

CHAPTER.12

INTRODUCTION TO COMPANY LAW

Meaning and Definition of Company

- Derived from Latin word "Panis" which means "bread", to eat bread together
- Corporation and Company are sometimes used Interchangeably.
- According to US C.J John Marshall, "A Corporation is an artificial being, invisible, intangible and existing only in the contemplation of law".
- "A company is an association of persons united for a common object".
- "A company is an artificial person created by law, having a separate entity with perpetual succession and a common seal".

DISTINCTIVE FEATURES OF COMPANIES

1- They are Corporations

- Artificial legal person invested by law with most of the responsibilities of a natural person.
- The Company may own property, enter into contracts, inflict or suffer wrongs, sue and be sued and do many other things that are done by human being.
- However, they cannot vote, marry, become member of the parliaments or even become lawyers.

2- The Liability of its members is Limited

- The Liability of its members as shareholders is limited up to the shares subscribed by them.
- The Liability may also be limited up to guarantee in the case of Non-profit organizations. (Sec-42)

3- Perpetual Succession

The existence of a company is continuous, and its life is not affected by:

- Death
- Insolvency
- Or Lunacy of its members

DISTINCTIVE FEATURES OF COMPANIES- Cont'd

4- Common Seal

- A company being an artificial person cannot sign documents.

An Introduction To Company Law

Joacim Rocklöv



An Introduction To Company Law:

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Table of Contents An Introduction To Company Law

1. Understanding the eBook An Introduction To Company Law
 - The Rise of Digital Reading An Introduction To Company Law
 - Advantages of eBooks Over Traditional Books
2. Identifying An Introduction To Company Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an An Introduction To Company Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from An Introduction To Company Law
 - Personalized Recommendations
 - An Introduction To Company Law User Reviews and Ratings
 - An Introduction To Company Law and Bestseller Lists
5. Accessing An Introduction To Company Law Free and Paid eBooks
 - An Introduction To Company Law Public Domain eBooks
 - An Introduction To Company Law eBook Subscription Services
 - An Introduction To Company Law Budget-Friendly Options
6. Navigating An Introduction To Company Law eBook Formats
 - ePub, PDF, MOBI, and More
 - An Introduction To Company Law Compatibility with Devices
 - An Introduction To Company Law Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of An Introduction To Company Law
 - Highlighting and Note-Taking An Introduction To Company Law
 - Interactive Elements An Introduction To Company Law
8. Staying Engaged with An Introduction To Company Law

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers An Introduction To Company Law
- 9. Balancing eBooks and Physical Books An Introduction To Company Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection An Introduction To Company Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine An Introduction To Company Law
 - Setting Reading Goals An Introduction To Company Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of An Introduction To Company Law
 - Fact-Checking eBook Content of An Introduction To Company Law
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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