A Study Relating to the Protection of Socio-Economic Rights of the People through Sustainable Development Goals (SDG) with Special Reference to the Corporate Social Responsibility (CSR)

Sagnika Das
Ph. D. Scholar
University of North Bengal

Abstract: The Socio-economic Rights also known as the economic, social and cultural rights concerns itself with certain values which are essential for individuals to live a decent and dignified life. These rights include the right to education, right to work in decent and healthy environment, right to emergency health care, right to adequate standard of living and so on. These are also known as Positive Rights as the State has to undertake affirmative action in order to ensure the same. As these rights are mostly based on the availability and exploitation of resources, the concept of Sustainable Development must be given due regards. Sustainable Development implicates the management of resources by the present generation in such a way so that the future generations can also enjoy. It is the tool by which Socio-Economic Rights of the people can be secured. With the growth of the private companies and their high rate of resource consumption, the law imposes certain social and economic duties onto them which can be of great help not only for their building reputation but also for the people at large. The present paper intends to point out a conceptual and theoretical framework relating to the correlation between these three concepts.

Keywords: Socio-economic Rights, Corporate Social Responsibility, Sustainable Development Goals, Affirmative Action and Environment Protection.

I. Introduction

The concept of human rights is a spiritual vision and philosophy of divine presence in every human being. This is universal in nature. This concept acknowledges that every human being is equal and are born with inherent rights viz. right to life, liberty and fraternity. This is coming from the principle of “a priori” of Natural Law which states that ‘it is as it is’. Humans are the rational animals and they cannot live in isolation. In order to survive, they need to be together in a society and observe brotherhood. With the development of the concept of Sovereign, the duty of protection of human rights is vested on the Sovereign. Some rights became Negative in nature i.e. the State cannot take it away which are known as Fundamental or Civil and Political Rights or First Generation Human Rights. Some rights are recognized as Positive Rights i.e. the State has to strive to ensure these rights, however, implementation of which shall depend on the availability of resources. These are also known as Socio-Economic and Cultural Rights or Second Generation Human Rights. These two sets of rights are interdependent onto each other. When the first set of rights are essential for ensuring life, the second set of rights aid the living in a more dignified way by ensuring equal pay for equal work, healthy work environment, providing health care and maternity benefit, providing free legal aid and so on.1

As the enjoyment of Socio-Economic Rights is dependent on the environmental resources hence there is need of proper policies for the protection of the environment. After the end of the World War II, the world community at the first hand found the necessity to enact laws relating to the protection of the environment. The first international conference on Human Environment was held in 1972. It stated that the natural resources of the earth must be safeguarded for the benefit of the present and future generation for which proper planning is needed. In 2015, the United Nations General Assembly adopted 17 Sustainable Development Goals as 2030 agenda for sustainable development. Out of these 17 goals most important ones are eradication of poverty, no hunger, good health and well-being, quality education, gender

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1V.R. Krishna Iyer, the Dialectics and Dynamics of Human Rights in India (Yesterday, Today and Tomorrow), Eastern Law House 38-53.
equality, clean water and sanitation, clean energy, decent work environment etc. All these goals mentioned above are associated with the Second Generation Human Rights.

Now coming to the point of Corporate Social Responsibility (CSR), is a welfare measure taken by the legal framework to make the corporations more responsible in order to contribute something back to the society as well as take same measures for the protection of the environment. Under Indian legal framework, section 135 read with 7th schedule of the Companies Act, 2013 lays down in details provisions relating to Corporate Social Responsibility. A close look onto the seventh schedule of the said Act shows that it vehemently matches the abovementioned Sustainable Development Goals (SDGs). Thus, it can be stated that the Second Generation of Human Rights, Sustainable Development Goals and Corporate Social Responsibilities are the ‘Three Musketeers’ in the modern globalized era, the objective of which is solely concerned with ensuring dignity of the people and one cannot operate without the other as the Corporations are the most important organization operating with the economy around the globe.

