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# **CORPORATE CRIME, HUMAN COST: A CRITICAL ANALYSIS OF THE NEED FOR CORPORATE MANSLAUGHTER LEGISLATION IN INDIA**

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## **ABSTRACT**

Corporate organizations have become central to India's economic growth by contributing to industrial development, employment generation, infrastructure, and technological advancement. However, the increasing number of industrial accidents, workplace fatalities, environmental disasters, and incidents caused by corporate negligence has exposed serious deficiencies in the existing legal framework governing corporate criminal liability. Although corporations may be subjected to civil liability, regulatory penalties, or monetary fines, criminal accountability for deaths resulting from gross corporate negligence remains inadequate. Unlike jurisdictions such as the United Kingdom, Canada, and Australia, India has not enacted a separate legislation dealing specifically with corporate manslaughter. Consequently, the existing legal framework often fails to impose effective criminal responsibility where organisational failures result in the loss of human life.

This research critically examines the concept of corporate manslaughter and analyses whether the present Indian legal framework adequately addresses deaths caused by corporate misconduct and negligence. The study evaluates the provisions relating to corporate criminal liability under the Bharatiya Nyaya Sanhita, 2023, the Companies Act, 2013, the Occupational Safety, Health and Working Conditions Code, 2020, environmental legislations, and other regulatory statutes. It further analyses important judicial decisions that have shaped corporate liability in India, including the Bhopal Gas Tragedy, the Oleum Gas Leak Case, and other landmark judgments concerning corporate accountability.

The research also examines the legal and practical difficulties in attributing criminal liability to corporations, particularly the challenges arising from the doctrine of separate legal personality, the requirement of mens rea, collective decision-making, and the inadequacy of

existing punishments. A comparative analysis of foreign legal systems, especially the Corporate Manslaughter and Corporate Homicide Act, 2007 (United Kingdom), Australian industrial manslaughter laws, and Canada's criminal liability framework, is undertaken to identify best practices that may be adapted within the Indian legal system.

The study concludes that although existing Indian laws provide limited mechanisms for imposing liability on corporations, they remain insufficient to effectively address deaths resulting from serious management failures and organisational negligence. It argues that India should enact a comprehensive corporate manslaughter legislation providing clear standards for corporate criminal liability, stronger penalties, improved workplace safety obligations, effective victim compensation, and enhanced corporate accountability. Such legislation would not only strengthen the criminal justice system but also promote responsible corporate governance and ensure greater protection of human life.

**Keywords:** Corporate Manslaughter, Corporate Criminal Liability, Corporate Negligence, Corporate Accountability, Workplace Safety, Industrial Disasters, Bharatiya Nyaya Sanhita.

### RESEARCH PROBLEM

India has witnessed several industrial accidents, workplace fatalities, mining disasters, factory explosions, and environmental catastrophes caused by corporate negligence. Although provisions under the Bharatiya Nyaya Sanhita, 2023, the Companies Act, 2013, the Occupational Safety, Health and Working Conditions Code, 2020, the Environment (Protection) Act, 1986, and other regulatory statutes provide certain remedies, they do not specifically recognize corporate manslaughter as a distinct criminal offence. The present legal framework primarily focuses on individual negligence and often fails to impose effective criminal accountability on corporations whose management failures lead to the loss of human life. Consequently, corporations frequently escape with monetary penalties while victims and their families struggle to obtain adequate justice. This research therefore seeks to examine whether the existing legal framework is sufficient and whether India requires a separate corporate manslaughter legislation to strengthen corporate accountability and protect human life.

## HYPOTHESIS

The absence of a specific corporate manslaughter law in India creates a significant gap in criminal accountability, allowing corporations responsible for deaths caused by gross negligence and management failures to escape adequate punishment. Therefore, the enactment of a separate corporate manslaughter legislation is necessary to ensure effective criminal liability, strengthen corporate accountability, improve workplace safety, and provide greater protection to human life.

