

Info Capsule

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THE INSTITUTE OF
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भारतीय कम्पनी सचिव संस्थान

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INVITATION FOR INPUTS FOR INDIA'S NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

1. The Ministry of Corporate Affairs is steering the process of formulating a National Action Plan on Business and Human Rights (NAP).
2. The obligation to draft a NAP stems from India's endorsement of the United Nations Guiding Principles (UNGPs) on Business and Human Rights adopted in the UN Human Rights Council (UNHRC). The Principles are articulated as three pillars:
 - I. State Duty to Protect
 - II. Corporate Responsibility to Respect
 - III. Access to Remedy.

A country's NAP is expected to demonstrate how these principles are already being implemented, what the gaps are, and how they shall be addressed.

3. The UN Working Group on Business and Human Rights (UNWG) has prepared a 'Guidance on National Action Plans on Business and Human Rights' which has prescribed four criteria for developing a NAP. First, it needs to be founded on the UNGPs. Second, it needs to be context-specific and address the country's actual and potential business related human rights abuse. Third, a NAP needs to be developed in an inclusive and transparent manner. Fourth, the NAP processes needs to be regularly re-viewed and updated. Currently, about 45 countries, including India, are either drafting or have finalized their NAP.
4. The following have been recommended as key contents for an NAP:
 - Section 1: Statements of commitments to implement the UNGPs
 - Section 2: Background and context to the NAP. How the NAP relates to other existing Government policy strategies such as national development plans, CSR strategies, national plans implementing International Labour Organisation convention and recommendations.
 - Section 3: Government's expectations from businesses, including expectations that businesses respect human rights throughout their operations based on UNGPs and other guidance documents.
 - Section 4: Government response clarifying how it Government currently addresses adverse business-related human rights impacts and outline commitments for further activities.
5. The Ministry has been taking various initiatives for ensuring responsible business conduct by companies. The National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, 2011 (NVGs) have been revised and released as National Guidelines for Responsible Business Conduct to align with United Nations Guiding Principles on Business & Human Rights (UNGPs)

and Sustainable Development Goals (SDGs). The Committee on Business Responsibility Reporting (BRR) constituted by this Ministry to formulate BRR formats for listed and unlisted companies is finalizing its report. Further, a Zero Draft of the NAP has already been published to showcase the considerable progress made by the country in the field of Business & Human Rights which has been formulated after placing it in the public domain for inputs, sharing it with relevant Ministries for comments, and consultations with relevant stakeholders. All these measures shall culminate in the NAP document.

6. The Ministry is currently undertaking rigorous consultations with all stakeholders to finalize the document at the earliest. In this regard, comments/ inputs are invited from all to inform the NAP development process and contribute towards preparation of a document reflecting the vision and aspirations of Indian Businesses that strive to be responsible, sustainable, uphold and respect human rights.

All comments may be sent to csrcell@mca.gov.in by March 10, 2020.

The details are available at:
http://www.mca.gov.in/Ministry/pdf/NationalPlanBusinessHumanRight_13022019.pdf