It is worth mentioning that the basic challenge behind the implementation of Socio-Economic Rights is the lack of available socio-economic and environmental resources. Accessibility of the public utility services viz. public hospitals, schools, transportation systems, pension for the old aged, unemployed and disabled people and most importantly environment protection depends on the resources available within the society. For the countries like India, or other developing and underdeveloped countries; there is scarcity in availability. In this regard, the corporations should have some sort of responsibilities to serve that society which is aiding them to generate profit. And on the basis of this principle the key responsibilities under the CSR is similar to the SDGs and the universal mandate of Socio-economic Rights.

II. The Conceptual and Theoretical Framework Relating to Second Generation Human Rights or Socio-Economic Rights

The term Right has two legal aspects, one is ‘good’ the opposite of which is ‘bad’ and the other is a standard of permitted actions authorized by a legitimate legal authority. While the first one is specifically moral norm, the later is legal. A legal Right is concerned with the interests of people who are subjects of protection and promotion by the Sovereign. At the very initial stage of the evolution of Rights, the concept of basic inalienable Human Rights were just a matter of mere theoretical and jurisprudential discussion based on the concept of Natural Law or Natural Rights which are based on the nature imbedded principles of equality, liberty, freedom and non-discrimination. All these principles are derived by observing the nature as it does not discriminate between people on the basis of colour, gender, place of birth or any other external factors while giving the five essential elements of nature air, water, energy (fire), earth (soil) and space. Then, nobody has the authority to discriminate between people on the basis of any external factors.

All these natural factors are essential while ensuring equality before law and equal protection of law under every legal system and also in order to uphold Rule of Law and in order to do so there comes the need of acknowledgement of the concept of equity which is equivalent to the concept of fairness. This concept of fairness also indicates towards the concept of positive discrimination which in India is known as the principles of Reasonable Classification under Article 14 of the Constitution of India. This classification is mainly based on the intelligible differentia i.e. the reason behind identifying a class of people different from the general subject that is specifically identified by the Government. This equity measures are closely associated with the Socio-economic Rights which talks about ensuring basic amenities to the people who are economically weak or vulnerable to exploitation in comparison to the general subjects of a country. Children and women, people with disabilities along with old aged, unemployed people fall under this category.

Initially, these rights were not recognized under any legal system and were mere moral principles for consideration while deciding cases. With the course of time, specifically after the atrocities of the two World Wars, the world community understood the need of legal recognition of Human Rights, specifically civil and political and social, economic, cultural rights. Finally, in 1948 the world community got the first international instrument relating to the Human Rights is Universal Declaration of Human Rights followed by the International Covenant on Civil and Political

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Viz.- eradicating hunger, poverty and malnutrition; promoting education; promoting gender equality; ensuring environmental sustainability; protection of national heritage and culture; training to promote rural sports; contribution to the Prime Minister’s national relief fund, in research and development, to the public funded universities like IITs, DAE, DBT, AYUSH and so on; disaster management and slum area development.


Article 14, the Constitution of India, 1949.
Rights, 1966 and International Covenant on Economic, Social and Cultural Rights, 1966. These three instruments are the fundamental legal documents recognizing Human Rights under the international legal framework.

In order to understand the generations of rights, it is essential to understand the human history. During the enlightenment period in Europe (17th to 18th century) the learned scholars talked about certain inherent rights of human beings viz. right to life, liberty, equality, justice and democracy. These rights are inherent in nature i.e. every human beings are born with these rights. During the 19th to 21st century, with the rise of capitalism, growing number of employees/labours in industries and oppression of the States, the need of recognizing a different set of rights was needed which had to be associated with the first set of rights as they became essential to ensure the dignity of the people. During the 20th century, with the growth of acute environmental degradation and exploitation, the need of recognition of a Third set of rights became a need of the hour and this is the time the world community received Community Rights viz. Right to Clean Environment and Right to Self Determination. Apart from these rights a new set of rights like Equal Right to Cyberspace, Internet, technologies and so on. All these rights are interconnected and cannot be segregated from each other in order to ensure dignity of the people.

