
THE CRIMINAL LIABILITY OF CORPORATE INDUSTRIES IN INDIA WITH REFERNCE TO USA & UK

Soubhagya Ranjan Panda & Dr Anita Sable, Symbiosis Law School, Hyderabad, Symbiosis International
(Deemed University), Pune, India.

ABSTRACT

Large-scale corporations are a key driver of the globalized world; as a result of their growth and expansion, businesses now play an important role in our society and economy. Because people working behind this veil frequently commit crimes, these crimes should be avoided. As a result, for a very long time, these enterprises ran the risk of harming our society by taking unfair advantage of the corporate veil imposed by statutory laws. There are several reasons why offenders of any kind should be punished, but deterrence is the one that applies to economic institutions like businesses. Companies can be held accountable for their actions and punished because they have separate legal entities, personalities, and identities from their partners. Criminal culpability is the state of fulfilling a moral obligation to another person or to society, which is supported by the enforcement of criminal penalties. The phrase "Corporate Criminal Liability" describes how much a business, as a legal entity, can be held accountable for both its own conduct and that of its natural employees. In USA in order to apply the vicarious responsibility technique, the offence must have been committed by an employee while they were on the job. However, Indian law has not effectively addressed the problem of corporate criminal liability in respect to crimes involving mens rea. In numerous judgements, the higher judiciary has expressed different viewpoints on a variety of topics, including whether a company can commit an offence that requires mens rea and what penalty should be meted out to the corporation when jail is necessary. Certainty is still required despite the fact that Indian legislation regarding corporate criminal culpability is continually changing.

This paper aims to analyze judicial trends in the United States, the United Kingdom, and India with regard to the corporate criminal liability. It also explores the nuances surrounding corporate criminal liability, with the goal of coming up with legislative proposals.

Keywords: corporations, criminal liability, vicarious liability, mens rea, judicial decisions

INTRODUCTION

With the onset of globalisation, companies began having an effect on the economy as well as the society of the respective nation. A company is a distinct lawful character that is managed by people, such as the chairman, board of directors, etc. Companies will inevitably make mistakes because "err is to human," and these errors can be either criminal or civil. A company should be held accountable for any criminal misconduct when they are involved due to their separate legal status.

In accordance with common law, companies are criminally responsible excepting certain offences like rape, murder, robbery, and assault. As a result, the idea of corporate criminal liability was created. In contrast to situations where a statutory offence directly holds a firm accountable for that particular offence, Corporate Criminal Liability is governed by the rules of vicarious liability. The notion of Respondent Superior, which states that a corporation can be held accountable for the actions of its agents and workers working for it, is another important principle included into the idea of Corporate Criminal Liability.

In recent years, the concept of corporate criminal responsibility has gained increased traction, especially in socially crucial sectors like consumer protection, environmental law, occupational health and safety regulations, labour and workmen's disputes, social security for workers, etc. The concept of corporate liability is closely tied to the corporate governance practices of an organisation because, if a firm follows strong governance practices, the possibility of crime is eliminated and the question of corporate criminal culpability is not brought up.

Regarding corporate criminal liability, the question that is posed is whether a corporation, which is an artificial person, is capable of committing a crime and if a corporation may be held criminally liable for the same act. It has long been believed that companies cannot commit crimes since the fundamental indicator of criminal behaviour is the level of intent used by the perpetrator to attempt or complete the crime. However, in order for the doctrine of corporate criminal liability to be applicable today, the employee's criminal act must have been committed with the intention of benefiting the corporation in some way or with the intention of increasing his own personal gain, and this conduct would ultimately result in benefiting the company as well.

Review of Literature

With the advancement of time, the need Corporate Criminal Liability and to secure. Public rights for everyone are now essential due to absence of criminal punishment for corporate offence. A large number of works have been undertaken relating to Company Criminal Liability.

