Conclusion and Suggestions
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Sound environmental Management is an important part of sustainable development, and it is increasingly seen as both a business responsibility and a business opportunity. Multinational enterprise have a role to play in both respects.

Transnational business collaboration (MNCs/ TNCS) is a phenomenon that can be observed in many parts of the world. In recent years, Multinational Corporations have gone global in both their reach and actual presence rapidly. They have greater resources and influence than ever before and have business operations that span across the globe. They can be and have been in some cases, a positive force for change in developing countries by transferring environmental technology, enforcing environmental standards at their factories, and sharing best practices with the local work-force. In this respect, MNCs are far better at influencing change at the local level.

In an attempt to cut costs, many multinational corporations (MNCs) export their polluting activities through subsidiaries established in less developed countries. This exporting of pollutants is a crucial environmental issue. Environmental pollution does not necessarily need to cross a country’s borders in the form of a substance, it can also pass the frontier through a decision taken in one state leading to environmental consequences in another. To put it differently, environmental degradation resulting from the subsidiary’s activities can often be traced back to the regulatory orders of the parent company.

Importantly, because MNCs are large contributors to the world’s economy they enjoy a significant political power in the international arena. The paramount position of these corporate giants is not equally balanced against that of the victims when trying to make MNCs liable for environmental damage. More often than not, the cost of production is sought to be curbed by the introduction of environmentally unfriendly manufacturing process and consumables used in production which slowly but systematically impacts the environment.

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Sadly, in recent times, the multinationals do contribute a lot to the pollution of the atmosphere and also causes of the industrial accidents e.g. Bhopal disaster in India. Environmental consequences of TNCs behavior are multiple and substantial. But, with great power comes great responsibility. Similarly, Multinational Corporations are viewed as being exploitative of both their workers and the local environment. It results a lot of legal problems arises both at national and international level with regard to the protection and improvement of environment and controlling the Multinational Corporations activities for imposition of liability. In a period of increasing international contacts, including wide-ranging operations by Multinational Corporations (MNCs), it is clearly unsatisfactory that the legal mechanisms available to deal with major problems on the transnational level should be restricted by a state system that reflects notions of national sovereignty and autonomy more appropriate to a bygone age.

Indeed, environmental protection is important to save our earth and also flora and fauna in this beautiful world. It is our responsibility (including MNCs) to give a quality environment to our present and future generations. Our future depends on how we act today. Without restoring the environment it is inevitable, that we do not have future. We think not as individuals, a nation, or an interest group, but as one who looks at the grim realities of the world while searching from within for a solution of the environmental pollution. Besides, the business of money-making, Multinational Corporations also need to realize their responsibility toward global social and environmental justice. Just as individuals owe a duty not to harm or injure others in society without justification, so do Multinational Companies owe a duty not to poison our water and food, not to pollute our rivers, beaches and air, not to allow their work places to endanger the lives and safety of their employees and the public. They need to help to reduce the inequality between the haves and havenots while respecting the sanctity of the planet earth.

It is a common thinking that state is alone having responsibility to control the environmental offences caused by the Multinational Corporations (MNCs) or any other industrial organization. In recent times, it was realized that in order to preserve the ecosystems, it is not enough to obligate the states alone in this
direction, but the other important actors like the voluntary environmental responsibility of MNCs and even the individuals should also share their responsibility to protect the environment.3 Because, MNCs can improve the overall performance of their businesses by integrating environmental considerations in to their operations.

In India, one recent argument is that Industrial sectors particularly multinational corporations are causing the environmental pollution. The Bhopal incident is also supporting this argument. 24 years after the world’s worst industrial disaster in Bhopal, hundreds of thousands of people are still at grave risk. Whatever little gains victims of Bhopal have made is primarily due to their own tireless struggle for justice and redress. Unfortunately it seems the disaster that is Bhopal and the struggle of the victims has not been enough to prompt the executive, legislature and judiciary to act together to meet the challenge post by a combination of political economy of neoliberal globalization, hazardous technology and the power of transnational capital. Justice V.R. Krishna layer about the Bhopal disaster opined as "Environmental pollution and its lethal aftermaths did not begin and will not end with Bhopal and Union Carbide (India). Even our public sector enterprises are often unconscionable. Therefore, such phenomenal situations and catastrophic crises, especially when profit-hungry MNCs professionally indulge in 'holocaust hobbies’ in third world countries, must be countered by fail-safe legal systems."4