If a close look is taken in Part III and Part IV of the Constitution of India, it can be found that both the parts of the said Constitution incorporate certain rights. Where Part III is talking about Fundamental Rights, mostly related to the Civil and Political Rights; the later part talks about the Directive Principles of State Policy mostly including within its ambit Socio-Economic and Cultural Rights. While the first one is enforceable in any court of law, the later is not enforceable as their enforcement requires the availability and management of social, economic and environmental resources which is not absolute in nature.

III. The Concept of Sustainable Development

In his magnum opus 'The Republic', Plato stated that "our need will be the real creator" which is equivalent to the famous proverb necessity is the mother of invention. Humans have a natural instinct to develop the surroundings according to their need. Initially, this need was fulfilled through the use of the natural resources viz. They used nature and discovered wheel, they discovered pottery even the use of fire. However, with the growth of the civilization, this 'use' of the natural resources turned into exploitation of the natural resources. The natural environment started degrading which reached its culmination in 19th and 20th century with the two world wars and subsequent Cold Nuclear War.

In the well-known Newtonian principle of physics where it is stated that "every action has opposite reaction" and the same is applicable when the question comes to the environment. With every steps towards progress the opposite reaction is the degradation of the environment and in order to look into the matter the world community thought of adopting certain goals for sustainable progress so that the future generations of the world can also enjoy the natural resources as well.

In 1972 at Stockholm, the United Nations Conference on the Human Environment was held where the participant States agreed that there is need of protection of the environment through the adoption of specific legal principles. The term Sustainable Development was first coined by the International Union for the Conservation of Nature (1980) in its World Conservation Strategy. In 1984 the World Commission on Environment and Development or Brundtland Commission was set up and submitted its report in 1987 titled as 'Our Common Future' that defined Sustainable Development as a developmental measure that meets the need of the present generation without compromising the ability of the future generations to meet their own needs. With special reference to the word 'need' indicates the needs of the marginalized people of the world who do not have enough means to spend for affording the basic amenities for their lives; and imposing a limitation of the part of the States so that they can be restricted in their excessive exercise of the doctrine of eminent domain. This restriction specifically indicates the Socio-Economic development of the people keeping in mind the development as well as keeping the environment clean and healthy.

On the basis of the Brudtland Report the United Nations General Assembly decided to convene a conference in 1992 at Rio-de Janeiro which is known as Rio Declaration on Environment and Development. The action plan of this Declaration was Agenda 21 which promulgated that human beings need to remain in harmony with the nature for living a productive and healthy life and in order to ensure the same, the sovereigns must act diligently and should control the damage to the environment. In order to give shape to Agenda 21, the United Nations General Assembly adopted the Millennium Declaration, 2000 in which it adopted eight goals that had to be developed by 2015 in every countries of

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5 Right to clean and healthy work environment, right to leisure, right to be treated with dignity, right to maternity benefit, right form Unions and associations, right to equal justice and free legal aid, right to just and humane conditions of work and so on.

6 Under Article 32 and 226 of the Constitution of India.

7 As mentioned under Article 37 of the Constitution of India.
the world. Those goals are [1] to uproot poverty and hunger; [2] to protect right to free and compulsory education; [3] encourage gender equality and non-discrimination, [4] reduce the rate of child death; [5] create awareness and protect mental health; [6] take appropriate measure to fight the menace of HIV/AIDS; [7] ensure sustainable development and [8] to encourage and promote international cooperation and friendship. All these goals are identified as the Millennium Development Goals which were not fulfilled due to multiple reasons, specifically for lack of calculations and analysis while choosing the goals where less emphasis was given on the sustainable developmental measures.8

However, in January 2016, the United Nations General Assembly adopted the 17 Sustainable Development Goals (SDGs) incorporating social, economic, political and environmental development at the centre. The followings are the 17 cardinal goals which are to be achieved by the world community-

1. eradication of poverty,
2. eradication of hunger,
3. promoting good health and well-being,
4. quality in education,
5. gender equality,
6. clean water and sanitation,
7. affordable and clean energy,
8. decent work and economic growth,
9. industry, innovation and infrastructure,
10. reduction of inequalities,
11. sustainable cities and communities,
12. responsible consumptions and productions,
13. climate action,
14. protection of life below water,
15. protection of life on land,
16. ensuring peace, justice and strong institutions,
17. mutual cooperation for the goals.

