The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

CORPORATE CRIMINA LIABILITY: WHEN CAN COMPANIES BE PROCECUTED?

Megha Vasudeva

Abstract

Companies used to be about making money but now they play a big role in our society and economy. This has made our legal system think again about how companies can be held responsible for crimes. In the past companies were not prosecuted because they were seen as not being able to think or intend to do wrong. Now with all the big financial scams, environmental problems and rule breaking this way of thinking is not working.

This article looks at how the law in India's changing to deal with companies that do wrong. It asks the question: when can a company like Corporate Criminal Liability be taken to court for doing something wrong? By looking at how the law has developed and recent court cases the article says that India is now more practical, about holding companies responsible even though there are still some problems to solve. Corporate Criminal Liability is an issue and the law is trying to find ways to deal with it.

Introduction

A corporation even though it is a person works through human action and has real-world power that can cause serious harm. Traditional criminal law was created based on two ideas the physical act and the guilty mind and it was designed for people who are real. The idea of saying an artificial group has a " mind" seemed confusing at first and early judges showed this by keeping corporations away from being punished in criminal cases.

This way of thinking became harder to support as the wrongdoings of corporations grew bigger and more complicated. From fraud and secret trading to damaging the environment and avoiding rules corporations started to be very important in modern crime. The law had to change because of this. The Indian legal system, which takes a lot from law but also has its own ideas has slowly accepted that keeping corporations safe from blame would hurt both stopping crime and making sure justice is done. Now holding corporations responsible for crimes is not something possible, in law but an important part of how rules are handled.

Theoretical Foundations of Corporate Criminal Liability

The problem with criminal liability is that companies are not real people but the law treats them like they are. This is a challenge because the law is based on the idea that people can be at fault. The doctrine of identification helps with this problem by saying that what some important people in the company do and think can be considered as what the company does and thinks. In the case of Tesco Supermarkets Ltd v Nattrass, the House of Lords said that only the people who really control the company can be considered as the company. This means that the court can look past the fact that the company's not a real person and see who is really in charge. Courts in India have used this idea to make companies responsible when senior managers do something but it can be hard to figure out who is in charge in big companies.

The principle of liability is also important. This means that the company is responsible for what its employees do while they are working. This idea was not always accepted in law because it was thought that people should only be punished if they did something wrong on purpose. Now many laws say that companies can be responsible for what their employees do even if the company did not mean for it to happen. This is part of a change in the way the law works from only punishing people who do something wrong on purpose to also holding them responsible for making sure the rules are followed. This is especially true for crimes.

There are also the ideas of absolute liability. These are different from the principles of criminal law. In the case of M.C. Mehta v Union of India, the Supreme Court said that companies that do things can be held responsible for any harm that happens even if they did not mean for it to happen. This is a deal for companies because they can cause a lot of harm and it is only fair that they are held responsible. All of these ideas together form the basis of criminal liability and help the law make sense of how to hold companies responsible, for what they do. Corporate criminal liability is based on these ideas. They help the law figure out how to deal with companies that do wrong. The concept of criminal liability relies on these doctrines to work.

Statutory Framework in India

The law that governs criminal liability in India is very detailed and covers a lot of areas. This includes criminal law and special laws that regulate certain activities. The Indian Penal Code, 1860 does not directly talk about companies that break the law. The courts have said that companies are also considered as people under Section 11. This means that companies can be held responsible for crimes.

The Companies Act 2013 has rules for companies that cheat or do wrong things. Section 447 of this law has severe punishments. The Prevention of Money Laundering Act 2002 targets companies that help launder money. This shows that the government is serious about stopping crimes. The Negotiable Instruments Act 1881 says that if a company issues a cheque that bounces both the company and the people in charge can be held responsible.

There are also laws to protect the environment. The Environment Protection Act, 1986 says that companies can be held responsible for harming the environment. These corporate criminal liability laws in India are meant to ensure that companies cannot avoid punishment by saying that they are organizations. The law wants to make sure that both the company and the people who work for it are responsible for their actions. This way companies cannot avoid accountability by saying that it is not clear who is responsible. The corporate criminal liability laws in India are clear that companies, like these cannot escape liability.

Judicial Evolution in India

The evolution in India has really changed how we think about corporate criminal liability. In the case of Assistant Commissioner v Velliappa Textiles Ltd in 2003 the Supreme Court said that companies could not be taken to court for crimes that require jail time because companies cannot be put in jail. This decision created a problem and it basically meant that companies were not responsible for serious crimes.

Then this decision was completely changed in the case of Standard Chartered Bank v Directorate of Enforcement in 2005. The Court said that companies can indeed be taken to court even if the crime requires jail time. The Court thought that just because companies cannot be put in jail it should not stop the law from working. The Court said that fines can be used of jail time. This judgment was a turning point and it made clear that companies are not above the law.