Environment law in India, gradually succeeds at changing the prevailing norms of society, particularly in the business world the transition from environmental law to environmental management has already begun. A window has recently opened into the new world in which implementing environmental norms in practice is more important than establishing them in theory.5 However, it is not sufficient to regulate and control the environmental activities of Multinational Corporations (MNCs). There is a need to take a suitable measures in this regard.

3 It is nothing but MNCs social and environmental responsibility.
However the substantive law and the jurisprudential aspects have been developed but penalties, which has been seldom considered, by the court. This has weakened the rigorous punitive machinery of the Acts. The executives are at times relevant in discharging their functions. Therefore, some attention is required for making the environmental law effective.  

India must commit itself to legal reform. The Bhopal case presents the spectacle of an official indictment of its own legal system by the country’s government before the courts of a foreign power. This is nothing short of an acknowledgement that the sovereign, with full knowledge of its consequences, has deliberately been unwilling or unable to remedy this problem in the more than half-century since independence. Civil litigation in India remains subject to delays of more and more years. These kinds of delays are effectively tantamount to a denial of justice. Justice K.N.Singh in Charan Lal Sahu case regrets that under the existing civil law, the Civil Courts determine damages after a long drawn litigation, which destroys the every purpose of awarding damages. The Supreme Court in this context suggested that the law made by the parliament should provide for constitution of Tribunals regulated by special procedure for determining compensation to victims of industrial disaster or accidents. Appeal against which may lie to Supreme Court on limited ground on question of law only after depositing the amount determined by the Tribinal. Another suggestion made by justice K.N.Singh is that 'Industrial Disaster Fund' should be established. The Fund should be permanent in nature so that money is readily available for providing immediate effective relief to the victims. This may avoid delay, as has happened in the Bhopal case in providing effective relief to the victims.

Legal reforms in India must include provisions for representative suits or class actions to address mass claims of liability like those in Bhopal. Never again should victims be subjected to something like the Bhopal Act, which not only enabled the government to function as their lawyer, without observing the minimal professional duties or ethical obligations of an attorney towards his client, but permitted the government to begin functioning as the client as well,

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7 AIR 1990 SC 1480.
8 Supra Note 7.
stripping the victims of any legal personality and denying them any meaningful role in the decisions that affected their case. Article 16 of the International Covenant guarantees that: “Everyone shall have the right to recognition everywhere as a person before the law.”

Legislation may be needed to require modifications of industrial processes or to control the location of new or the expansion of existing industrial plants by a permit system to prohibit certain types of industries in some areas to require industries to make radical modifications in existing techniques of waste treatment and disposal to require treatment and re-use of process water by industries to require industries and municipalities to install devices for measuring and sampling the discharge of waste effluents into receiving waters, to analyze the effluents and to make available the results to public regulatory agencies to prohibit the manufacture, sale of use of products or to require changes in the nature of products such as detergents and other cleansing agents, to eliminate pollutants, which may not be treated adequately.9

The tremendous growth of environmental pollution poses a serious threat to the present and future generations of the globe. Attempts made by several nations to prevent it by concluding treaties or enacting environmental laws at various levels are still awaiting for fruitful results as many obstacles coming in their proper implementation.10

Likewise, the existing international frame work of corporate human rights responsibility is inadequate because it does not prescribe clear human rights standards. Throughout the past half century, states and international organizations have continued to expand the codification of International Human Rights Law protecting the rights of individuals against government violations. But, unfortunately, the creators of this ever larger web of human rights obligations, however, failed to pay sufficient attention to some of the most powerful non state actors in the world, that is, Transnational Corporations and other business enterprises. With power should come responsibility and International Human

10 A.B. Srivastava Protect Global Environment, 1994, at p.203
Rights Law needs to focus adequately on these extremely potent international non-state actors.