Since 2016, these SDGs have been considered as the cardinal principle for the system of governance for not only the sovereigns of nations but also for the corporations so that they also can come up and support the welfare and affirmative agenda of the Sustainable Development Goals.9

IV. Concept of Corporate Social Responsibility (CSR) and Its Relevance with Sustainable Development Goals (SDGs) And Socio-Economic Rights

The concept of CSR is attaches the concerns of the corporations regarding their business and the ongoing interactions with their stake holders. With the development of the welfare legislative principles and philanthropy, the CSR is a concept based on giving the society back from which the profit is being generated into the business. The historical background relating to CSR can be first found through the writings of Howard Bowen, renowned American economist, who connected the responsibility of corporations to society and urged for the adoption of business ethics and responsiveness of the corporations which he called as Social Responsibilities of the Businessman.

This concept is based on the social contract theory of corporation which is an agreement to adhere to acceptable behaviours and meet obligations suitable for a particular environment. Its purpose is to serve the greater good to ensure sustainability of the system of business and protect the individuals living within it. This theory lays down that-

i. The corporations must provide job opportunities,
ii. Run the business justly and honestly and provide good working conditions to the employees, and
iii. Remain involved in improving the conditions of the community and environment in which it operates and earns revenues.

In order to comply with this concept of social contract and sustainable development, the Government of India incorporated the Companies Act, 2013 where under Section 135 it is stated that every company having net worth of rupees five hundred crore or more; or turnover of rupees one thousand crore or more or net profit of rupees five crore or more during a financial year shall constitute a Corporate Social Responsibility Committee consisting three or more directors. This committee has the duty to formulate and recommend to the board its CSR Policy with the amount of its

expenditure. The provision further states that for CSR priority shall be given to the local areas around its operative zone. If a company contravenes the provisions of this section, shall be punished with fine which can be extended from rupees 50 thousand to rupees 25 lakhs and every officer of the same shall be punished with imprisonment for a term which can extend to 3 years or with fine extending to rupees 50!lakhs to rupees five lakhs.

Section 135 of the Companies Act, 2013 read with schedule VII of the said Act lays down the followings activities that come within the purview of Corporate Social Responsibility-

1. Eradicating hunger and poverty, malnutrition, promoting health care,
2. Promoting education, including special education and employment enhancing vocational skills,
3. Promoting gender equality,
4. Ensuring environmental sustainability,
5. Protecting national heritage,
6. Disaster management including relief and rehabilitation,
7. Rural development as well as slum areas development projects,
8. Contribution to public funded Universities
9. Donation to the PM's relief fund.

A close look into the provisions of CSRs can bring into notice that all the activities mentioned under schedule VII of the Companies Act, 2013 are in consonance with the Sustainable Development Goals as well as with the Agenda 21. The similarity is not only limited to it, the analytical deduction of these provisions shows a close connection of them with the second generation human rights or socio-economic and cultural rights. The provisions of section 135 of the Companies Act, 2013 intend to assist the government in order to assure the rights of the people which are unjustifiable to them in the Court of law in India (the rights mentioned under part IV of the Constitution of India).

V. Corporate Social Responsibility of Some Rewound Companies of the World vis-à-vis it’s Relation with Socio-economic Rights and SDGs

The concept of CSR is a widely accepted concept which talks about the philanthropic contributions of the corporations working in the public domain. This segment of the paper will talk about some world renowned corporations and their CSR policies with the intention of identifying SDGs and Socio-economic Rights embedded within their functions.

