulations in some legal areas (such as labour rights, social security, land acquisition, and environmental rights) with a coherent framework that relies on a combination of mandatory and voluntary strategies to encourage compliance." Any such reforms must also ensure that the goal of streamlining rules is not primarily driven by a desire to promote an environment that is conducive to investment; rather, the human rights interests of the impacted communities should be at the centre of such

15 The Constitution of India.

16 *Ibid*.

reforms. Areas like corporation law could be used to promote ethical business practices across all types of organizations, even though new laws may be required to encourage non-financial information disclosure by businesses and protect human rights advocates from retaliation. The Indian government is justified in attempting to obtain the regulatory space required to uphold human rights when dealing with investment or trade-related disputes with businesses. States may be able to hold major corporations accountable for human rights violations under a legally binding international agreement.

iv. **Giving Particular Attention to Vulnerable Groups and Particular Sectors**: India's BHR framework should consider the special situations and experiences of marginalized or vulnerable groups within society, such as women, children, migrant workers, minorities, individuals with disabilities, SCs, and STs. For instance, a toolkit created in collaboration by the DIHR, ICAR, and UNICEF demonstrates the necessity and significance of giving children's rights extra special consideration throughout the NAP process.[17] The same might be said for those with impairments, tribal people, and women. They ought to be involved in the creation of the BHR framework because India currently has specific human rights institutions to safeguard the interests of different societal groups. It would be a related problem worth considering to build sector-specific standards under the general framework as businesses operating in diverse sectors face (at least some) uniquely different sets of human rights challenges. One national framework might not be able to meet the unique requirements of so many different businesses. Giving incentives and penalties to businesses "The BHR framework will outline the rewards and sanctions the Indian government will offer businesses to encourage them to uphold human rights as required by the GPs and local legal system.[18] In addition to tax incentives, the government may also establish recognition programmes for responsible citizenship, sector-specific labelling initiatives, favourable loan conditions for companies that support human rights, and standards for the observance of human rights in public tenders and procurement." In order to deter future violations of human rights, a variety of civil, criminal, and administrative penalties for the firm and its executives should

17 "DIHR, ICAR, and UNICEF, Children's Rights in National Action Plans (NAPs) on Business and Human Rights (2015)."

18 Dr. Surya Deva, "Background Paper for India's National Framework on Business and Human Rights" *available at:*https://www.ethicaltrade.org/sites/default/files/shared_resources/india_national_framework_bhr_background.pdf. (last visited on February 18, 2024)

be considered. The government should also establish the conditions necessary for "social punishments" to work. This might be accomplished, for instance, by mandating that businesses disclose non-financial information. Companies can also be required to post information about prior sanctions against them for violating human rights on their websites.

v. **Strengthening Redress Mechanisms**: Since it is unavoidable that some corporations won't respond to (dis)incentives, the government should offer a variety of channels through which those who have been the victims of corporate human rights violations can access the court system. Making existing judicial and non-judicial processes more approachable and capable of handling human rights violations committed by the corporate sector should be the top focus. "Reforms may entail easing constitutional or statutory restrictions on the Supreme Court, the High Courts, and the NHRC's authority; consolidating courts that handle labour disputes (such as Labour Courts and Labour Tribunals); and respecting decisions made by the NGT and Gram Panchayats." The administration should also outline its strategy for promoting the creation of nonstate, non-judicial remedial procedures. These tools ought to be used in addition to, not in place of, state-based judicial remedies. To resolve BHR issues, the possibilities of arbitration, mediation, and conciliation should be taken advantage of while considering the efficacy standards established by the GPs.[19] The role of CSOs may be institutionalized to resolve the disparity in power between corporations and victims through extralegal grievance channels, whether involving corporations alone or a variety of stakeholders.

vi. **Removing Obstacles to Remedy Access**: The GPs list several substantive, procedural, and practical obstacles that obstruct the use of judicial remedies.[20] Specific steps that should be taken to lower each of these barriers should be specified in the proposed BHR framework.[21] "The Indian government should think about ways to get around issues like limited liability and separate personality from corporate law. Consider recognizing a direct duty of care or requiring parent companies to perform due diligence so that victims can hold a parent company accountable when necessary." Although the existence of class actions and the

19 "United Nations Guiding Principles, Principle 31." *available at:* https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf. (last visited on February 18, 2024)

20 *Ibid.*

21 Amnesty International, "Injustice incorporated: Corporate abuses and the human right to remedy" *available at*: https://www.amnesty.org/en/documents/pol30/001/2014/en/. (last visited on February 18, 2024)

well-established PIL system facilitate easier access to courts in cases involving numerous victims, the expense of litigation and pervasive delays continue to function as significant barriers. Another area that would need remedial care is the enforcement of court orders, whether they be for the payment of restitution or an injunction prohibiting a particular dangerous activity. This is especially true if the defendants were located overseas.

vii. **Increasing the Capacity of Different Stakeholders**: Measures to boost the ability of various stakeholders should also be part of the BHR framework for a developing country like India. For both government officials and corporate leaders, workshops on how to handle human rights challenges and factor the findings of impact analyses into decisions would be beneficial. It would be wise to solicit the assistance of law schools and business schools on this front. Numerous currently operating institutions might be able to help firms. "For instance, the Institute of Chartered Accountants of India has published a guidance note to assist Indian companies in properly recording their CSR expenses as part of the 2% required spending mandated by the Companies Act.[22] Communities that are harmed by corporate activity might benefit from sharing knowledge about legal rights and available remedies to seek relief in cases of human rights breaches." The necessary government agencies and departments might collaborate with CSOs and law students in a way that would be advantageous to all parties concerned to empower communities.

viii**.** **Regular Monitoring and Periodic Update of the Framework**: "If NAPs end up turning into "planning" documents with lofty aspirational goals, they will hardly serve their intended purpose." Therefore, the Indian framework should not only specify the specific means by which the stated goals would be implemented, but it should also specify the procedures for evaluating the effectiveness of implementation and outlining potential improvements. Furthermore, because BHR issues are dynamic, any framework addressing them needs to be updated and revised to reflect shifting needs. Thus, it might be advisable to set up a system for routinely reviewing the adopted framework (every three to five years).

22 Lubna Kably, "ICAI issues norms for CSR accounting by cos", *Times of India*, May 20, 2015, *available at*: http://timesofindia.indiatimes.com/business/india-business/ICAI-issues-norms-for-CSR-accounting-by-cos/ articleshow/47349754.cms. (last visited on February 18, 2024)

7. CONCLUSION

The GPs give the Indian government a chance to evaluate the laws and policies that affect BHR and consider taking the necessary corrective action. By doing this, it would be made sure that India's economic development is not only inclusive and sustainable but also devoid of social unrest. One important tool that should help in achieving this goal is the transparent and consultative development of a cogent BHR framework. "India already has the fundamental elements required to create and maintain a BHR framework at the national level. Thanks to its stable political-economic system, vibrant democracy, free media, strong civil society, an independent judiciary, and rule of law."