## RESEARCH QUESTIONS

Whether the existing Indian legal framework is sufficient to address deaths caused by corporate negligence and misconduct?

What are the major legal and practical challenges in imposing criminal liability on corporations for the loss of human life?

Should India enact a separate corporate manslaughter legislation, and what lessons can be drawn from foreign legal systems?

## RESEARCH OBJECTIVES

- To study the concept, origin, and evolution of corporate manslaughter.
- To examine the existing legal provisions governing corporate criminal liability in India.
- To identify the loopholes and limitations in the present legal framework dealing with deaths caused by corporate negligence.
- To analyse important judicial decisions relating to industrial disasters, workplace fatalities, and corporate negligence.
- To compare the Indian legal framework with corporate manslaughter laws in jurisdictions such as the United Kingdom, Canada, and Australia.
- To suggest legal reforms for introducing an effective corporate manslaughter legislation in India.

## RESEARCH METHODOLOGY

The present research adopts a doctrinal research methodology, as it primarily examines the existing legal framework governing corporate criminal liability and deaths caused by corporate negligence. The study is based entirely on secondary sources, including statutes, judicial decisions, books, law journals, Law Commission Reports, government publications,

international conventions, and scholarly articles. Comparative legal analysis has also been undertaken to examine corporate manslaughter laws in foreign jurisdictions, particularly the United Kingdom, Canada, and Australia. The research critically analyses these legal sources to identify the shortcomings of the present Indian legal framework and proposes suitable legal reforms for strengthening corporate accountability.

## EXISTING LEGAL SITUATION

India presently does not have a separate legislation specifically dealing with corporate manslaughter or corporate homicide. Corporate criminal liability is governed through various provisions of the Bharatiya Nyaya Sanhita, 2023, the Companies Act, 2013, the Occupational Safety, Health and Working Conditions Code, 2020, the Environment (Protection) Act, 1986, labour legislations, and other regulatory statutes. While these laws impose duties upon corporations to maintain workplace safety and prevent harm, they do not specifically recognise deaths caused by organisational or management failures as a distinct criminal offence. Consequently, corporations are often subjected only to fines, compensation, or regulatory action rather than effective criminal prosecution. Major industrial disasters such as the Bhopal Gas Tragedy and the Oleum Gas Leak Case have exposed the limitations of the present legal framework and have intensified the debate regarding the need for a separate corporate manslaughter law in India.

## INTRODUCTION

Corporate organizations play an important role in the economic growth and industrial development of India. They provide employment opportunities, contribute to infrastructure development, increase production, and support technological advancement. <sup>1</sup>As industries continue to expand, the number of factories, construction projects, manufacturing units, mining operations, and chemical industries has also increased. Although these developments have benefited the country's economy, they have also led to a rise in industrial accidents, workplace deaths, and environmental disasters caused by corporate negligence. <sup>1</sup>In many cases, these incidents occur because companies fail to maintain proper safety standards, ignore legal obligations, or prioritize profits over the safety of workers and the public.<sup>2</sup>

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<sup>1</sup> Constitution of India, arts. 38, 39(b), 39(c).

<sup>2</sup> Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, §§ 6, 8, 9 (India).

When such negligence results in the loss of human life, the legal system is expected to ensure that those responsible are held accountable. However, under the existing Indian legal framework, there is no separate law that specifically deals with corporate manslaughter.<sup>1</sup> Cases involving deaths caused by corporate negligence are generally dealt with under the Bharatiya Nyaya Sanhita, 2023, labour laws, environmental laws, and other regulatory statutes.<sup>3</sup> While these laws provide certain remedies such as fines, compensation, and regulatory action, they often fail to impose effective criminal liability on corporations whose management failures lead to fatalities.<sup>1</sup> This creates concerns regarding whether the present legal framework is capable of delivering justice to victims and preventing similar incidents in the future.

