

Education Act, 1983

Section 129 - Offences by Companies

(1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in-charge of and was responsible to the company, for the conduct of business of the company as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any such offence has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of the director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) a company, means any body corporate and includes a trust a firm a society or other association of individuals; and

(b) the director in relation to,-

(i) a firm, means a partner in the firm.

(ii) a society, a trust or other association of the individuals, means the person who is entrusted, under the rules of the society, trust or other association with management of the affairs of the society, trust or other association as the case may be.