□ **Books**

- Amanda Pinto and Martin Evans, Corporate Criminal Liability

Pinto's book accounts the fatal accidents and disasters of the past and the various snippets of news, where people have protested to invoke criminal liability for Corporations.

However, the book does not provide a comprehensive method to apply in India.

- Mark Pieth and Radha Ivory, Corporate Criminal Liability

Pieth's book describe the emergence and the expansion of the movement for corporate criminal liability. However, it doesn't cover its legal implication in India.

- William S Laufer, Corporates Bodies, Guilty minds

This book talks about making a single body to operate against corporates and force criminal liability upon them. it provides a proper theory for the making of such a body and the way it would work in the govt machinery.

But this book does not talk about ground level application In India explicitly.

- Brandon L. Garrett, Havard University, Too big to jail

This book describes the partiality shown by American courts to individuals by providing them harsh punishments but doesn't apply the same principles to corporations, while working in the shadows in a complex, compromised world of backroom deals.

While the book focuses on the working of corporations in times when they are accused of criminal liability but doesn't provide much context for the execution in india and what new challenges to anticipate in the country.

□ **Case Laws**

In the landmark case of *A. Hada vs. Godfather Travels & Tours Pvt. Ltd* , in this case, the disagreement included identifying corporate accountability for cheque fraud. The Hon'ble Apex Court increased corporate vicarious liability's reach. The company is accountable for other people's acts because of its legal position.

In the case of *Iridium India Telecom Ltd vs. Motorola Inc.* , the Hon'ble Apex Court decided that in any nation where the rule of law is present, corporations and corporate organisations may no longer request exemption from criminal charges on the basis that they lack mens rea.

□ **Article**

- Mondaq, Article on India: Corporate Criminal Liability

This article states about the criminal law jurisprudence the issue of criminal culpability for corporations. It states that since Indian laws are out of date with these, corporations are now subject to criminal liability. This article makes the case for the creation of a distinct legislative instrument for the imposition of corporate criminal liability.

- Michael Elliot, Oxford University Press, Corporate liability for Economic Crimes

The author discusses the impact of corporate criminal immunity on economies and how this increases the economy's overall susceptibility to loss and damage.

Significance

When the company commits any wrong, there is always an ambiguity in case of inflicting the punishment. Most corporations who commit any serious wrong causing huge damage due to their workers' negligence, cannot be booked under criminal liability even when it causes death or permanent injury to the victims. While the same acts and their results are considered parts of criminal liability when done by an individual's negligence. This paper aims to provide a comparative study on corporate criminal liability. Furthermore it also discusses the concept, liabilities and punishments for corporate wrong

Research Objective

This research enquires about historical background about the topic, application in various countries including India, judicial trends and application of conventional criminal law standards to companies for assessing their liability. Furthermore, rather than defining the idea of corporate

criminal culpability, far more attention should be placed on comprehending it in the context of history and current law.

Research Methodology

The researcher has implemented the doctrinal method of researching. The study has used both primary and secondary resources. The researcher while dealing with primary sources shall deal with the Bare Acts, Company Law books, UK enacted corporate homicide and “Corporate Homicide Act 2007” and related books. The research would be based on qualitative data, precedents and international legislation as primary data and journals, books and government reports as secondary data. In order to ascertain if a company is criminally liable, the most recent legal precedent and cases involving it will be carefully examined. Various laws shall be examined to draw up to establish the clear picture of corporate crimes and its punishments. The use of both primary and secondary sources will allow the paper's arguments to be developed and contested.