Many countries, including the United Kingdom, Australia, and Canada, have introduced specific laws to deal with corporate manslaughter by recognizing that corporations should also be held criminally responsible when gross negligence causes death.<sup>4</sup> These developments have encouraged greater corporate responsibility and stronger workplace safety practices. This research, therefore, examines the concept of corporate manslaughter and critically analyses whether India requires a separate legislation to address deaths caused by corporate negligence. The study also evaluates the existing legal framework, identifies its limitations, examines important judicial developments,<sup>1</sup> and draws lessons from foreign legal systems. The ultimate aim of this research is to explore whether a dedicated corporate manslaughter law can strengthen corporate accountability, improve workplace safety, and ensure better protection of human life in India.

Corporate criminal liability has become an important area of legal discussion because modern corporations exercise significant control over activities that directly affect public safety and welfare.<sup>5</sup> Unlike traditional crimes committed by individuals, corporate offences often result from collective decision-making, poor management practices, inadequate supervision, or the failure to implement proper safety measures. This makes it difficult to identify a single individual who can be held criminally responsible under existing criminal laws.<sup>1</sup> As a result, questions have arisen regarding whether the current legal principles are sufficient to address deaths caused by organisational failures and whether the law should evolve to recognise

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<sup>3</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 105–106 (India).

<sup>4</sup> Corporate Manslaughter and Corporate Homicide Act 2007, c. 19 (U.K.); Criminal Code Act 1995 (Cth) pt. 2.5 (Austl.); Criminal Code, R.S.C. 1985, c. C-46, §§ 217.1, 220 (Can.).

<sup>5</sup> Iridium India Telecom Ltd. v. Motorola Inc., (2011) 1 S.C.C. 74 (India).

corporate management failures as a separate basis for criminal liability.<sup>6</sup> Examining these issues is essential to ensure that economic development is accompanied by responsible corporate governance and effective protection of human life.<sup>1</sup>

### **Sufficiency of the Existing Indian Legal Framework in Addressing Deaths Caused by Corporate Negligence and Misconduct**

The issue of deaths caused by corporate negligence has become a significant concern in India, particularly in the aftermath of industrial accidents, environmental disasters, and workplace safety failures. Corporate negligence refers to situations where a company fails to exercise reasonable care in carrying out its activities, resulting in harm to individuals or society.<sup>7</sup> When such negligence leads to loss of life, the legal system is expected to ensure accountability and provide justice to victims.<sup>1</sup> Therefore, it is necessary to examine whether the existing Indian legal framework is sufficient to address such cases effectively. At present, India does not have a separate law specifically dealing with corporate manslaughter or corporate homicide.<sup>8</sup> Instead, cases involving deaths caused by corporate negligence are governed by various provisions of criminal, civil, and regulatory laws. The most relevant criminal provision is Section 106(1) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 304A of the Indian Penal Code, 1860), which provides punishment for causing death by negligence.<sup>1</sup> Although this provision applies where a person's death results from a negligent act, it primarily focuses on individual liability and is often inadequate for addressing complex corporate decision-making structures, where responsibility is shared among multiple individuals and departments.<sup>9</sup>

Apart from criminal law, several regulatory statutes impose obligations on corporations to ensure safety and prevent harm. Legislations such as the Factories Act, 1948, the Environment (Protection) Act, 1986, labour welfare laws, and company law provisions require businesses to maintain safe working conditions, comply with prescribed safety standards, and prevent risks to employees and the public.<sup>1</sup> Regulatory authorities are also empowered to impose penalties, suspend operations, issue compliance directions, or initiate legal proceedings against companies that violate these statutory duties.<sup>10</sup> These laws play an important role in preventing accidents and promoting public safety. Despite the existence of multiple legal provisions,

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<sup>6</sup> Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 S.C.C. 212 (India).

<sup>7</sup> Kathleen M. Brickey, *Corporate Criminal Liability* 15–22 (2d ed. 1992).