After that other court decisions made this point even stronger. In the case of Iridium India Telecom Ltd v Motorola Inc in 2011 the Court said that companies can be responsible for crimes that require intent because the people in charge of the company can have intentions. Later in the case of Sunil Bharti Mittal v CBI in 2015 the Court said that the people in charge of the company are not automatically responsible for crimes unless there is proof that they were involved. This made sure that companies are held responsible. Individual people are not treated unfairly.

Recently between 2022 and 2025 the courts have been focusing more on making companies accountable especially when it comes to regulatory crimes. The courts have been looking closely at how companies run and they have been making sure that the law is enforced strictly. This trend shows that the courts want companies to be really accountable and they know that corporate crime often happens because of problems with the system not just because of one person’s actions. The judicial evolution, in India is still changing how we think about criminal liability.

When Can Companies Be Prosecuted?

The prosecution of companies depends on a mix of factual factors. At the basic level the actions in question must be an offence that the law recognises either through general criminal laws or through special rules made for certain industries. It is also very important to show that the company had a mind, which is done by linking the intentions of people who make decisions for the company to the actions of the company itself.

In cases where responsibility is passed on to the company the wrong action must have been done while the person was working and connected to the companies work. Laws often make it clear that companies can be held responsible which removes any confusion about whether they're included. Finally, the possibility of punishment is important after the Standard Chartered Bank decision, which shows that even if jail is not an option the company can still be prosecuted.

All these parts together create a working system that allows companies to be responsible, for crimes making sure that the rules are clear and that they can be applied in situations.

Corporate Liability vs Individual Liability

The thing about liability and individual liability is that it is really complicated. When we punish a company, the people who own the company the shareholders are the ones who really get hurt. They are not the ones who did anything. On the hand if we only go after the people who work for the company the company itself might not have to answer for what it did wrong.

In India they have been trying to figure out how to deal with this problem. They came up with a way to hold both the company and the people in charge responsible when something bad happens. Corporate crime is often the result of people doing things and the company not doing a good job of stopping them. So, the law says that both the company and the people in charge should be held accountable. This way the people who are responsible are actually. The company has to answer for its mistakes too. By doing it this way the law makes sure that the company and the people who work for it are both held responsible, for what they did. Corporate liability and individual liability are both important. The law has to deal with both corporate liability and individual liability in a fair way.

Challenges in Prosecuting Corporations

Prosecuting corporations is tough. With new laws and rules, it is still hard to do. One big problem is figuring out who is really responsible when something bad happens. This is especially true for companies that do business in many countries and have many people making decisions.

It can be hard to find the person in charge the one who made the decision. This makes it difficult to say what the company really wanted to do.

There are also problems with governments and agencies not working together. This can mean that companies are not punished in the way everywhere. Big companies, with a lot of money may not be scared of being fined.

Investigating companies when they do something is also very complicated. It takes a lot of time and paperwork to gather evidence. This can slow down the process. Make it less effective when companies are finally punished. Prosecuting corporations is a challenge because of these things. It is hard to prosecute corporations.

Comparative Perspective

If we look at countries, we can see that the United Kingdom and the United States have better systems for dealing with corporate criminal liability. For example, the United Kingdom has a law called the Corporate Manslaughter and Corporate Homicide Act from 2007. This law allows companies to be prosecuted when people die because of bad management decisions. The United States also uses fines and rules that companies have to follow to control how they behave.

India has made some progress but it still does not have a complete system for dealing with new types of corporate crime. This is especially true for things like homicide and digital financial offences. The fact that India lacks this system shows that the country needs to keep working on changing its laws. Corporate criminal liability is an issue and India needs to do more to address it just like the United Kingdom and the United States have done with their own systems, for corporate criminal liability.

The Way Forward

Making sure companies are held responsible for crimes in India needs a plan that looks at both enforcing the rules and making the rules clear. Improving the ways companies check themselves can stop problems before they happen. Also making sure the punishments fit the size of the company's money can make the punishments more effective. At the level of the law changing how responsibility is given can help with the ways companies work today. It is also very important to have teamwork, between the people who watch over companies to make sure the rules are followed properly. In the end helping companies care about doing the thing might be the best way to stop bad things from happening.

Conclusion

It is a change in how the law deals with companies that have a lot of economic power. Now companies can be held responsible for what they do. This is a shift from the past when they were not accountable. Corporate criminal liability means that companies can be prosecuted when they do something whether it is something a person who works for them did or if it is because of a problem with the way the company is set up. The hard part is making sure that companies are actually held responsible when they do something. As companies change and get more complicated the law has to change so that it can still hold them accountable. Corporate criminal liability is important because it helps keep the public safe and makes sure that companies do not do things. It is a tool for keeping the economy fair and honest. Corporate criminal liability is not a law it is a way to protect people and make sure that corporate criminal liability is taken seriously. Corporate criminal liability is essential for maintaining trust, in the system and making sure that corporate criminal liability is enforced.

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