Primary data: - Precedents, International legislation, Books and Article

Secondary data: - Journals and Government reports

CORPORATE CRIMINAL LIABILITY IN INDIA- AN INTRODUCTION

India is currently dealing with a wave of significant corporate corruption scandals that have brought to light the country's corporate sector's role in the country's corruption issue. This is happening as India works to combat the scourge of corruption in its administration. In this situation, it is necessary to take into account the corporation itself when determining In addition to the criminal culpability of specific directors, there is also criminal liability for corruption and bribery offences. *Actus non facit reum, nisi mens sit rea* is a fundamental Latin dictum that serves as the basis for criminal culpability. It indicates that in order to hold someone accountable, it must be demonstrated that they committed a legal violation and did so with remorse in their hearts. The nation's general substantive criminal legislation is found in the Indian Penal Code, 1860, however it is not entirely comprehensive. It is applicable to everyone with a connection to India's territory. Section 45, Section 63, Section 68, Section 70(5), Section 203 and other provisions of the Indian Companies Act, wherein only the employees of the company are held accountable and not the corporation itself, are examples related to criminal liability for corporations. The Takeover Code even reflects the same concept. Several provisions of IPC call for mandatory imprisonment do not apply to businesses because they cannot be held accountable for such a sentence.

These are the significant statutes in their professions that are deficient in crucial legal elements. A fine is imposed on companies when they are found to have broken the law, on the other hand, thus the law has changed somewhat in terms of other legislation and its related criminal provisions. Some such examples are:

- S. 141 of the N. I. Act, 1862
- S. 7 E. C. Act, 1955
- S. 276-B of the I. T. Act, 1961

According to Indian Legislative Rules, a corporation is threefold liable for any economic or severe responsibility offences that are committed. First, the person in control of and accountable to the Company for the demeanor of its business is held culpable unless the person concerned can evidence that the offence was committed without his familiarity or in spite of its making reasonable attempts to avert the wrongdoing. Second, if its established - a violation of the law

was committed with the consent or knowledge of, or as a result of their negligence, a designatory or any other representatives of the company, such person shall be held answerable.

Recently, a landmark judgment has been passed by the Supreme Court in *Iridium India Telecom Ltd v. Motorola Incorporated & Ors.* (2010), has significantly altered Indian corporate criminal liability law's understanding of crimes needful mens rea, or criminal intent. Despite being a legal fiction, the court determined that a company can be considered to have the mens rea necessary to commit a crime. In Indian context, it is also unclear whether a company may be held accountable for an offence if the law's sanction is a jail sentence and a fine. After a few instances, the 41st Law Commission issued a statement proposing changes to the punitive rules, including the replacement of a fine for imprisonment where the offender is a body corporate. However, the authorities are still debating that report and haven't altered the legal framework in any way.

The law of criminal culpability of companies and other such entities has developed via both judicial interpretation and legislation as a result of the growing strength of multinational organisations and the resulting increase in the frequency of problems relating to their accountability.

PRINCIPLE OF CRIMINAL LIABILITY AND CONCEPT OF CORPORATION

Criminal liability is the state of having a legal obligation to another person or society that is enforced by the imposition of criminal penalties. Because of this, the term "Corporate Criminal Liability" refers to the extent to which a company, as a legal person, can be held criminally liable for both its own actions and those of its natural workers.

The purpose of this paper is to inspect many workings linked to company mistaken liability and, in the end, to make endorsements that should be included in legislation.

Unless otherwise stated, the Interpretation Act of 1889 defines an individual to include a corporation or a group of people. The only actions that are criminally punishable are those that violate the law; there does not exist any culpability without a penal law prohibiting particular acts or omissions. The essential principle of illegal culpability is based on the maxim "actus non facit reum, nisi mens sit rea". The phrase says that in order to hold someone accountable, it must be proven that they engaged in an unlawful act or omission and did so with knowledge that it was against the law. As a result, every lawbreaking includes two fundamentals: physical

(actus reus) and mental (mens rea). The term actus reus refers to the consequences of human behaviour that is prohibited by law, and so represents humanoid act; the consequence of act and act that is forbidden by law. The fact that the crime requires mens rea does not mean that the corporation cannot be held accountable for the controlling officers' thoughts or deeds. The fact remains the same that the crime needs mens rea doesn't imply that the controlling officials' state of mind or their actions cannot be imputed to the corporation. Technically speaking, this is the principle of criminal liability, but in a larger sense, the guiding principle of responsibility is individual autonomy, which holds that the right to choose one's acts and behaviour freely leads to the imposition of responsibility on that person. Although the aforementioned general rule is applicable to all criminal cases, the notion of strict responsibility—under which a person may be judged liable even if they are not in a guilty state of mind—has provided one exception to the rule.