<sup>8</sup> Corporate Manslaughter and Corporate Homicide Act 2007, c. 19 (U.K.).

<sup>9</sup> V.S. Khanna, *Corporate Criminal Liability: What Purpose Does It Serve?*, 109 Harv. L. Rev. 1477 (1996).

<sup>10</sup> Factories Act, No. 63 of 1948, §§ 7A, 41B–41H (India).

several limitations continue to affect the effectiveness of the current framework. One of the primary challenges is the difficulty of fixing criminal liability on corporations.<sup>1</sup> Since a company is an artificial legal entity that functions through its directors, officers, and employees, identifying the individuals responsible for negligent decisions is often complicated.<sup>11</sup> Corporate decisions are frequently made collectively, making it difficult to attribute criminal responsibility to a particular person. Consequently, corporations may avoid serious criminal consequences even where organisational negligence substantially contributes to fatalities.<sup>1</sup>

Another weakness is that the penalties imposed are often not proportionate to the seriousness of the harm caused.<sup>12</sup> In many cases involving corporate negligence, the outcome is limited to monetary fines or payment of compensation rather than stringent criminal sanctions. Large corporations may treat financial penalties as part of the cost of doing business rather than as an effective deterrent. Consequently, the existing legal framework may not create sufficient incentive for corporations to maintain the highest standards of care, safety, and risk management.<sup>1</sup> The aftermath of major industrial disasters in India has further exposed shortcomings in the legal system. Incidents involving industrial gas leaks, factory explosions, mining accidents, boiler blasts, and building collapses have resulted in substantial loss of life.<sup>13</sup> Although compensation has often been awarded to victims and their families, securing criminal accountability has frequently proved to be a prolonged and complex process.<sup>1</sup> The Supreme Court, particularly in the Oleum Gas Leak Case, recognised the doctrine of absolute liability for hazardous industries and emphasised that enterprises engaged in inherently dangerous activities bear a non-delegable duty to ensure public safety.<sup>14</sup> However, the absence of a specific corporate manslaughter offence continues to make criminal prosecution of corporations difficult.<sup>1</sup>

Supporters of the existing legal framework argue that India already possesses adequate statutory provisions and that the primary problem lies in weak implementation rather than legislative inadequacy.<sup>15</sup> According to this perspective, stricter enforcement of existing laws, stronger regulatory oversight, regular safety inspections, improved corporate governance, and faster judicial proceedings would significantly enhance accountability without requiring a

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<sup>11</sup> Tesco Supermarkets Ltd. v. Nattrass, [1972] A.C. 153 (H.L.).

<sup>12</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023, § 106 (India).

<sup>13</sup> In re Union Carbide Corp. Gas Plant Disaster at Bhopal, Dec. 1984, (1991) 4 SCC 584 (India).

<sup>14</sup> Oleum Gas Leak Case, M.C. Mehta v. Union of India, (1987) 1 SCC 395; AIR 1987 SC 1086. ([Lekha News][1])

<sup>15</sup> Law Comm'n of India, 249th Report: Obsolete Laws—Warranting Immediate Repeal (2014).

separate corporate manslaughter law. Effective compliance mechanisms and proactive monitoring can substantially reduce negligence-related deaths. However, many legal scholars contend that the present framework remains inadequate because it lacks a specific statutory offence addressing deaths caused by corporate management failures.<sup>1</sup> They argue that introducing a dedicated corporate manslaughter law, similar to the approach adopted in certain foreign jurisdictions, would facilitate prosecution where deaths result from systemic negligence, unsafe corporate policies, inadequate supervision, or failure to implement essential safety measures.<sup>16</sup> In conclusion, the existing Indian legal framework provides several mechanisms to address deaths caused by corporate negligence and misconduct. Nevertheless, practical difficulties in enforcement, challenges in attributing criminal liability, and relatively lenient penalties raise serious concerns regarding its overall effectiveness. Although the present legal framework offers a degree of accountability, there remains a compelling case for legal reforms, including the possible introduction of a dedicated corporate manslaughter law, to ensure stronger corporate responsibility, more effective criminal accountability, and better protection of human life.<sup>1</sup>

