

The Industrial Relations Code, 2020

Section 88 - Offences by companies

(1) If the person committing an offence under this Code is 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 and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Code 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 also 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---

(i) a firm; or

(ii) a limited liability partnership registered under the Limited Liability Partnership Act, 2008 (6 of 2009); or

(iii) other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.