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Corporate Accountability in Climate-Induced Displacement: Assessing the Role of Indian Businesses in Human Rights Violations

AMRITA MALIK* AND DR. SUJITH SURENDRAN P**

ABSTRACT

The vulnerability of Indians most affected by climate change cultivates a harsh reality for victims of climate-related human rights violations. It compels a focused criticism of corporate responsibility for climate change, especially given that globally, companies account for a large portion of gross emissions that escalate the climate crisis and intensify climate-based migration. The inhabitants of coastal, agricultural, and indigenous communities face the brunt of climate-related migration. They suffer the most from the newly created environmental threats, the loss of resources, increased inequality, and human rights violations, including the denial of the right to adequate housing, food, water, health, and a decent means of livelihood. There is a lack of capacity to respond legally and adequately, and these communities are placed in a position of even greater vulnerability to the climate crisis. Therefore, to understand the impacts of climate change-induced migration on the particularly vulnerable, it has become crucial to understand the corporate responsibility of businesses. This study seeks to explain the role of corporations in the changing patterns of climate-related migration and the impact on human rights, especially in the context of the need for businesses to fulfil their human rights obligations. This study offers insight into the plight of the most afflicted by the effects of climate change in India. It investigates the intersection of the right to be protected from climate-induced displacement and the adequacy of corporate responsibility through compliance with climate change legislation. It examines corporate responsibility through case studies and a legislative analysis with the goal of reinforcing accountability frameworks for the protection of the most vulnerable climate-impacted communities in India.

Keywords: Corporate Accountability, Climate Change, Displacement, Indigenous, Human Rights

* Author is a PhD Scholar at Alliance School of Law, Bangalore, Karnataka, India.

** Author is a Professor at Alliance School of Law, Bangalore, Karnataka, India.

I. INTRODUCTION

“Climate change threatens our ability to achieve sustainable development, and in some cases, our very survival.”¹

In India, climate change, human rights, and corporate accountability are overwhelming and interconnected problems whose solutions must be addressed together. Desertification, rising sea levels, and extreme weather have a devastating impact on basic rights to clean air, water, and food. These consequences fall most heavily on marginalised communities, including indigenous peoples, women, children, and those living below the poverty line, who bear the greatest share of environmental disaster through related hazards and displacement.² Moreover, the migration caused by these shifts aggravates an already vulnerable situation, because it denies affected people access to housing while exposing them to multiple risks, endangering the well-being of individuals and societies alike. The report “Costs of Climate Inaction: Displacement and Distress Migration”³ further notes that, within the next three decades, there will be massive forced movements across India if present trends continue, necessitating stronger measures.

Such measures should prioritise corporate accountability. The release of greenhouse gases into the atmosphere through business activity greatly contributes to climate change, which in turn drives global warming and the alteration of weather patterns. These emissions originate from a range of industrial processes, including energy production, transport, deforestation, and industrial manufacturing. As more enterprises are established, greenhouse gas emissions increase, worsening environmental degradation while also violating people’s rights through the depletion of natural resources and the disturbance of ecosystems. The level of carbon dioxide in the atmosphere has risen rapidly because of the burning of fossil fuels for energy, a trend rooted in industrialisation during the Industrial Revolution and the subsequent global expansion of business enterprises. Substantial quantities of heat-trapping methane also arise from agricultural activities and waste-management sites, including landfills and sewage-treatment facilities, as well as oil and gas extraction, while industries such as refrigeration, air-conditioning, and semiconductor manufacturing emit considerable amounts of fluorinated gases that contribute significantly to global warming.

¹ Ban Ki-moon, Secretary-General, United Nations.

² Vaibhav Gupta et al., *Greenhouse Gases Emission Estimates from the Manufacturing Industries in India, State Level Estimates: 2005 to 2013*, COUNCIL ON ENERGY, ENV’T & WATER (Mar. 20, 2024), <https://www.ceew.in/publications/state-and-sector-wise-greenhouse-gases-and-carbon-emissions-india>.

³ NAT’L HUMAN RIGHTS COMM’N, *Costs of Climate Inaction: Displacement and Distress Migration* (last visited Mar. 18, 2024), <https://nhrc.nic.in/sites/default/files/2023-12-06.pdf>.

In addition, many companies prioritise profits over people's lives, endangering both ecosystems and societies. Indian companies must recognise their role and adopt corporate social responsibility (CSR), human rights due diligence, and the Sustainable Development Goals (SDGs). This entails using clean energy and production methods that reduce greenhouse gas emissions, carbon footprints, waste, and pollution, while also recognising the land rights of indigenous peoples along supply chains up to the point of final consumption. Transparency and accountability on the part of businesses should extend to their environmental impacts and to the individual's right to life, through meaningful engagement among affected communities, civil society groups, and government, so that diverse perspectives inform outcomes that benefit all concerned parties while promoting sustainability. Addressing the needs of people affected by global warming may also involve supporting climate-change mitigation initiatives that respect and protect human rights.