### **Major Legal and Practical Challenges in Imposing Criminal Liability on Corporations for Loss of Human Life**

Holding corporations criminally liable for the loss of human life remains one of the most difficult challenges in modern criminal law.<sup>17</sup> As corporations continue to play a significant role in industries such as manufacturing, construction, mining, chemicals, and transportation, incidents caused by corporate negligence can have severe consequences, including death.<sup>1</sup> Although the law seeks to ensure accountability, several legal and practical obstacles make it difficult to impose criminal liability on corporations when their actions or omissions result in loss of human life. One of the primary legal challenges is the separate legal personality of a corporation.<sup>18</sup> A company is recognized as an independent legal entity that is separate from its shareholders, directors, and employees. While this principle is fundamental to company law, it creates significant difficulties when criminal liability must be imposed.<sup>1</sup> Unlike a natural person, a corporation does not physically act or make decisions on its own but functions through directors, officers, managers, and employees. Consequently, identifying the individual whose conduct and mental state can be attributed to the corporation becomes a complex legal

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<sup>16</sup> Corporate Manslaughter and Corporate Homicide Act 2007, c. 19 (U.K.).

<sup>17</sup> Kathleen F. Brickey, *Corporate Criminal Liability* 3–28 (2d ed. 1992).

<sup>18</sup> 23. *Salomon v. A. Salomon & Co.*, [1897] A.C. 22 (H.L.).

exercise.<sup>19</sup> Indian courts have recognised that the "directing mind and will" of a corporation may be attributed to the company in appropriate cases, but applying this doctrine in large and complex corporations remains difficult.<sup>1</sup>

Another major challenge is proving criminal intent or fault (*mens rea*). Criminal law generally requires the prosecution to establish a guilty mind before criminal liability can be imposed.<sup>20</sup> In the case of corporations, however, decisions are often taken collectively through committees, boards of directors, and different levels of management rather than by a single individual. A fatal accident may therefore result from a combination of poor supervision, inadequate safety measures, negligent corporate policies, or management failures rather than one identifiable act.<sup>1</sup> Since responsibility is dispersed across various departments, establishing the necessary mental element becomes legally complicated. The organisational structure of modern corporations further increases this difficulty because responsibility is frequently divided among numerous executives and operational units.<sup>21</sup> Such diffusion of responsibility often creates legal loopholes that enable corporations to avoid direct criminal accountability even where systemic negligence has contributed to the loss of human life.<sup>1</sup>

Evidence collection also presents a major practical challenge. Cases involving corporate negligence generally require extensive investigation into technical processes, safety protocols, internal communications, maintenance records, and operational procedures.<sup>22</sup> Investigating authorities must establish a direct causal connection between the corporation's conduct and the resulting death, which often requires expert evidence and forensic analysis.<sup>1</sup> Since relevant evidence may be spread across multiple departments and corporate records, investigations frequently become lengthy and complex.<sup>23</sup> Another obstacle is the imbalance of resources between corporations and enforcement agencies. Large corporations usually possess substantial financial resources and are represented by experienced legal teams capable of challenging investigations and delaying proceedings through extensive litigation.<sup>1</sup> Regulatory authorities, on the other hand, often face shortages of technical expertise, manpower, and financial resources, reducing the effectiveness of criminal enforcement.<sup>24</sup>

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<sup>19</sup> Tesco Supermarkets Ltd. v. Nattrass, [1972] A.C. 153 (H.L.).

<sup>20</sup> Glanville Williams, Textbook of Criminal Law 89–95 (2d ed. 1983).