There is therefore, a need to establish a strong international mechanism as well as reconceptualise the guiding principles and approach of international law vis-à-vis MNCs. The proposed international mechanism should be based upon a partnership, between the UN and to the WTO for the promotion of human rights in the new economic order. The partnership, with activities support from other international institutions, the media and NGOs, would both prescribe and enforce human rights standards against MNCs. Bringing human rights issues within the framework of the WTO, both at the stage of negotiation and of dispute settlement would not only help to regulate MNCs, but would also provide sustainability and people’s support to the new economic order.

Further, it also incorporated that international law abandons its indirect approach to deal with MNCs and recognizes them as "secondary limited" subjects, at least as far as human rights are concerned MNCs should fall directly within the jurisdiction of international regulatory institutions, because the approach of indirect regulation has failed to deliver the desired results.

Environmental policy must be developed with the aim of not only seeks to regulate the behavior of corporation, but also engages these MNCs in order to have a long-term international regime of sustainable development and environmental protection. The regime must encourage these corporations to seek change themselves. The Precautionary Principle and Polluter Pays Principles should become the basis for reforming environmental laws and regulations and for creating new regulations against MNC activities. It is essentially an approach, a way of thinking. In the coming years, precaution should be exercised, argued and promoted on many levels - in regulations, industrial practices etc.

By being non-state actors, MNCs are not directly bound by the obligations set down in Multilateral Environmental Agreements (MEAs) between states. Only when governments implement environmental rules on a local level may MNCs come under pressure to enforce them. However, multinational corporations often operate in third world countries, where the environment is not on the agenda
of first priorities and judges are resistant in litigating against them. This leads to an alarmingly low quantity and quality of environmental standards that developing countries impose on such corporations.

In environmental regulation of MNCs are further intensified by the fact that the parent companies of the concerned MNC and its subsidiaries have separate legal personalities. In addition, the policy-making of the country of origin of the parent company may focus on bulk-production at low costs as in the case of certain developing countries such as India, China, Bangladesh, Brazil which eventually compromises the environment in one way or another. Accordingly, neither the ‘home’ state – where the parent company is established – nor the ‘host’ country of the subsidiary’s location exercise complete control over the functioning of the whole entity of the MNC. As Anderson observes, although decision-making within a MNC often occurs within a vertically integrated command structure, that same degree of integration is not available to regulators. Since multinational corporations conduct their business activities simultaneously in many countries they emphasize their ‘ephemeral and shifting legal nature’ and avoid governments’ scrutiny by using their vague national identity to declare themselves free of the law of any country in which they operate. In other words MNCs seem to function on the territory of no-man’s land because the host state cannot reach the regulatory framework of the parent company. For the home state, the subsidiary is located too far from its jurisdictional ambit to cause it to regulate MNCs avoid liability in transboundary environmental litigation by relying on the structural peculiarities and creating a corporate veil between its parent and subsidiary entity. It creates an unfair advantages in favour of these corporations when compared to domestic companies doing business in the territory where the former is free from trappings of elaborate environment protection regulations the latter finds itself entwined in elaborate regulatory mechanism which at times encumber business.

At the movement there are no uniform jurisdiction rules for litigating transboundary environmental torts. Thus, some international liability conventions give the plaintiffs a choice of forum, whereas others provide for a single competent court. For example, the Lugano Convention sets down the right
to sue where damage was suffered, where the dangerous activity was conducted, of where the defendant has his habitual residence’ (Article 19 (1)\textsuperscript{11}. The Vienna Convention, on the other hand, says that the proper forum to hear the case is the court within whose territory the nuclear incident occurred’ (Article XI (1)\textsuperscript{12}). At first sight, it might seem that this leaves the victim a choice but actually the subsequent more specific rules will determine the forum.

Outside the limited scope of the international conventions discussed in the previous section, the victims are dependent on the rules of private international law in bringing a claim against MNCs significantly there are great differences in the approach of civil and common law countries towards the conflict of laws. In addition, it is the clash between these two systems that convinced the Hague Conference on Private International Law to give up on the idea of drafting a global convention on jurisdiction of transboundary torts\textsuperscript{13}.