Corporations are becoming increasingly important players in our economy, and their actions should be discouraged to the extent that they can harm society. During the first stages of the doctrine of corporation criminal liability's development, two primary issues dominated:

One such instance is the let-down to specify or demonstrate corporate intention. Crime related prosecution have historically been set aside for willful lawbreakers. However, inability of the corporate trials to ascertain the intentions of fictitious, intangible organisations has hampered them. The topic of punishments is a second thing to think about. In addition to proof of purpose, the prospect of jail time has always been a basic aspect of criminal law. Since a company cannot be put in jail, the criminal code is said to be inefficient at controlling corporate conduct. The recent Supreme Court ruling appears to have clarified the situation in India by establishing that the Company can be held accountable as a separate legal character even for offences carrying a prison sentence. The Hon'ble Apex Court of India in its rulings in several judgments show that severity of those situation the harmed parties are currently experiencing. Although there have been certain cases where it has been argued that a corporation is not legally liable but that its individual members are, the rule that a corporation is criminally liable has now become broadly accepted. Businesses can typically be prosecuted for the illegal acts committed by their employees if such acts were committed while an employee and were related to and committed in the course of employment, the organization's business, and its ingrained culture. If an employee is driven, by a wish to aid the firm, even if this is not the main impetus, the employer is liable for their acts. The company could be held unlawfully liable for the failure of its

administrators to identify and stop the transgression, whether out of willful disregard for the law or out of a simple disregard for its requirements, even if the teams were employed when they committed the crime.

A company is considered as a juristic person, and as a result, it is susceptible to the fines levied by the various laws.

The courts have hit a dead end when a company is charged with violating laws that call for necessary detention because the firm, as a legal entity, cannot be jailed for its criminal conduct; it can only be fined and not imprisoned.

In *M.V. Javali v. Mahajan Borewell & Co. and Others*, the Hon'ble Apex Court of India faces a similar contest. The Company was found guilt-ridden under the provision of Section 276-B along with Section 278-B of the Income Tax Act, which makes it duty bound for a minimum three-month imprisonment, however, the Court couldn't figure out how to put a business in jail.

As a result, the present solution provides that if a person is a juristic person, the sentence of incarceration will not apply to him and he will instead be responsible for paying a fine. In contrast to a person who can be imprisoned for the same offence, the court may impose a larger fine if it cannot jail a corporate entity for the same offence.

CONCEPT AND NATURE OF CORPORATE CRIMINAL LIABILITY IN PRESENT SCENARIO IN VARIOUS COUNTRIES

United Kingdom

Previously, Three common law offenses—public nuisance, criminal libel, and contempt of court—did not need the presence of mens rea. Regulatory offences produced by legislation, which were judged to be absolute responsibility offences, were one type in which mens rea was not necessary. There was now a need to shift the attention to corporate criminal culpability. The senior executives of the company, the guiding minds, are still seen as working on behalf of the company and having its interests at heart, despite the fact that the United Kingdom was a pioneer in the establishment of corporate criminal responsibility. In other words, because the corporation is acknowledged as the driving force, it is directly responsible. instead of being held vicariously accountable, i.e., identification is now practised.

Companies are treated as artificial legal creatures that must abide by the same criminal laws that apply to actual persons. Because of the corporation's legal identity and the reality that businesses think, decide, and act like regular people, it is difficult to apply the laws that hold them liable for crimes. Courts have analysed and decided business culpability for crimes using two basic concepts.

