INTRODUCTION.

Every company has a mission or objective bearing social responsibility using common fiduciary tools to enhance their mission and protect the investment where their portfolios to be managed in a way vision by shareholders. Capital market dealing with erores of transactions involving hillioms invested in equity of the companies with more responsibility to pay towards how publicly traded companies managed their portfolios. Some institutional investors such as pension funds and mutual fands are required to manage their funds in a way that support both their mission and their financial goals. Securities regulations allow investors to engage management of companies they hold on important governance and social issues. Also in India, shareholders do not study much while investing in companies & unconsciously vote their proxies, reloctant to monitor every issues raised in meetings, unaware of their rights, foster abuses of accounting and management issues. Such abuses resulted in full of big tyeoors or searchal of billions of rupous of profit from financial market. Voting allows them to make their voice us be heard against a proposed plan which if they believe in the best interest of the company. The outcomes of votes at meetings may affect the value of your shares.

In Constant v International Brick Cir Ltd*, defined printy as a person representative of shareholder. Similarly, in the same case, Lawrence U (at 102) stated [I]he pooky is merely the agent of the shareholder, and as between himself and his principal is not entitled to act contrary to the instructions of the latter, Bhitlan v Australian Securities and Investments Commission*, where the Court commented (at 160) that a proxy 'certainly had a daty as a fiduciary to the proxy givers to act in accordance with their directions'. Proxy voting promotes and protects shareholders value and the company objectives like proposal getting approval from directors now getting sacction from shareholders. But at the same time adverse effects of fraud committed in proxy voting cannot be undermine. So it is puzzling that many foundations get many proposals for voting by proxy generally in a public limited company where shareholders are diversified and improbable for them to attend the meeting.

By not thoughtfully voting on proxy issues, many foundations are coding the considerable power of their shareholder status to engage management on social and environmental issues that are often at the heart of a foundation's work. Due to this number of times efficacy of corporate accountability has been in question about shareholder participation which in turns affect the growth of the company and its general welfare.

Why participation is needed at all? It is consistent with the principles of shareholders democracy, which provide equal opportunity to all shareholders to participate in democratic system of corporate governance.

^{1 [1501] 2} CN 90,100.

Lord Harrworth MR defined a proxy as [a] person representative of the shareholder who may be described as his agent to carry out a course which the shareholder himself has decided upon.

F (2000) NOWCA 183

K Payea

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