However, in order for a Court to have jurisdiction to entertain a Petition, it must possess jurisdiction both in the domestic sense and under the Rules of Private International law\textsuperscript{14}. Private international law is not law governing relations between independent states but simply a branch of civil law of the state, evolved to do justice between litigating parties in respect of personal statutes involving a foreign element. Thus the rules of private international law of each state must, by their very nature, differ, but by the comity of nation, certain rules are recognized as common to civilized jurisdiction, which makes it viable whilst choosing the forum to approach for redress. This proves how difficult it is for the foreign victims to sue the parent company of the country, where the doctrine of ‘forum non-convenience’ can easily be invoked in cases of extraterritorial damage. The right to choose a forum has, thus an elevated importance in cases where the dependant is a MNC.

\textsuperscript{11} ‘Lugano Convention’ Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment Lugano, 2 June 1993, European Treaty Series, 150 not yet inforce.
\textsuperscript{13} ILA 2004 Report 2.1
\textsuperscript{14} AIR 1963 SC1
The effect of the "principles of forum nonconveniens" has been to enable MNCs to apply "double standards" in developing countries. If a proper balance is to be achieved, the law must continue to develop to reflect the reality of MNC operations and adapt to counter MNC methods of avoiding legal responsibility. As regards the choice of courts, the tendency has been to bring jurisdiction closer to the victims. Problems nevertheless remain where damage is caused (or manifests itself) in several countries or - as on the high seas - outside the jurisdiction of any country. Also, victims will evidently seek the forum that applies the law most favorable to them. The “forum shopping” that surrounded the Bhopal litigations15 is a case in point: The Indian victims wanted to proceed before American, and the American co-defendant before Indian courts. A similar situation occurred in the Amoco Cadiz litigation, where the American Courts, unlike the tendency of the courts manifested in the Bhopal case, accepted jurisdiction. Since the current tendency is to apply the substantive law most favourable to claimants, the choice of forum might, in the long run, be expected to lose some of its importance. The fact remains, however, that a number of critical issues - e.g., the availability of collective remedies; type and measure of damages; statute of limitations; distribution of a limited fund (e.g., covered by insurance, or in bankruptcy proceedings), etc. - are seen as procedural questions governed by the law of the court. A solution may be found, in the long run, by treaty provisions or - the day an international tribunal will be created to hear also claims by and against private parties like Multinational Corporations (MNCs). Until then, however, the jurisdictional ballet surrounding claims for environmental damage is likely to continue.

The central issue in these cases is whether a parent company of a MNC owes a legal duty of care to those affected by its subsidiary operations. It must be

15 In December 1984 a toxic gas leak killed over 2,000 people and injured tens of thousand more in Bhopal, India. The leak occurred at a plant owned and operated by a subsidiary of Union Carbide, a US corporation. The Government of India acted to assume responsibility for all the victims and filed suits in US Courts against Union Carbide seeking compensatory and punitive damages. The consolidated claims were dismissed on the grounds of forum non conveniens, thereby sending the litigation back to Indian Courts. V.Nanda, For whom the Bell Tolls in the Aftermath of the Bhopal Tragedy: Reflections on Forum non Conveniens and Alternative Methods of Resolving the Bhopal Dispute, 15 Denver Journal of International Law and policy 235, 236-240 (1987). See, Indian Law Institute, Inconvenient Forum an ConvenientCatastrophe: The Bhopal Case (1986) (for a critical look at the US Court’s decision not to hear the case and many of the documents relevant to the litigation).
emphasised that the legal approach of direct negligence, adopted in these cases is not dependant on the parent company’s share holding in its operating subsidiaries-although the share holding is of course the mechanism by which the parent company exercises control. It is suggested that provided there is sufficient involvement in, control over and knowledge of the subsidiary operations by the parent there is no reason why the general principles of negligence should not apply so that in certain circumstances such a duty should exist.