A. The Relationship Between Climate Change and Displacement

Human activity has been responsible for the degradation of the planet's environment, which has triggered climate change and consequently increased migration and displacement. Referred to as "environmental refugees" or "climate migrants," these people are compelled by natural events to leave their homelands, jeopardising their lives and well-being.⁴ Climate change has uneven effects across the globe: some places can adapt more quickly than others, if at all, to changing conditions, while physical changes such as rising ocean tides will uproot inhabitants and force them to migrate. Severe displacement by 2050 is already evident. Most South Asian nations, particularly India and Bangladesh, lie barely above sea level.⁵

B. The Relationship Between Climate Change and Corporate Accountability

Through their industrial practices, Indian companies are responsible for significant emissions; at the same time, some use sustainability strategies to reduce their climate impact. The manufacturing sector is a particular concern, contributing 25% of India's total annual greenhouse gas emissions. It is also the largest consumer of electricity and produces 40% of the country's greenhouse gas emissions. As India continues to advance economically and its manufacturing sector grows, emissions are likely to increase, which demonstrates that climate action must accompany the growth of India's manufacturing sectors. Despite these difficulties, some firms have recognised the importance of environmental sustainability and are adopting

⁴ Diane Boudreau et al., *Environmental Refugee*, NAT'L GEOGRAPHIC (Apr. 23, 2024), <https://education.nationalgeographic.org/resource/environmental-refugee/>.

⁵ M. Murali Krishnan, *India: Migration from Climate Change Getting Worse*, DEUTSCHE WELLE (Mar. 28, 2024), <https://www.dw.com/en/india-migration-from-climate-change-getting-worse/a-65369043>.

initiatives to reduce emissions, including through commitments to science-based targets for the reduction of greenhouse gas emissions. Science-based target setting is one example of a growing trend among Indian firms to invest in renewable energy and energy-efficient methods, so as to reduce reliance on fossil fuels and lower carbon dioxide output.⁶

According to the Carbon Disclosure Project, fifty-seven companies in India have established or committed to establishing science-based targets, which suggests a growing awareness of the risks and opportunities associated with climate change.⁷ These businesses focus not only on direct emissions from owned or controlled sources, but also on indirect emissions, such as purchased electricity and other supply-chain activities, including transportation, logistics, and warehousing. They are pricing carbon and making it part of their plans, positioning themselves for a future in which success is measured in terms of low-carbon output. However, more work is needed on decoupling economic growth from carbon emissions, especially within energy-intensive industries that contribute most to the problem. Indian companies should therefore continue to invest heavily in research and development while adopting cleaner production technologies that reduce energy use and ensure sustainable business practices. For Indian enterprises to be sustainable, they need leaner innovations. This not only tackles climate change but also strengthens environmental safeguards, helping to ensure intergenerational equity and shared prosperity.

II. THE CORPORATE FOOTPRINT

The combined pressures of industry and environmental degradation have created a significant and systemic deficit within the global human rights landscape, collectively known as “the corporate footprint.” Corporations have not been passive participants in the market; on the contrary, they have often been dominant players in the destruction of ecosystems. This footprint operates along a dual axis of harm: reliance on fossil fuels that increase global warming, and expansion into areas that uproot vulnerable groups. Rapid macroeconomic growth in present-day India has created a setting in which industrial pollution and land acquisition are intertwined. Analysing the ways corporations emit greenhouse gases and simultaneously induce migration shows that both environmental destruction and the forced removal of communities will continue unless corporate activity is regulated.

⁶ SCIENCE BASED TARGETS INITIATIVE, *SBTi Manual* (last visited Mar. 22, 2024), <https://sciencebasedtargets.org/resources/legacy/2017/04/SBTi-manual.pdf>.

⁷ PTI, *India 5th Among Countries with Corporate Commitments to Science-Based Targets: Report*, ECON. TIMES (Mar. 27, 2024), <https://economictimes.indiatimes.com/news/science/india-5th-among-countries-with-corporate-commitments-to-science-based-targets-report/articleshow/73434464.cms>.