Agency theory, another name for vicarious responsibility, is based on the notion that a company's employees behave as its agents. To put it another way, a company is vicariously liable for certain strict liability offences where the actus reus of an individual may be attributed to the organisation. This theory holds that when establishing the company's accountability, there is no distinction between the actions or inactions of lower management officials and those of employees.

A company cannot be held responsible for an offence unless the responsible person who committed the crime can be linked to the firm, as per the "Identification Theory", often known as the "directing mind and will" / "alter ego" notion.. This person is referred to as the company's 'alter ego.'

This argument holds the firm directly accountable for the individual's unlawful conduct since the individual's acts and omissions are likewise the company's acts and omissions. Whether a natural person can be used to identify a company depends on whether or not that person acts with the firm's direction and will throughout the relevant transaction.

United States

In the beginning, American courts followed English courts' rulings on corporate liability, but as time went on, they diverged and now follow the vicarious responsibility or aggregation doctrines, which additionally specify that in evaluating a corporation's criminal liability, the action, states of mind, and other factors must be considered, and Individual corporate representatives should be held accountable for their actions or taken into consideration, i.e., "aggregated."

"A considerable number of criminal and corporate experts in the US have been opposed to CCL, arguing that it should be eliminated or at least strictly limited". Moreover, authorities argue that corporate criminal reprimand is a mistake. "They also argue that corporate liability is inefficient and should be scrapped in favour of civil liability for the entity or criminal liability

for individual corporate officers and agents” . To put it another way, it supports the idea that CCL should be restrained.

CCL has ended up receiving a lot of flak in the United States. One of the most well-known arguments against corporations is that they are merely myths that cannot be punished, and that defenceless stockholders are unfairly forced to pay the direct price of criminal penalties while innocent workers, lenders, clients, and societies are forced to pay the indirect price. However, this approach falls short on some crucial concerns that need to be answered.

The idea that the firm is a made-up entity is challenged by other points. It is generally accepted that when a corporation is established, a separate legal entity from its owners, employees, creditors, and other parties is created. Each company has its own set of liabilities and assets.

That fact that the only actual sanction contrary to a company is a fine, which is to say more precisely tailored to make up for any damage through a civil litigation without requiring all of the protections typically provided in a criminal prosecution, is perhaps the most intriguing and compelling criticism levelled at CCL.

“The concept that corporations, like any other human, are people has been emphasised much more by the Supreme Court’s decision in *Citizens United versus Federal Election Commission*, which rejected the argument that the political speech of corporations or other associations should be treated differently under the First Amendment simply because such corporations or associations are not natural persons”.

India

In many cases in India, the question of whether a company or other legal body can be punished for an offence that entails a prison sentence and a fine has come up, including the instance of “*The Assistant Commissioner, Assessment-II, Bangalore & Ors. v. Velliappa Textiles*” and “*State of Maharashtra v. Syndicate Transport*” where a presiding was made that the court of law could not levy just a fine if the fitting penalty specified by the applicable law calls for both incarceration and a fine. The most of the judges believe that the court should not stray from the minimal penal measures specified. The court ran the risk of choking itself by being unable to carry out an effective decision in the form of a penalty if it prosecuted the defendants for such offences and found them guilty.

In the most recent landmark decision, the idea of corporate criminal culpability in India was made very plain in 2005 of the Apex Court in the case of Standard Chartered Bank and Ors. etc. v. Directorate of Enforcement and Ors. etc that ruled out most of the prior points of view. The now-outdated Foreign Exchange Regulation Act (1973), also known as FERA, was at issue in this litigation. The common decided that corporations are not protected from trial simply because the trial is for offences for which the punishment stipulated is obligatory imprisonment. The Court cannot impose jail time because the corporation cannot be condemned to prison; nevertheless, when prison time and a fine are the appropriate penalties, the Court may impose a fine that can be enforced against the corporation. Of course, the Court cannot use the same latitude in the case of a natural person. In the case of a corporation, Since it is impossible to carry out a jail sentence in the instance of a corporation, the courts can always levy a fine. Any company cannot be said to be exempt from litigation for grave crimes just because the litigation would eventually lead to a mandatory prison sentence.