The corollary of this argument, that a duty should be imposed in respect of overseas operations, would seem to be that the nature of the duty is to ensure that those operations do not subject those in close proximity. Such as workers, to a significant risk of injury of which the parent company is, or ought to be aware. In other words, compliance with home or international standards is required of a parent company. It would be illogical (and contrary to the fundamental principles of negligence) on the one hand, to decide that the parent owed a duty, but on the other hand, that the scope of this duty varied from place to place and in particular, was less in a developing, than a developed, country. If this analysis is correct, then it reinforces the argument that "double standards", in respect of health and safety, are neither morally nor legally justifiable.

The interaction of common corporate functions and activities with certain environmental laws can potentially impose future environmental obligations on a parent corporation with respect to its subsidiary’s operations. With fore thought and vigilance, a parent corporation may take some preventive measures so as to permit key business objectives to be realized while minimizing its potential future environmental exposure.

Apart from this imposition of liabilities, the environmental issues have affected to a great extent the relations between the MNCs and the host developing countries for example, the cancellation of the existing concession contracts, demand for a renegotiation of the contracts or sometimes expropriation and nationalization of the multinational concerns, and this has also raised the complex issues like the parent company liability for the damage caused by its overseas subsidiary. In the matter of investment and bargaining and settlement of disputes, the MNCs have been placed on par with the nation-state and many a time, the
former are more powerful than the latter. At this juncture, the question might arise whether such de facto sovereigns owing to their strategic position should also be recognized as international persons, so as to be amenable to direct international control. Whether as subjects or objects, as it is seen, efforts are already a foot to control the MNCs through international regulations.16

The invincibility of the MNC, acquired through legal acrobatics and amid fears about judicial manageability, has not legitimated its workings. The spread of chemicals and hazardous processes in to the developing world where implementation of the laws and controls are not stringent, and life is computed more cheaply than in the developed world has been recognized by academics, NGOs and other civil society groups and to an extent by governments too. The battle that UCC waged to deny jurisdiction to any judicial system - US or Indian - in the matter of the Bhopal Gas Disaster is a telling statement of the MNCs attempt to be above law. The monitoring programmes are needed continuously to assess the quality and quantity of the pollutants released in to the environment. This helps in making informed decisions for pollution control and also in reviewing the status of pollution in our environment.17

The problem of environmental pollution experienced in highly industrialized societies should put the developing countries, who are still in the process of industrialization, on their guard. Any investment in this direction is worthwhile.18 Even as the world negotiates the establishment of an International Criminal Court, it is necessary to consider how impunity is to be denuded where MNCs offend against peoples around the world.

Throughout the evolution of environmental law up to this point, the international community has attempted to find international norms capable of solving these global environmental problems. In the "age of frameworks", international regimes (whether sufficiently effective or not) were institutionalized to address the global nature of environmental problems. In the twenty-first century, the focus will be the actual implementation of these international regimes

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as the evolution of environmental law enters the “age of compliance.” For environmental law to remain relevant and effective, it must target the primary actor in globalization—the Multinational Corporation. There is a compelling need for states to undertake increased and strengthened initiatives for the application of international environmental law.19

The hazardous activity of these TNCs poses major threat to the world at large. If certain recommended steps have not been taken in the near future, then the day will come that our whole fabric of environmental set up will be up rooted. If we were to seek solutions based on a few isolated incidents, we would create narrowly conceived remedies. The factors that cause distrust need to be recognized. They are:

1. The domestic laws, practices, and perceptions of the bureaucratic and political elite relating to hazardous activity

2. International law, codes of conduct, declarations, and the psychological perceptions of the diplomatic elite regarding human welfare, equality, and freedom

3. The long history of the economic exploitation of developing countries the history of reluctance to adopt new methods to deal with emerging problems, and the recent escalation of the global activities of TNCs that has made the global economy completely inter dependent and

4. The recent awareness about the ineffectiveness of the fragmented nature of environmental laws that are unlikely to provide protection from hazardous activity, which has created an atmosphere of mutual global distrust. These problems must be addressed to create a trusting environment conducive to result-oriented negotiations. To create such an environment, a global institution based on democratic principles and combining both competence and popular representation must be structured.