A. The Role of Corporations in Greenhouse Gas Emissions

The principal drivers of climate change are coal, oil, and gas, which together account for more than 75% of total greenhouse gas emissions and around 90% of carbon dioxide emissions. As these gases accumulate in the atmosphere, they trap heat, producing global warming and, in turn, climate change. The rapid warming of the Earth alters weather patterns and affects the ecosystems on which living organisms rely. Fossil fuels are used in every aspect of the economy, from automobiles and factories to aircraft, and they feature in every dimension of the climate challenge, including electricity generation, heating, and industrial processes. Key players in this sector include ExxonMobil, Shell, BP, and Chevron, among others. According to the Carbon Disclosure Project, around 100 fossil fuel producers, of which these companies are among the largest, are collectively linked to roughly 71% of global industrial carbon dioxide and greenhouse gas emissions released since 1988.⁸

B. Displacement Dynamics and Corporate Involvement

India has been establishing many types of industry, including factories, mines, roads, power plants, and even new cities, in order to sustain high rates of economic growth. These projects require land, which in most cases forces large numbers of people to move from their homes. Development such as the construction of dams (16 million), mining (2.55 million), industrialisation (1.25 million), and the creation of wildlife parks and reserves (600,000) has displaced about 21.3 million people, according to the Indian Social Institute.⁹ Manufacturing, construction, and the production of timber products for sale, whether local or for export, are among the main sources of pollution that affect the climate in India. Industries generate greenhouse gases and other pollutants that cause air pollution; they commit ecological harm through water pollution from their wastes and through deforestation. These activities increase the concentration of carbon dioxide in the atmosphere, disturbing weather systems and accelerating desertification and sea-level rise. In addition, corporate expansion projects require land purchases that displace local communities. The negative impact is especially pronounced when indigenous land is used for the construction of highways, bridges, airports, railways, and ports near urban areas.

⁸ Tess Riley, *Just 100 Companies Responsible for 71% of Global Emissions, Study Says*, THE GUARDIAN (July 10, 2017), <https://www.theguardian.com/sustainable-business/2017/jul/10/100-fossil-fuel-companies-investors-responsible-71-global-emissions-cdp-study-climate-change>.

⁹ Vishwanath M., *Dams, Development and Displacement: A Sorry Picture of Farce Inclusive Growth*, VMS LAW (Mar. 29, 2024), <https://vmslaw.edu.in/dams-development-and-displacement-a-sorrow-picture-of-farce-inclusive-growth/>.

C. Human Rights Risks of Climate-Induced Displacement

Rising sea levels, increased desertification, and extreme weather threaten more than the environment. The right to life and other basic rights, such as access to safe drinking water, sanitation, food, and adequate housing, are all placed at risk. Research shows that climate change increasingly compels people to leave their land and, in many instances, their country. This is a matter of concern for every nation, as states receive those displaced by climate impacts elsewhere. Climate-induced migration is a global injustice: it reflects historic inequities while creating new ones. Those who have contributed least often suffer most, and the burdens of climate-related hazards fall unequally across regions, which makes collective and fair measures essential so that no one is left behind, since all persons are protected under international systems that promote equality before the law regardless of nationality or race.

Resolution 48/13 (2021), adopted by the Human Rights Council, recognises a healthy environment as a basic human right.¹⁰ It also acknowledges that people living in less-developed areas, where resources for adaptation are limited, may experience severe impacts on their lives owing to environmental degradation associated with climate change. Global heating contributes to more frequent cyclones and floods that destroy infrastructure, situations that can violate the rights of people living in poverty near coasts, including through loss of food and gradual sea-level rise, thereby endangering individual well-being on a large scale. In addition, about four hundred million indigenous people whose cultural identity depends on natural ecosystems face challenges arising from changes to those environments, which place their rights to self-determination, development, and collective identity in jeopardy. Climate change also disproportionately affects vulnerable populations, including those living in zones affected by armed conflict, and many of the communities at greatest risk live in places prone to extreme heat, drought, floods, and other adverse events. Resolution 48/14 accordingly established a Special Rapporteur on the promotion and protection of human rights in the context of climate change, whose role is to help ensure access to rights for all.

D. Corporate Responsibility to Mitigate the Environmental Footprint

The modern reality of climate change underscores the importance of corporate accountability for environmental impacts. A self-aware enterprise evaluates its environmental costs and begins its sustainability efforts by reducing its carbon footprint. Embracing sustainability has an

¹⁰ UNEP, *Landmark UN Resolution Confirms Healthy Environment Is a Human Right* (last visited Apr. 6, 2024), <https://www.unep.org/news-and-stories/story/landmark-un-resolution-confirms-healthy-environment-human-right>.

instrumental place in the cost-benefit analysis of energy consumption in a market increasingly populated by “greener” consumers. Furthermore, companies that delay addressing sustainability and emissions will likely lose profits and reputation as new regulations emerge. Corporate success and sustainability are increasingly synonymous, and comprehensive strategies of self-awareness, cost saving, and regulatory compliance are achieved by companies that pursue energy conservation, environment-centred employee engagement, and sustainability-driven supply-chain management. Some practical approaches that companies can take to fulfil their responsibilities and contribute to sustainability are as follows.

