**Intervention by India on Article 3 and 4 of the draft text made by Mr. Animesh Choudhury, First Secretary**

Thank You Chair,

First of all, India would like to thank the panel for their useful comments.

Mr. Chair,

2. On Article 3, which concerns the scope of the instrument, India reiterates its position that this instrument should focus only on business activities of a transnational nature and not to national enterprises as we already have domestic laws to regulate them.

3. India also believes that point 2 of Article 3 should be revised so as to ensure that there is no conflict between a state’s domestic laws and its international obligations.

4. As far as Article 4 on ‘Definitions’ is concerned, the text requires to be revisited to bring in more clarity and flexibility. Phrases like ‘mental injury’ or ‘emotional suffering’ are difficult to define objectively in the legal sense. Hence it leaves room for their misuse. The reference to ‘environmental rights’ also needs to be revisited.

5. On the definition of ‘business activities of a transnational nature’, India believes that the definition requires to be fine-tuned as a number of elements in the definition raise concerns. Use of words and phrases like ‘impact’ and ‘including activities undertaken by electronic means’ have the potential to conflict with the growth of e-commerce activities. This impinges on the development of economic activities of states. Hence, further clarity is required on these points.

Thank You.