In its real sense, MNCs and their activities brought very complex legal problems to the fore. The principles of Tortious Liability, Human Rights Jurisprudence, Environmental Law and International Relations are intertwined and with rights of the nations and persons as victims. Environmental Law and International Corporate Law is yet to develop into a full-fledged law. Till then, it is difficult for developing nations to control the hazardous activities of MNCs. The MNCs are not primary subjects of International Law. They are neither states nor public international organizations. It is the duty and obligation of the states to exercise their sovereignty and impose liabilities over the Multinational Enterprises without minding their international character and affiliations. Life and environment are the primary concerns of any state or organization. It is everybody’s responsibility to protect the natural rights and the nature, so that the major tragedies like Bhoposhima are not recurred.

The Environmental Law of the twenty-first century must adopt a legally holistic approach to influence MNCs. Environmental Law and the global agreements combating environmental problems are inadequate and ineffective if they operate in isolation.

Today, there are International Agreements to control pollution in all aspects of the environment, to "conserve habitats, protect global commons, such as the high-level ozone layer and protect resources located within countries that are of concern to the international community."

The rules enshrined in MEAs do not bind Multinational Corporations under international law. However, as the failure to implement required laws on a local level would lead to state liability, governments have a strong stimulus to impose the regulations on polluters. Nevertheless, there seems to be strong resistance by states to establish environmental liability in MEAs. This general lack of provision for international environmental liability is reflected in the conspicuous failure to include provisions for such liability in most of the major multinational environmental agreements between states international law has remained relatively silent on the crucial issue of corporate environmental responsibility.
The absence of a global environmental liability system is at least partly remedied with the existence of various civil liability regimes. Notably, the international community has paid the most attention to environmental damage resulting from nuclear disasters such as Chernobyl and recently Fukushima, and Oil Slick Accidents. Taken into consideration the immense risks that such hazardous activities bring along. It is not surprising that states have brought the operators of these particular industries under scrutiny.

Where international treaties, agreements and resolutions created by intergovernmental organizations, as well as national laws and regulations, are being used to protect the environment, the same does not yet completely fulfil the lacuna. Given the limited scope of international liability schemes, it is up to local governments to bridge the gap in MNC regulatory framework.

However, compliance with this framework alone is insufficient and ineffective in solving the environmental problems it sought to curb. The problem lies with the globalized and diverse nature and effects of the MNCs. First, MNCs, as their name suggests, have business operations that span the globe. They are not confined to the sovereign boundaries of any state, and therefore no particular state has the jurisdiction to regulate completely the business operations of a particular MNC. Second, the role of MNCs is no longer confined to specific products or services. Through the globalization of business and trade, corporations have expanded their operations. The nature of MNCs necessitates the development of environmental law in a legally holistic manner in order to bring sustainable development to bear as an influence in their business decisions.

The environment protection is a universal and intergenerational equitable obligation of entire humanity irrespective of human being developed, developing or underdeveloped nations in the international comity of nations. If not, the environment and human life will never be safe. Environmental safety cannot be achieved by creating new fundamental rights in favour of citizens, when they are not effectively enforced. Disaster may not be frequently repeated.

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TNCs do not fit in to traditional roles of international law because they are not states or international organizations. Therefore, there is no International Court that can exercise jurisdiction in cases involving corporations. Yet, TNCs yield more wealth and power than many developing countries. In recognition that international law is expanding to include the private sector, dispute settlement mechanisms of human rights. Tribunals should be amended to allow for the inclusion of claims against Multinational Companies. In addition, global environmental standards should be required and adopted by TNCs. It is hypocritical that one standard should apply for citizens of industrialized countries, while the lack of effective laws concerning pollution that govern transnational corporations, a recent trend has been the emergence of voluntary corporate codes of conduct. Although corporations have no legal obligation to follow these codes, the demands of the market may persuade international companies to adopt voluntary environmental codes in order to remain competitive. Compliance with these voluntary codes can result in reduced pollution.

International Organization for Standardization (ISO), a non governmental body that develops worldwide standards to facilitate the international exchange of goods, has created series, ISO 14000, of voluntary environmental management standards for corporations. In order to become certified under ISO 14000, the top level management of an organization must establish an environmental policy and commits the organization among other things, to the prevention of pollution. The environmental management system must have a planning process that creates specific environmental goals, methods of implementation and operation on a system of monitoring and measuring environmental performance. States can make national laws in order to protect environment from MNCs activities.