Efficient energy use. Corporations may adopt energy-efficient practices within their premises, including lighting, heating, ventilation, and air-conditioning systems that consume less electricity. The choice of renewable resources such as wind or solar power is critical to cutting carbon emissions.

Sustainable supply chains. Another initiative aimed at reducing carbon dioxide output involves assessing supply chains with a view to making them sustainable, including by identifying environmentally friendly suppliers and optimising logistics to minimise transport-related emissions.

Carbon-offsetting initiatives. Businesses can participate in programmes that offset carbon emissions by investing in projects that remove equivalent amounts of greenhouse gases from the atmosphere or prevent their release, such as renewable energy schemes, tree-planting, and methane-capture ventures.

Employee involvement and education. Workers should be made conscious of their role in environmental conservation. Companies may educate staff on sustainability and engage them in activities such as developing energy-saving ideas for the workplace and adopting eco-friendly practices.

Emission-reduction targets. Establishing specific, measurable targets for cutting emissions provides a benchmark against which organisations can be held accountable over time. For example, an enterprise might commit to becoming carbon neutral by a certain year, through direct reduction of emissions or by offsetting any excess produced within specified periods.

In order to avoid infringing the rights of others while conducting business, the United Nations has developed guidelines for companies, and the Government of India has taken several measures in light of them. One such measure was introduced by the Ministry of Corporate

Affairs¹¹ in July 2011: the National Voluntary Guidelines on the Social, Environmental and Economic Responsibilities of Business. The Securities and Exchange Board of India (SEBI)¹² subsequently mandated self-reporting by listed companies against nine principles relating to matters such as worker health and safety and the protection of human rights. In 2018, the Ministry of Corporate Affairs published a draft national action plan on business and human rights;¹³ the National Guidelines on Responsible Business Conduct (NGRBC)¹⁴ followed in 2019. These instruments draw on the “protect, respect, and remedy” framework proposed by John Ruggie between 2007 and 2008.¹⁵

III. THE JUDICIAL LANDSCAPE AND TRENDS IN INDIA

The Indian judiciary has occupied a distinctive space in adjudicating the collision between industrialisation, environmental degradation, and the infringement of human rights. Faced with executive inaction and the inadequate implementation of laws, the Supreme Court of India has developed a new strand of environmental law. The Court has moved away from a strictly remedial posture toward a more proactive, rights-based approach by expanding the constitutional framework, particularly through the innovative interpretation of Articles 21 and 14. The clear trend in the case law is the Court’s increasing readiness to impose strict liability on both public and private corporate actors for the environmental harm caused by their activities.

E. A. Case Law

M.K. Ranjitsinh & Ors. v. Union of India & Ors.¹⁶ On 21 March 2024, the Supreme Court held that all citizens of India are entitled, under Articles 21 and 14, to protection against the adverse impacts of climate change. The Court reasoned that the threats posed by greenhouse gases are severe enough to justify recognising a distinct right against the adverse effects of climate change, grounded in the rights to life and to equality.

¹¹ MINISTRY OF CORP. AFFAIRS, *National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business* (2011), https://www.mca.gov.in/Ministry/latestnews/National_Voluntary_Guidelines_2011_12jul2011.pdf.

¹² SEC. & EXCH. BD. OF INDIA, *Business Responsibility and Sustainability Reporting by Listed Entities* (last visited Apr. 5, 2024), https://www.sebi.gov.in/legal/circulars/may-2021/business-responsibility-and-sustainability-reporting-by-listed-entities_50096.html.

¹³ MINISTRY OF CORP. AFFAIRS, *Zero Draft: National Action Plan on Business and Human Rights* (last visited Apr. 5, 2024), https://www.mca.gov.in/Ministry/pdf/ZeroDraft_11032020.pdf.

¹⁴ MINISTRY OF CORP. AFFAIRS, *National Guidelines on Responsible Business Conduct* (last visited Apr. 5, 2024), https://www.mca.gov.in/Ministry/pdf/NationalGuideline_15032019.pdf.

¹⁵ UNEP FIN. INITIATIVE, *Human Rights Toolkit* (last visited Apr. 5, 2024), <https://www.unepfi.org/humanrightstoolkit/framework.php>.

¹⁶ *M.K. Ranjitsinh & Ors. v. Union of India & Ors.*, 2024 INSC 280 (India).

Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Ltd.¹⁷ In 2018, the Tamil Nadu government ordered the closure of Sterlite Copper's smelting plant in Thoothukudi for environmental violations, following sustained public protests against pollution from the plant in which several people lost their lives. The plant had been the subject of regulatory and judicial scrutiny over sulphur dioxide emissions for years, including an earlier closure. The closure was ultimately upheld on public-safety and environmental grounds, reflecting the need to balance ecologically sound development with social justice and the protection of workers.

Orissa Mining Corporation Ltd. v. Ministry of Environment & Forest & Others (the Niyamgiri Hills case).¹⁸ In 2013, the Supreme Court referred to the local Gram Sabhas the question whether bauxite mining proposed by Vedanta in the Niyamgiri Hills of Odisha would infringe the rights of the Dongria Kondh, an indigenous community, over their land. The Gram Sabhas rejected the project, which would have caused displacement and ecological destruction. The decision affirmed the respect owed to indigenous communities in such ventures, failing which both human rights and ecological concerns would be violated.

M.C. Mehta & Anr. v. Union of India & Ors. (the Oleum Gas Leak case).¹⁹ In 1985, oleum gas leaked from the plant of Shriram Foods and Fertilizers Ltd. in Delhi, causing pollution over a wide area and endangering the health of nearby residents. The Supreme Court applied the principle of absolute liability, holding that an enterprise engaged in a hazardous activity is liable for the harm it causes irrespective of negligence, and it directed that compensation be paid to the victims while stressing industry's duty toward environmental safety and public health.

M.C. Mehta v. Union of India & Ors. (the Tanneries Pollution case).²⁰ States such as Tamil Nadu and Uttar Pradesh have seen pollution from tanning industries addressed by the Supreme Court and the High Courts in response to various petitions. These cases emphasised the need for stringent enforcement and observance of ecological standards to curb water pollution while safeguarding affected communities's rights to a clean environment and good health.

IV. THE LEGAL FRAMEWORK GOVERNING BUSINESS, HUMAN RIGHTS, AND CLIMATE CHANGE

Regulating corporate behaviour becomes exceedingly complex when climate change and human rights are involved. Historically, private actors were not subject to international law,

¹⁷ Tamil Nadu Pollution Control Bd. v. Sterlite Indus. (India) Ltd., AIR 2019 SC 479 (India).

¹⁸ Orissa Mining Corp. Ltd. v. Ministry of Env't & Forest & Others, (2013) 6 S.C.C. 476 (India).

¹⁹ M.C. Mehta & Anr. v. Union of India & Ors., AIR 1987 SC 965 (India).

²⁰ M.C. Mehta v. Union of India & Ors., AIR 1996 SC 944 (India).

which allowed corporations to navigate legal loopholes. Contemporary legal thought has largely abandoned that paradigm: corporate activity that harms the environment can no longer be treated as legally unregulated. The legal apparatus governing corporate activity is an evolving combination of hard and soft law.

A. The National Framework of India

The Companies Act, 2013.²¹ Corporations are required to undertake activities, classified as corporate social responsibility (CSR), that include environmental protection and matters relating to human rights.

The Environment (Protection) Act, 1986.²² This Act provides India's framework for environmental conservation and pollution control across sectors, including the requirement of an Environmental Impact Assessment (EIA) before the approval of projects likely to affect people or surrounding areas, with attendant implications for the climate.

The Water (Prevention and Control of Pollution) Act, 1974²³ **and The Air (Prevention and Control of Pollution) Act, 1981.**²⁴ These statutes govern, respectively, the control of water pollution and the protection of air quality. They are essential instruments in addressing climate change, since pollution directly affects health and the right to the highest attainable standard of physical and mental well-being, which in turn depends on a clean environment conducive to sustainable development.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.²⁵ This Act recognises the rights of communities that inhabit forests, including indigenous peoples, over those lands and their resources, while seeking to maintain ecological balance through the sustainable use of forests, thereby helping to mitigate global warming and to safeguard people's entitlements.

The Right to Information Act, 2005.²⁶ This statute enables individuals to obtain information held by public authorities, facilitating their involvement in environmental decision-making and promoting transparency in the management of natural resources for sustainable growth.

²¹ The Companies Act, 2013, No. 18, Acts of Parliament, 2013 (India).

²² The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).

²³ The Water (Prevention and Control of Pollution) Act, 1974, No. 6, Acts of Parliament, 1974 (India).

²⁴ The Air (Prevention and Control of Pollution) Act, 1981, No. 14, Acts of Parliament, 1981 (India).

²⁵ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India).

²⁶ The Right to Information Act, 2005, No. 22, Acts of Parliament, 2005 (India).