One of the renowned corporations is Microsoft which is focused on investing in promotion of environmental sustainability. The 2024 environmental sustainability report of the corporation shows its active participation in reducing the carbon emission from its operation along with improving the quality of water and waste management. In order to protect the climate, it created a Climate Innovation Fund in 2020 and allotted 761 million dollars in order to invent innovate technologies to fight the menace of climate change. All these initiatives indicate towards the protection of Socio-economic Rights and are in alignment with the SDGs.

The CSR policy of Google is also significant in fulfilling its obligation in protecting the Socio-economic Rights of the people while keeping in mind the SDGs. It initiated the concept of doing well by doing good by investing into the developing and under-developed economies so that they can develop themselves in a sustainable way. It has invested in India by providing artificial intelligence with the collaboration to the Ministry of Agriculture and Farmer Welfare so that it can prevent the unforeseeable loss in grains through data driven information. Along with this, it has created the Cyber Peace Foundation and invested 4 million US dollars in order to ensure cyber security of the people of India. Along with this, it has introduced several coding and digital literacy courses for those who cannot afford digital learning through institutions which is a philanthropic step towards encouraging right to education and right to work for the underprivileged people of the developing countries. All these measures are a clear indication of its commitment towards securing Socio-economic Rights of the people by attributing due regards to the Sustainable Development Goals.

One of the most prominent and world renowned coffee selling company is the Starbucks which was established in 1971 in USA and has its name for its philanthropic activities as well. It aims at building community stores which helps in generating employment for the local people and aid in fulfilling one of the most prominent Sustainable Developmental Goals i.e. eradication of poverty. Other than this, it has College Achievement Plan that helps the employees of the company to pursue online education from the Arizona State University. According to the data of 2021, almost two thousands and five hundred employees have achieved their educational degrees from this plan which aids in fulfilling another SDG goal i.e. promoting education and skill development programs. It further aims towards the empowerment of women by ensuring their right to work. According to the data, almost 65% of the total employees of the company are women and are holding higher positions like manager, director and so on. This activity towards ensuring gender equality and empowerment provides for the fulfilment of SDGs. All these rights are ensuring social security in the society and protecting Socio-economic Rights of the people. It further endeavours for reduction of their energy and water consumption so that it can contribute towards environmental protection and conservation.

Tesla is another innovative automobile company that excels in making electronic cars and in the course of its business it encourages the use of renewable energy which works towards sustainable development and environmental protection. The Corporate Social Responsibility of Tesla includes employees’ skill development programs along with providing zero cost health care benefits. It further aims towards reduction of water consumption while making cars, recycling old materials, reducing carbon emission and most significantly it donates for natural disaster management. All these activity towards the protection of Socio-economic Rights by incorporating the Sustainable Development Goals within the purview of its operation.

In the arena of philanthropic activities, the activities of the Hindustan Unilever Limited constitute a significant example as well. It invests towards the protection of health of the people and of the environment by organizing health camps and mobile medical units at the local levels which works towards the protection of Socio-economic Right to health and health care system. It further provides for skill development programs for its employees which enhances their employability in the employment market and aids in ensuring their right to work and employment. Apart from these, it donates for the relief funds in case of natural disaster management which is an essential component of CSR as it helps in ensuring basic amenities of the people even at the time of utmost difficulties and thus aids towards the protection of Socio-economic Rights.