While the courts must impose the required term if a corporate company or juristic person is found guilty of an offence, they now have the option to impose a fine instead because a business corporation cannot be imprisoned. If the commitment of crime was by an ordinary individual, term of imprisonment still stands. Just because a prosecution might result in a required prison sentence does not mean that businesses are automatically protected.

HOW A COMPANY OR A CORPORATE BODY COULD BE PROSECUTED FOR OFFENCES FOR WHICH THE SENTENCE OF IMPRISONMENT IS A MANDATORY PUNISHMENT?

Any punishment must be carried out after a criminal complaint has been filed. It is important to realise that no case can be prosecuted if no punishment can be given. Because of the Standard Chartered case, It is now clear that even though incarceration is mandated as a punishment combined with a fine, the sentence of incarceration can be disregarded since it is unworkable in the company's circumstance, which can be viewed as the legislature's genuine goal. The Hon'ble Supreme Court of the U.S.s' decision in *United States v. Union Supply*, The Apex Court referenced a case where a firm was accused of willfully disobeying a regulation mandating that wholesale oleomargarine distributors maintain certain records and submit certain reports. Any individual who wilfully violates this clause faces a fine of at least \$50 and at most \$500, as well as a sentence of at least 30 days and at most six months in jail. The crucial distinction here is that Section 5 of the applicable statute gave the Court discretion to impose

either a fine or imprisonment for the offence, whereas Section 6 of the statute—the section that was actually broken in Union Supply—required the imposition of both types of punishment in every case. The US Supreme Court, however, overturned the District Court's decision.

The natural conclusion is that when a statute specifies two independent penalties, it means to impose them as far as is possible, and that if one of them is impossible, it does not mean to let the defendant off the hook.

Lex non cogit ad impossibilia is a maxim that simply states that the law does not comprehend impossibilities. Both the majority and the minority in the Standard Chartered case use this principle. The courts have affirmed this judgement, rejecting firms' broad immunity from illegal behaviour. If the business is found guilty, this course is only accessible; nevertheless, if a natural person is found guilty, that person must get both a jail sentence and a fine.

While talking about the director's liability is concerned in “Aneeta Hada v. M/S Godfather Travels & Tours and Avnish Bajaj v. State & Anr.”, whether a firm's directors can be charged without the company being listed as an accused is a key topic in this group of appeals.. However, the Indian Apex Court in the case of State of Madras v. C.V. Parekh & Anr ., has ruled that the Company's Directors cannot be arrested or charged without first suing the company. Conflicting decisions have been issued in the past, and the problem was raised again in the current batch of appeals. The Indian Apex Court has reiterated the law on this issue after analysing several judgements and doing an in-depth examination. That if a corporation is involved in the act, the corporation must be charged as an accused since the corporation may be held criminally accountable if a group of people in charge of the company's operations have malicious criminal intent. This essentially represents the corporation. In this situation, Section 141 of the NI Act specifically stipulates that when a corporation violates the law, certain types of people in control, as well as the firm, are also subject to punishment, are regarded accountable for the charges under Section 138. As a result, the legislative intent is very clear. As can be seen, the clause holds both the officials and the corporations accountable. Companies are not immune from prosecution just because the charges are for crimes that carry a mandatory prison sentence. In the case of “Iridium India Telecom Ltd. v. Motorola Incorporated and Ors” . The Hon'ble Apex Court of India ruled that business is a similar situation to an individual, and that it can be convicted of both common law and statute crimes. According to the Standard Chartered Bank case ratio, a corporation is criminally responsible when a person or group of

people in control of its operations commits a crime related to the company's activity. In the present case, the Apex Court held:

“A corporation's criminal liability would emerge if a person or group of people in charge of its activities committed an offence related to the corporation's business. In such cases, it would be required to determine if the person's or group's degree of control is such that a company may be considered to think and act via the person or group of people. In this decision, the Supreme Court ruled that companies may no longer claim immunity from criminal prosecution on the grounds that they lack the required mens rea to commit criminal offences. The idea that a business cannot be held accountable for a crime committed by its employees.”