The National Green Tribunal Act, 2010.²⁷ This Act establishes the National Green Tribunal, a specialised forum for environmental cases, before which firms may be held liable for environmental damage and for related harm to life or health.

The Protection of Human Rights Act, 1993.²⁸ This Act establishes national and state human rights commissions to investigate acts that diminish the quality of life, providing an institutional avenue for addressing harm to the right to a healthy environment.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.²⁹ This Act regulates land-acquisition procedures and provides for compensation and resettlement of those affected, including where business operations, particularly large-scale civil-engineering works with significant social and environmental impacts, require the acquisition of land.

The Rehabilitation and Relocation of Persons Displaced Due to Climate Change Bill, 2022.³⁰ This Bill, if enacted, would respond to the growing number of people in India displaced within their habitat by climate change. It proposes to provide medical assistance, food security, clean water, and housing, and to assist affected persons in resettling. It also envisages national, state, and district committees to implement rehabilitation programmes, dedicated funds for those internally displaced by climate or other ecological causes, time-bound schemes accessible within specified periods, and systems to track climate-related displacement, with the aim of protecting those displaced and facilitating their reintegration into sustainable communities.

B. The International Framework

United Nations Guiding Principles on Business and Human Rights (UNGPs).³¹ The UNGPs comprise thirty-one principles that set out what states and companies should do to prevent business-related human rights violations. Adopted by the UN Human Rights Council in 2011, they articulate the duties of states and the responsibilities of companies regarding the prevention of human rights abuses associated with corporate conduct. Although not legally binding, they are widely accepted as authoritative standards for responsible corporate conduct.

²⁷ The National Green Tribunal Act, 2010, No. 19, Acts of Parliament, 2010 (India).

²⁸ The Protection of Human Rights Act, 1993, No. 10, Acts of Parliament, 1994 (India).

²⁹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30, Acts of Parliament, 2013 (India).

³⁰ The Rehabilitation and Relocation of Persons Displaced Due to Climate Change Bill, 2022, Bill No. 142, 2022 (India).

³¹ OFFICE OF THE U.N. HIGH COMM’R FOR HUMAN RIGHTS, *Guiding Principles on Business and Human Rights* (last visited Apr. 12, 2024), https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

United Nations Framework Convention on Climate Change (UNFCCC).³² Created in 1992 to prevent “dangerous” human interference with the climate system, the UNFCCC established several mechanisms, including the requirement that each party submit an inventory of its emissions, and provides the broad framework for international cooperation on reducing greenhouse gases and adapting to their effects.

The Paris Agreement.³³ Negotiated under the UNFCCC in 2015, the Paris Agreement is a landmark in the collective response to climate change. It aims to limit the increase in global average temperature to well below 2 degrees Celsius above pre-industrial levels, while pursuing efforts to limit the increase to 1.5 degrees Celsius, and it incorporates commitments on sustainable development and on building the adaptive capacity of vulnerable communities.

International Labour Organization (ILO) Conventions.³⁴ Labour rights are central to the United Nations human rights system. ILO standards are crucial in safeguarding employees, including from the effects of changing weather patterns. They protect the right to form or join associations, freedom from forced and child labour, and the right to safe and healthy working conditions, including the right to refuse work that exposes workers to unprotected risks. Adopting these standards reflects a state’s commitment to protecting people’s welfare during a climate crisis.

The Universal Declaration of Human Rights (UDHR).³⁵ Although the UDHR is not binding, it provides the foundational principles of individual rights relevant to business and climate change, highlighting the need for companies to recognise people’s basic needs, including life itself and a healthy environment.

The Equator Principles.³⁶ These are standards for identifying and managing social and environmental risks in project finance, adopted by financial institutions as a risk-management framework. Although not legally binding, they serve as a guide to responsible lending.

³² U.N. FRAMEWORK CONVENTION ON CLIMATE CHANGE, *What Is the United Nations Framework Convention on Climate Change?* (last visited Apr. 12, 2024), <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change>.

³³ UNITED NATIONS, *The Paris Agreement* (last visited Apr. 12, 2024), <https://www.un.org/en/climatechange/paris-agreement>.

³⁴ INT’L LABOUR ORG., *International Labour Standards: Conventions, Protocols and Recommendations* (last visited Apr. 12, 2024), <https://www.ilo.org/international-labour-standards/conventions-protocols-and-recommendations>.

³⁵ UNITED NATIONS, *Universal Declaration of Human Rights* (last visited Apr. 12, 2024), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

³⁶ EQUATOR PRINCIPLES, *About the Equator Principles* (last visited Apr. 12, 2024), <https://equator-principles.com/about-the-equator-principles/>.