<sup>21</sup> V.S. Khanna, Corporate Criminal Liability: What Purpose Does It Serve?, 109 Harv. L. Rev. 1477 (1996).

<sup>22</sup> M.C. Mehta v. Union of India, (1987) 1 SCC 395.

<sup>23</sup> Law Comm'n of India, \*47th Report on the Trial and Punishment of Social and Economic Offences\* ¶ 8(3) (1972). ([Legal Authority][2])

<sup>24</sup> Companies Act, No. 18 of 2013, §§ 166, 447 (India).

The nature of punishment presents an additional legal difficulty. Criminal law traditionally relies on imprisonment as the principal punishment for serious offences involving loss of human life. However, because a corporation is an artificial legal entity, it cannot be sentenced to imprisonment.<sup>1</sup> Consequently, courts generally impose fines or compensation, which may not adequately reflect the seriousness of the offence or effectively deter future misconduct by financially strong corporations.<sup>25</sup> Another significant challenge is the delay in judicial proceedings. Corporate negligence cases usually involve voluminous documentary evidence, technical expert testimony, and complicated legal questions, causing trials to continue for many years before final adjudication.<sup>1</sup> Such delays adversely affect victims and their families while also weakening public confidence in the criminal justice system.<sup>26</sup> In conclusion, the legal principles governing corporate criminal liability have developed considerably through judicial interpretation, yet significant legal and practical barriers continue to hinder effective prosecution where corporate negligence results in the loss of human life. These challenges highlight the need for stronger legislative mechanisms, more effective enforcement, and clearer standards for attributing criminal responsibility to corporations.<sup>1</sup>

### **Corporate Manslaughter in India: Need for Legal Reform**

The increasing number of industrial accidents, workplace fatalities, and deaths caused by corporate negligence has raised an important question regarding the adequacy of India's existing legal framework.<sup>27</sup> Although various criminal and regulatory laws impose liability on corporations for negligent conduct, India does not have a specific legislation that directly deals with corporate manslaughter or corporate homicide.<sup>1</sup> In most cases, deaths resulting from corporate negligence are dealt with under general criminal provisions and regulatory statutes, which mainly focus on the negligence of individuals rather than the overall failure of a corporation.<sup>28</sup> As a result, it often becomes difficult to hold an organisation criminally accountable when a death is caused by poor management decisions, weak safety systems, or continuous disregard for legal obligations.<sup>1</sup> This has led to growing discussions among legal scholars, judges, and policymakers on whether India should introduce a separate corporate manslaughter law that specifically addresses deaths resulting from serious corporate failures. Such legislation could strengthen accountability while ensuring that corporations place greater

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<sup>25</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023, § 106 (India).

<sup>26</sup> Law Comm'n of India, \*47th Report on the Trial and Punishment of Social and Economic Offences\* (1972). ([Legal Authority][2])

<sup>27</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023 (India).

<sup>28</sup> Standard Chartered Bank v. Directorate of Enforcement, (2005) 4 SCC 530 (India).

importance on the protection of human life.<sup>29</sup>

A strong argument in favour of introducing a separate corporate manslaughter law is that the existing legal framework does not adequately address organisational negligence. Workplace deaths and industrial disasters usually occur because of repeated management failures, poor supervision, inadequate safety measures, failure to maintain machinery, or cost-cutting decisions taken by senior management rather than because of the actions of one employee.<sup>1</sup> A separate law would allow courts to examine the overall functioning of the corporation and determine whether its management practices significantly contributed to the death of a person. Instead of searching for one guilty individual, the focus would shift to whether the organisation itself failed to fulfil its duty of care. Such an approach would encourage companies to improve workplace safety, strengthen compliance mechanisms, conduct regular safety audits, and develop a culture of responsible corporate governance. It would also provide greater clarity regarding corporate criminal liability and create a stronger deterrent against negligent business practices.<sup>30</sup>

