

Equal Remuneration Act, 1976

Chapter 11 - Offences by companies

(1) Where an offence under this Act 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 the 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 offence under this Act 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 any 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) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm. Substituted by Act 49 of 1987, S.4. [12. Cognizance and trial of offences. -- (1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act. (2) No court shall take cognizance of an offence punishable under this Act except upon "(a) its own knowledge or upon a complaint made by the appropriate Government or an officer authorized by it in this behalf; or (b) a complaint made by the person aggrieved by the offence or by any recognized welfare institution or organization. Explanation. "For the purposes of this sub-section "recognized welfare institution or organization" means a social welfare organization or institution recognized in this behalf by the Central or State Government.]