OECD Guidelines for Multinational Enterprises.³⁷ These are recommendations to multinational enterprises operating in or from countries that adhere to the OECD Declaration on International Investment and Multinational Enterprises. They are voluntary standards for responsible business conduct, including with respect to human rights and the environment.

V. ISSUES AND CHALLENGES IN THE INTERSECTION BETWEEN CORPORATE ACCOUNTABILITY, HUMAN RIGHTS, AND CLIMATE CHANGE

Deep systemic and structural challenges can be identified at the intersection of corporate operations, the protection of human rights, and climate-induced displacement in India. These challenges are not isolated failures; rather, they reflect gaps in the existing legal frameworks, in the enforcement of laws, and in corporate governance. The greatest barrier to holding corporations responsible for climate-induced migration is the “attribution problem.” Traditional tort and environmental law require the plaintiff to prove that the harm was caused by the defendant’s act. Given the cumulative and global scale of climate change, linking a particular corporation’s emissions to the specific harm that displaced a given community, such as coastal erosion in the Sundarbans, lies beyond the capacity of the current civil-law framework in India. India’s environmental laws are comprehensive but suffer from a weak enforcement structure. The Pollution Control Boards are hampered by insufficient funding, a shortage of skilled personnel, and the capture of their authority by industry. As a result, a corporation is often able to transfer its costs to the environment, and only when the situation becomes a crisis is judicial review called upon to intervene. The current legal framework for human rights and business rests largely on the UN Guiding Principles, which are “soft law.” Because these frameworks lack enforcement or penalty mechanisms, there is no binding obligation for Indian corporations to adopt them, which risks turning what should be rigorous human rights duties into CSR “tick-box” exercises. Victims of corporate displacement may thus be left without an international legal forum for redress. The problem is compounded by the placement of mining and heavy-manufacturing facilities in marginalised and indigenous areas, which displaces vulnerable people and threatens their rights to identity, land, and social and cultural systems, particularly because those most exposed to corporate environmental harm rarely possess the economic and legal capacity to sustain prolonged litigation against multi-billion-dollar enterprises.³⁸

³⁷ ORG. FOR ECON. CO-OPERATION & DEV., *Guidelines for Multinational Enterprises* (last visited Apr. 12, 2024), <https://mneguidelines.oecd.org/>.

³⁸ Ashwini Hingne, *Role of Indian Businesses in Driving Ambitious Climate Action*, WRI INDIA (Apr. 22, 2024), <https://wri-india.org/blog/role-indian-businesses-driving-ambitious-climate-action>.

A. Statistics: Patterns and Trends in India

Across India's regions, climate change produces a range of effects, of which migration is one. The coastal region of Odisha is one example: some farmers lose land to rising sea levels, while some fishermen lose their boats to cyclones, and both are driven to migrate. Migration has also occurred in the Sundarbans region of West Bengal, owing to climate effects compounded by poor infrastructure and the collapse of livelihoods. Uneven and declining rainfall, together with a falling water table in the hill districts of Uttarakhand, has led to migration to the plains, and recurrent flooding and loss of land have had similar effects in the Saharsa district of Bihar. These factors carry economic costs and disrupt social infrastructure and customary agricultural practices. Many regions of India depend heavily on rain-fed agriculture, and a focus on climate-resilient practices in drought-prone areas aims to reduce the need for, and burden of, migration. About 3.6 million people were displaced each monsoon season between 2008 and 2019.³⁹ Of all India's regions, the east coast has probably been the worst affected: at least 200 cyclonic storms struck the region between 1970 and 2012, each causing irrecoverable loss of life and livelihood. While floods may affect about 36 million people along the coasts of West Bengal and Odisha, mass migration has, for many, become the only means of survival since Cyclone Aila uprooted 4.5 million people in 2009.⁴⁰ Displacement is closely linked with underdevelopment, which makes loss financing and inclusive, preventive measures essential. Drought further compounds the problem, particularly for the predominantly agrarian rural population, threatening economic productivity in remote areas. Greenhouse gas emissions contributed to an increase in India's temperature of about 0.7 degrees Celsius between 1901 and 2018. India was ranked seventh among the countries worst affected by climate-related disasters in 2019, which produced severe conditions that left low-income children and families especially vulnerable. According to a joint study by ActionAid and CANSA, around 37.5 million people are expected to have migrated or been displaced in India because of environmental threats by 2030, a figure projected to reach 45 million by 2050. Globally, floods and cyclones displaced a record of roughly 23.7 million people in a single recent year.⁴¹ Some of the largest Indian businesses, including Indian Oil Corporation Ltd., Hindustan Petroleum Corporation Ltd., and

³⁹ INTERNAL DISPLACEMENT MONITORING CTR., *Global Report on Internal Displacement 2020* (last visited Apr. 23, 2024), <https://www.internal-displacement.org/global-report/grid2020/>.