Model Penal Code Provisions For Corporate Criminal Liability

The Model Penal Code provides that a corporation may be convicted of an offence if :

- The offence is defined by a statute other than the Code in which a legislative intent to expose corporations to liability is clearly discernible, and it is committed by an agent of the corporation acting on behalf of the corporation and within the scope of his position.
- The violation is when a corporation fails to carry out a specific positive performance obligation that is imposed on it by law, or
- The offence was authorised, requested, commanded, carried out, or recklessly condoned by the board of directors or a high management representative acting on behalf of the corporation in the course of his official responsibilities or employment. Criminal proceedings are included in the definitions of "activity" and "process" as they apply to statutes that continue corporate existence. Numerous types of offences are punishable by law against corporations :
- Disobedience of judgments and other court decisions directed towards it constitutes contempt,
- Conspiracy.
- Corrupting or planning to corrupt public authorities.
- Medical practise that is not legal.
- Keeping up the public nuisance

- Violations of laws governing licensure and regulation.
- Consumer protection laws being broken.
- Infringement of the antitrust laws.

Corporate Offences Under the Economic Law

The term "economic laws" refers to a corpus of laws that governs various economic activities, such as industries, the working world, financial properties, the financial and capital markets, consumer interests, etc., within a nation's economy. The economic laws comprise of all the legislation, which affect, control or regulate all types of economic activities in the country. They serve as the organs emanating from the economic policies of the government, which facilitate their implementation.

Following are the provisions related to offences and penalties under some specific economic laws as under :

- a. Offences Under the Consumer Protection Act, 1986
- b. Offences Under the Competition Act, 2002
- c. Offences Under the Environment Protection Act, 1986
- d. Offences under the Air (Pollution and Control) Act, 1981
- e. Offences under the Water (Pollution and Control) Act, 1974
- f. Offences under the FEMA, 1999
- g. Offences under the Money Laundering Act, 2002
- h. Offences Under the Foreign Contribution (Regulation) Act, 1976
- i. Offences Under the Foreign Trade (Development and Regulation) Act, 1992
- j. Offences Under the Essential Commodities Act, 1955
- k. Offences Under the Geographical Indications of Goods (Registration and Protection) Act, 1999

- l. Offences Under the Trademark Act, 1999
- m. Offences Under the Patents (Amendment) Act, 2005

CONCLUSION AND SUGGESTION

One can infer that India's laws regarding corporate criminal liability are terribly deficient. To ensure that businesses are not exempt from punishment and that a better social order is established, the legislature must intervene in this regard and implement particular regulations. To properly deal with companies, certain procedural law requirements must also be added and modified.

Furthermore, the discussion that has come before it has shown conclusively that a clear-cut notion of corporate blameworthiness is possible and that it would be a useful addition to the existing theories of corporate criminal liability. The material that has come before has offered a model with sound logic that may be used to ascertain the mens rea and actus reus in business operations while staying within the bounds of conventional criminal liability rules. Treating firms directly for their illegal behaviour is important in order to show criminal guilt in a more concrete sense. The presented model of corporate liability has a higher advantage over other models of corporate liability in that it can encompass a wider range of corporate behaviour inside the framework of a criminal offence, which grounds accountability on a fuller understanding of corporate blameworthiness. One can infer that India's laws regarding corporate criminal liability are terribly deficient. In order to ensure that businesses are held accountable and that a better social order is established, it is actually required for the government to take the initiative and pass strict legislation. The incorporation and amendment of a few procedural law-related statutes is necessary in order to address corporations.