There is the need for some authority, more powerful than Transnational Corporations, to regulate the environmental activities and enforce environmental obligations of Transnational Corporations especially in developing countries. Voluntary regulations have problems of enforcement and lack of uniform standards. Most host developing countries are not able to enforce environmental standards due to inadequate personnel and the need to attract investors. Further, MNCs are not confined to the sovereign boundaries of states, and as a result, no
particular state has enough coercive power to completely regulate the business operations of a particular MNC. Therefore, environmental policy makers should look forward synthesizing all the policy options at their disposal.

Civil Liability is certainly an important tool for providing compensation for environmental damage. The most significant advantage of Civil Liability is the reliance on people’s initiative in suing MNCs. This is especially crucial in the developing countries, where the governments often do not want to regulate the activities with the object to receive profitable investments. Third world countries are often not willing to enforce the environmental standards on Multinational Corporations.

It is important to note, however, that corporate environmental liability is not always a struggle of developing countries against MNCs, but often the two can be found on the same side of battlefield. This lack of accountability is further aggravated when considering the difficulties the victims encounter in litigating against Multinational Corporations of MNCS and, even less, to bring them to court.

Thus, the environment issues have already become the international problems nowadays. This required an international co-operation to cope with these issues. As the environment problems are going to be there for all generations to come, it is the duty of every person and every nation to evolve a equitable principle of making Transnational Companies liable for its Environmental hazardous to developing countries if that resulted in damage to human life or environment, without leaving any scope for escape after passing the buck on to the subsidiary or agent in different mask.

SUGGESTIONS:

Globally, all the nations of the world must unite to save the Mother Earth both for us and for future generation. It may be suggested that most important thing for achieving the goal is to develop international co-operation and partnership among nations interest particularly to protect the environment from

the activities of the Multinational Corporations (MNCs). With this aim the following measures ought to be incorporated in the environmental policy of the nation.22

1) All industries should compulsorily induct the sewerage reprocessing plants.

2) Strict safety measures should be taken by hazardous industries.

3) All environmental laws and judgments given by the judiciary should be executed in letter and spirit.

4) Environmental awareness among the people is to be aroused.

5) Environmental offenders should be strictly punished and their licenses should be cancelled.

6) Foreign companies with latest technology causing least pollution should be promoted.

7) There should be separate budget expenditure for protection of environment with the development.

8) Legal cell should be established in the Ministry of Environment.

Along with the above suggestions the following suggestions must be considered with regard to the protection of the environment against the Multinational Corporations (MNCs):

- States can enact national laws, that MNCs must provide a separate fund to enhance environment from their net profit.
- MNCs can operate a ‘Mission’ of industrial ecology to redesign current industrial process in a way to make them more Sustainable and Compatible with the environment.

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- States can encourage MNCs to make research with regard to ‘zero-emission’ industrial process from renewable sources it must be directly or indirectly derived from solar energy.
- While enacting corporate regulation Laws, the states may include the provisions relating to establishment of peer community by MNCs which consists not only scientists but also a variety of stakeholders such as representatives from industry, government, citizen groups and environmental organizations. It may help to protect environment.
- MNCs should invoke Voluntary Corporate Codes of Conduct.
- While adapting the doctrine of ‘forum non-convenience’, suitability of the forum for hearing the case needs to be assessed on a case-by-case basis. For that reason, the approach of providing the victim of the jurisdiction seems to justify itself.
- The states have to develop national law regarding liability and compensation for pollution victims in these restricted (Oil and Nuclear) areas. Until now, the harmonization of national laws in transboundary pollution litigation has been restricted mainly to the areas of oil and nuclear damage.
- Under the International Law there is no international police agency with the authority to enforce international law or any International Court system with broad compulsory jurisdiction to make binding decisions on countries without their consent. Hence in the event of non-compliance, economic sanctions should be imposed under the terms of certain agreements, among the comity nations and non-violating countries may sometimes take other measures against countries that violate International Law.
- Legal aid, clinics and bodies should educate the people about their rights, duties and remedies for the process to achieve the goal of protecting and improving environment by preventing pollution.
- Separate courts or Tribunals shall be established for trying cases connected with environmental pollution.
- A critical study of all existing legislation is necessary to find the lacuna in their implementation.
The existing legal provisions are inadequate to control the enormous problems of environmental pollution of the Multinational Corporations (MNCs) of various types in this country. The judiciary has, therefore, to play a more active and constructive role. This has become all more essential in view of the lack of awareness in the masses of the pollution problems, lack of planning and apathy of the industries and the local bodies in this regard.