Apart from all these companies, one company established in India, serves the people and the Government of India in almost all the aspects of the Sustainable Development Goals which aids in the protection of Socio-economic Rights of the people of India. The significant work of this company is the Adult Literacy Programme which aids the Government of India in increasing the literacy rate amongst the adults of marginalized societies and prisoners as a part of reformatory process. Other than this, in 2015, it initiated the Thousand Schools Programme under the Indian Constitutional mandate of Right to Education as embarked under Article 21A of the Constitution of India. In Pune under the State of Maharashtra, the Tata Consulting Engineers Limited had initiated the School on Wheel Project which targets the children of the migrant labours specifically working at the construction sites or temporary slums. All these programs are adopted in order to ensure Right to Education of the people belonging to the marginalized people of the country so that they can uplift themselves to the level and access their right to work and employment with dignity by which they can protect their Socio-economic Rights with SDGs. Tata group has pioneered in introducing cancer treatment and care in India through the establishment of the Tata Memorial Hospital in Mumbai with the objective to provide access, quality, affordability and awareness about the menace of cancer. In order to make the treatment and care much more accessible, it expanded its services in the State of Andhra Pradesh, Assam, Jharkhand, Uttar Pradesh, Odisha, Gujrat and West Bengal. In 2023, the company launched another campaign known as Kaise Ka Cancer that aims towards storytelling to the cancer patients in such a way so that the cancer patients and families can feel free from the feeling of darkness throughout the journey of cancer treatment.

14 https://www.youtube.com/watch?v=gZl1Y5O2f44&pp=ygUMVU5JTEiWRViGQ1NS (last visited on July 4, 2024).
This serves as a goal to fulfil in the mandate of sustainable development and Socio-economic Rights. The activities of all these companies conspicuously indicate that these corporations are acting towards securing the Socio-economic Rights of the people of the world which are also in consonance with the Sustainable Development Goals.

VI. Conclusion and Suggestions

To sum up, it will be appropriate to say that the recognition of Socio-Economic Rights and the observation of the same are of cardinal importance which aids the overall development of the people of a nation. The Socio-Economic Rights as mentioned under part IV of the Constitution of India are described as the positive obligations on the part of the State and the State must take affirmative actions to secure social, economic and political justice. It is the duty of the State to prohibit the concentration of resources and wealth, and ensure the distribution of the same for public good. The Directive Principles of State Policy (DPSP) has two sides of the coin- first, it cannot be enforceable in the Court of law because of contingency of the availability of resources and secondly, in every legislative and executive actions of the State, it must keep in mind the obligations laid down in DPSP.

In order to ensure these obligations, the State has made certain legislative provisions to protect and promote the Socio-Economic Rights of the people which is essential for keeping up its international obligation to Sustainable Development Goals. Section 135 of the Companies Act, 2013 is one of them. The basic intention behind this section is to aid the State with Socio-Economic developmental tools, so that, the people of a particular geo-political area can benefitted.

However, the lacunae of Section 135 of the said Act are that this Corporate Social Responsibility should not only be limited to the big shot companies with huge amount of turnovers or profits. Every enterprises irrespective of their amount of profit from a particular area should have some sort of obligations to the society from which it is earning profits. As stated in part IV of the Constitution of India, the State must endeavour to assure the protection of Socio-Economic Rights of the people, the State can impose Corporate Social Responsibility upon all the private bodies established through the State approvals so that it can aid the State in order to fulfill its obligations towards the people of the nation.

Comprehensively it can be stated that Socio-Economic Rights are not subsidiary rights to the Fundamental Rights. They are of equal importance and equal observance of both is cardinal for ensuring the obligations mentioned under the preamble of the Constitution of India and in order to do so the Corporate Social Responsibility can serve as a great aid to the State along with fulfilling the obligations mentioned under Sustainable Developmental Goals. These three concepts consecutively constitute a golden triangle under the legal framework of the nations, most importantly in the developing and under-developed countries. These three principles In order to promote sustainable and inclusive development in a country, proper laws for implementing Socio-economic Rights, corporate social responsibility, and the SDGs must be in harmony. Corporations can play a vital role for the advancement of worldwide developmental programs because they have the capabilities to take social responsibilities. Concurrently, the safeguarding of socio-economic rights guarantees the equitable distribution of development advantages, so advancing social justice and equity. For present and future generations, a more sustainable, just, and affluent world can result from the harmonious use of these components.