Several foreign jurisdictions provide valuable lessons that India can consider while developing its own legal framework. The most significant example is the *\*Corporate Manslaughter and Corporate Homicide Act, 2007\** enacted in the *\*United Kingdom\**.<sup>1</sup> The Act was introduced after several major industrial disasters highlighted the difficulty of prosecuting corporations under the traditional "identification doctrine," which required prosecutors to identify a single senior officer as the guilty mind of the company.<sup>31</sup> Under the Act, a corporation commits an offence if the way its activities are managed or organised causes a person's death and amounts to a gross breach of the duty of care owed by the organisation. The law focuses on failures of senior management rather than the fault of one individual, making it easier to establish corporate responsibility for systemic negligence. Similarly, several Australian states have enacted industrial manslaughter laws that impose severe penalties on both corporations and responsible officers when gross negligence causes workplace deaths.<sup>1</sup> These laws emphasise workplace safety and encourage employers to follow strict health and safety standards. Canada also introduced significant reforms after the Westray Mine disaster through *\*\*Bill C-45\**, which amended the Criminal Code by expanding criminal liability for organisations and

<sup>29</sup> Celia Wells, *Corporations and Criminal Responsibility* 115–39 (2d ed. 2001).

<sup>30</sup> Kathleen F. Brickey, *Corporate Criminal Liability* 42–63 (2d ed. 1992).

<sup>31</sup> *Tesco Supermarkets Ltd. v. Nattrass*, [1972] A.C. 153 (H.L.); *Corporate Manslaughter and Corporate Homicide Act 2007*, c. 19 (U.K.). ([Wikipedia][1])

imposing a legal duty on those directing work to take reasonable steps to prevent bodily harm.<sup>32</sup> These reforms demonstrate that effective legislation can improve workplace safety while strengthening corporate accountability.

At the same time, India cannot simply copy foreign laws without considering its own legal, social, and economic conditions. The structure of Indian industries, the functioning of regulatory authorities, and the volume of litigation are different from those in countries such as the United Kingdom, Australia, and Canada. Therefore, any corporate manslaughter legislation should be carefully drafted to suit Indian conditions. The law should clearly define corporate negligence, management failure, and the circumstances in which criminal liability will arise. It should also specify appropriate punishments, including substantial fines, remedial orders, public disclosure of convictions, and other corrective measures wherever necessary. Adequate safeguards should be included to prevent misuse of the law and to ensure that honest business decisions are not unnecessarily criminalised.<sup>1</sup>

Some people argue that India does not need a separate corporate manslaughter law because the existing legal provisions are already sufficient if they are properly enforced. They believe that better inspections, stronger regulatory authorities, and faster judicial proceedings would improve corporate accountability without introducing a new offence.<sup>33</sup> However, repeated industrial accidents and the difficulties faced in fixing criminal responsibility indicate that the present legal framework still has important gaps. A separate corporate manslaughter law would not replace the existing laws but would complement them by specifically dealing with deaths caused by serious organisational failures.<sup>1</sup> In my opinion, introducing such legislation would strengthen public confidence in the justice system and encourage companies to take safety obligations more seriously. When corporations know that serious management failures can lead to criminal liability, they are more likely to invest in proper safety measures, employee training, and effective supervision. Ultimately, the objective of such legislation should not merely be to punish corporations after a tragedy occurs but also to prevent future loss of life by promoting a stronger culture of responsibility and safety.<sup>34</sup>

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<sup>32</sup> Criminal Code, R.S.C. 1985, c. C-46, as amended by Bill C-45, An Act to Amend the Criminal Code (Criminal Liability of Organizations), S.C. 2003, c. 21 (Can.).

<sup>33</sup> Law Comm'n of India, \*47th Report on the Trial and Punishment of Social and Economic Offences\* (1972).

<sup>34</sup> Jennifer Arlen, The Potentially Perverse Effects of Corporate Criminal Liability, 23 J. Legal Stud. 833 (1994).