In developed countries like United States of America (U.S.A) and United Kingdom (U.K.) the people have developed Environmental consciousness and they protect against pollution of environment and unhealthy surroundings.

The need for evolving an uniform principle of international environmental laws for the prevention of pollution by the activities of the Multinational Corporations.

Well equipped study centres on environment should be recognized in international and national level to understand the environmental aspects of the Multinational Corporations.

Government of India should provide scientific and technological assistance and supply available data of industries including multinational corporations relating to the environmental aspects to the research study groups. For this purpose the government will have to set up research and study centres in different regions of India.

There should be special courts to try the cases against Multinational Corporations for speedy disposal of cases like fast track courts. There should be a separate investigation and prosecution machinery attached to each special court (in fast track Courts) with independent powers of registering, investigating and prosecuting environmental cases against Multinational Corporations.

An autonomous board should be set up by legislation to monitor the efficacy of the steps taken and to recommend the steps to the taken in the matter of conservation and improving the environment of this country.

There must be suitable Environmental Action Plan to deal the Multinational Corporations. In the formation of the Environmental
Action Plan and in making appropriate legislation, there should be people's participation. There should be national and international debate on each of the issues with the participation of all interested groups.

- Realising that once industries are set up it will be difficult to make them comply with pollution, prevention measures, unless there is a clear the industrial licensing policy of not permitting any polluting industry to be set up without prior clearance. Of adequate preventive and control measures should be declared and implemented by legislation.

- The private companies (MNCs also) should also be brought within the purview of Right to Information Act, 2005.

- MNCs must be treated as a "state" under Article 12 of the Constitution of India to enable the aggrieved party to avail Constitutional remedies. Under Articles 32 and 226 of the Constitution of India. Because to file a case against MNCs under Article 32 and 226 by victims, the rule is opposite party must be "state" under Article 12 of the Constitution of India.

- Some of the specific penal provisions must be inserted in the Indian Penal Code and Criminal Procedure Code to control and regulate the mighty industries (including MNCs) and their subsidiaries in India. The proceedings against MNCs must be transparent.

- In Tirupur issues concern the effluent treatment plants set up were inadequate. So the Government deploé additional plants for effluent treatment and discharge and also make adequate provisions for sludge storage and disposal.

- Current practices of water usage in Tirupur are not sustainable. TWAD (Tamil Nadu Water And Drainage Board) should recently monitor the quality of water.

- The Government should take all efforts to ensure ZLD (Zero Liquid Discharge) norms.

- The functions of ETPs (Effluent Treatment Plants), CETP (Common Effluent Treatment Plants) should be inspected frequently enough to ensure compliance.
• A global watch should be established to monitor and report the unethical transactions that take place between the government’s of developing nations and global corporations. The government’s of developing nations should not continue to get rich by selling their factors of production (land, labor) to global corporations.

• Requirements to become a free trading nation should be revised. Present requirements eliminate many developing countries. Developed countries need to do more to assist by making it easier for developing countries to benefit from trade and investments.

• Treaty – based mechanism focusing on the responsibilities of multilateral as well as private actors in protecting human rights is an extremely significant step in the current economic environment.

• Efforts by states to create investment rules must be subjected to scrutiny and analyzed through human rights discourse.

The above mentioned suggestions will undoubtably make the multinational corporations (MNCs) legally accountable for environmental hazards. No one disputes that MNCs contribute much for the economic development of a country in which they operate and at the same time, they should protect the environment in the region in which they conduct their business operations. "Live and Let Live" should be the guiding principle for MNCs.