⁴⁰ Soumen Ghosh et al., *Cyclone-Induced Coastal Vulnerability, Livelihood Challenges and Mitigation Measures of Matla-Bidya Inter-Estuarine Area, Indian Sundarban*, NAT'L INSTS. OF HEALTH 3857, 3878-79 (2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9925922/>.

⁴¹ Amiera Sawas et al., *Invisible Women: A Gender Analysis of Climate-Induced Migration in South Asia*, CLIMATE ACTION NETWORK SOUTH ASIA (Apr. 21, 2024), https://cansouthasia.net/wp-content/uploads/2021/09/Invisible-women-SA_Actionaid-CANSA-1.pdf.

Reliance Industries Ltd., have been identified among the world's top polluting companies, within a group of 100 energy firms that accounted for over two-thirds (71%) of greenhouse gas emissions. Coal India ranks among the world's largest corporate emitters of carbon dioxide, although its emissions have decreased somewhat over the years.⁴²

VI. CONCLUSION

In India, the displacement of people due to climate change has become a major human rights issue.⁴³ It mainly affects vulnerable communities, such as coastal dwellers, indigenous peoples, and farmers, and it deepens existing inequalities, contributing to the deprivation of food, water, healthcare, and other basic rights. Through their greenhouse gas emissions, Indian firms contribute to the deterioration of the climate, and their accountability, including through corporate social responsibility, can no longer be disregarded. Indian firms have a considerable stake in the corporate dimension of climate change, given their significant emissions, which underscores the importance of setting emission thresholds for corporate entities while ensuring that their human rights obligations are not neglected. Several obstacles complicate efforts to ease this corporate impact, including a lack of funding and gaps in basic legislation. Possible solutions include programmes designed to address climate change, with a focus on training corporate employees in project implementation, and the promotion of more active stakeholder participation, which may in turn produce more effective legislation for the protection of environmental resources.

VII. SUGGESTIONS

Indian enterprises can embed sustainability into their core business strategies, which would allow them to make positive changes in their organisation and operations and to address corporate accountability, human rights, and climate change together. To do so, enterprises should adopt sustainable practices, reduce greenhouse gas emissions, and invest in renewable energy as climate-change mitigation measures. Such success cannot be achieved alone; it requires collaboration across sectors, and joint efforts are therefore necessary. Businesses must also help to unlock climate finance, collaborating with governments, multilateral development banks, and private investors to raise funds for sustainable solutions. These investments should be long-term rather than short-term, since they help bridge the financing gaps faced by other

⁴² Vishwa Mohan, *Coal India 3rd in List of Global CO2 Emitters*, TIMES OF INDIA (Apr. 22, 2024), <https://timesofindia.indiatimes.com/india/coal-india-3rd-in-list-of-global-co2-emitters/articleshow/109049756.cms>.

⁴³ U.N. DEV. PROGRAMME, *Climate Change Is a Matter of Justice: Here's Why* (last visited Apr. 22, 2024), <https://climatepromise.undp.org/news-and-stories/climate-change-matter-justice-heres-why>.

sustainable technologies, and they should be accompanied by advocacy for policies that promote investment in climate resilience and adaptation, including through public-private partnerships.

Organisations can also stimulate innovation by partnering with established companies or start-ups to accelerate the development and uptake of eco-friendly products and services, and they can increase demand for value-chain interventions. Coalitions and partnerships oriented toward climate action, such as the CEO Climate Leaders India chapter and the World Economic Forum's First Movers Coalition, were established to foster cooperation among firms interested in emerging climate-friendly technologies. Organisations may further drive systemic improvement throughout their supply chains by adopting environmentally friendly sourcing, low-carbon logistics, and green supply-chain management, sourcing materials from suppliers that use energy-efficient methods and renewable energy wherever possible. Businesses alone cannot do everything, but they must do something; collective action therefore remains crucial both to mitigating human rights violations and to responding to climate change. Global warming is a threat that demands combined efforts across continents and the involvement of the public sector, civil society, and international development agencies, in order to curb its impact on vulnerable populations such as women, children, the elderly, and the poor. The Government has shown commitment, with an ambitious target of net-zero emissions by 2070, but more remains to be done. Although some private-sector investors have put money into clean-energy technologies, much greater investment is needed to make a meaningful difference. When it comes to environmental degradation, the race is being lost: environmental destruction is progressing at an ever-quicken pace, and the window of opportunity to act is closing.
