

- Footnotes

- * Lecturer, Faculty of Law University of Jabalpur, Jabalpur (M.P.)
1. The individual stays behind the corporate facade and enjoys the advantages of collective capital and skill, limited liability, perpetual nature of business etc.
 2. Quoted in "Law and public opinion in England in the 20th century" at page 103.
 3. The underlying idea of these measures is in sharp contrast to certain other measures which also protect the individual i.e. the characteristic company law feature of "disclosure" is based on the philosophy of 'laissez faire' and demands that every individual dealing with the company should have adequate disclosure of those facts which influence his interest.
 4. Under the Indian companies Act, 1956 the powers pertaining to investigation are much wider than their counterpart under the 1913 Act; Similarly the latest English companies Act contains greatly increased powers for Board of Trade to appoint inspectors to investigate and report on the affairs of the company.
 5. In Jaganath Gupta & Co. Ltd. v. Mool Chandra Gupta A.I.R. 1969 Cal. 363 it was held that where remedy of investigation has been chosen winding up should not be allowed to pursued.
 6. 235.... (a) in the case of company having a share capital on the application either of not less than two hundred members or of members holding not less than one tenth of total voting power therein;

(b) In the case of a company not having a share capital on the application of not less than one fifth in number of the persons on the companies register of members;

(c) in the case of any company, on a report by the Registrar under subsection (6) or, sub-section (7) read with subsection (6) of section 234.

7. Sec. 237, Without prejudice to its powers under 235, the central Government.
(a) shall appoint.....if...
(i) the company by special resolution, or
(ii) the court, by order
declares that the affairs of the company ought to be investigated.
8. 237 (b) (i) (ii) & (iii)
9. Company is protected against unwarranted application from the members under section 236, which provides that the central Government can demand security, up to rupees 1000/- from the members as the cost of investigation etc.
10. See Barium chemicals Ltd. v. Company law Board A.I.R. 1 1967 SC. 295 at page 309.
11. Ibid at page 301.
12. Rohtas Industries Ltd. v. S.B. Agarwal & others AIR 1969 SC 707.
17. Supra 10.
18. See the judgement of Modholker. J. at page 305 and the judgement of Hidayatullah J. At page 310. in Barium Chemicals case.
19. Rohtas industries case at page. 719.
20. The recent Supreme Court pronouncement is Bank Nationalisation case has shown a clear favour for individual rights.