## Conclusion

The hypothesis of this research stated that the absence of a specific corporate manslaughter law in India creates a gap in criminal accountability, allowing corporations responsible for deaths caused by gross negligence to escape adequate punishment; therefore, a separate corporate manslaughter legislation is necessary to ensure effective justice and corporate accountability.\* Based on the analysis of the existing legal framework, judicial developments, industrial disaster cases, and comparative study of foreign legal systems, this hypothesis has been proved. The research clearly demonstrates that the present legal framework is not fully effective in dealing with deaths caused by corporate negligence and that there is a genuine need for a separate corporate manslaughter legislation in India.

Corporate negligence resulting in the loss of human life is a serious legal and social issue that requires effective criminal accountability. The study has shown that although India has several laws dealing with negligence, workplace safety, environmental protection, and corporate regulation, there is no specific legislation that directly addresses corporate manslaughter. The existing legal framework mainly focuses on individual liability and often faces difficulties in fixing criminal responsibility on corporations because of their complex management structures and the challenges involved in proving criminal fault. As a result, many cases involving deaths caused by corporate negligence end with fines or compensation rather than meaningful criminal punishment.

The research also highlights that major industrial disasters and workplace accidents have exposed significant weaknesses in the current legal system. Delays in investigation, difficulties in collecting evidence, limited enforcement, and relatively weak penalties reduce the effectiveness of existing laws. These shortcomings affect the confidence of victims and society in the justice delivery system. At the same time, experiences from the United Kingdom, Australia, and Canada demonstrate that a separate corporate manslaughter law can improve corporate accountability by focusing on management failures and organizational negligence instead of only identifying individual offenders.

However, introducing a new law alone will not completely solve the problem. Effective implementation, regular inspections, strict regulatory enforcement, and a strong commitment from corporations towards workplace safety are equally important. A balanced legal framework should protect the rights of victims while also ensuring fairness in prosecution and

avoiding unnecessary burdens on genuine businesses.

Therefore, this study concludes that India should seriously consider introducing a separate corporate manslaughter legislation that clearly defines corporate liability, prescribes appropriate punishments, and establishes higher standards of safety and corporate governance. Such a law would not only strengthen criminal accountability but also encourage corporations to place greater importance on human life, responsible management, and compliance with safety regulations. Ultimately, a stronger legal framework would contribute to safer workplaces, greater public confidence in the justice system, and more responsible corporate behaviour across the country.

### **Suggestions and findings**

- **Enact a separate Corporate Manslaughter Law:** India should introduce a specific legislation that clearly defines corporate manslaughter and fixes criminal liability on corporations when deaths are caused by gross negligence or serious management failures.
- **Strengthen workplace safety standards:** Companies should be legally required to regularly review safety measures, conduct risk assessments, and provide a safe working environment for employees to reduce workplace accidents.
- **Impose stricter penalties on defaulting corporations:** The law should provide for higher fines, business restrictions, and other suitable punishments so that corporations treat safety violations seriously rather than as a normal business expense.
- **Improve regulatory inspections and monitoring:** Government authorities should conduct frequent inspections of factories, industries, and hazardous workplaces to ensure compliance with safety and environmental laws.
- **Ensure faster investigation and trial of corporate negligence cases:** Special procedures or designated courts may be considered to handle cases involving corporate negligence so that victims receive justice without unnecessary delay.
- **Increase accountability of senior management:** Directors and key managerial personnel should be held responsible where deaths occur due to their failure to implement proper

safety systems or comply with legal obligations.

- **Strengthen victim compensation and rehabilitation:** Apart from criminal punishment, victims and their families should receive timely compensation, medical assistance, and rehabilitation through a transparent and effective mechanism.
- **Promote a culture of corporate responsibility:** Companies should be encouraged to adopt ethical business practices, provide regular safety training to employees, and maintain effective internal compliance systems to prevent accidents and protect human life.

