

India moves on

The much-awaited Ayodhya case verdict was recently delivered. Though an unexpected one, it did not cause any public uproar fortunately, as was feared. There were no riots or protests, indicating that public inquisitiveness into such issues has fairly decreased. Earlier, communal riots and public protests negated and marred the country's vision and growth; one of the worst being the Gujarat carnage in 2002 that had a serious impact on the economy of the country. However, since then, investments in the country have increased, and the nation's GDP has grown by nine per cent. While there's no doubt that those responsible for the riots will have to be punished, it is clearly evident that communal tension has given way to economic growth and development.

Religious ferocity may not have declined, but priorities have changed, thanks to economic growth and employment opportunities. The consumer market and domestic consumption patterns are growing; irrespective of communal and caste affiliations. Global and Indian corporations are encouraged to increase investments in industries and manufacturing units that are supplemented by the robust service sector. The burgeoning middle class population is a reflection of this trend. Several second and third tier cities that were earlier notorious for communal tensions are now part of the country's service sector, which makes up about half of the GDP. Hope this trend continues, for the best of the country and the economic growth of every citizen.

Chairman

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Eco Tax and the Indian Scenario

Gincy Susan Jose

Increasing population growth in the past few decades has radically impacted the ecology. The extensive use of scarce natural resources and increasing pollution levels has led to huge greenhouse gases emissions (GHG). Around 30 per cent of India's gross agricultural output is wasting away every year due to soil degradation, poor land management and counterproductive irrigation.

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Democratizing Campuses in India

Madhu S



Democracy is the cornerstone of a developed country. Democratization is a process that gained vigour after World War II. There arose the need for a system of representation; one that gave voice to the people as a whole. In a world where one in every four persons is a youth, every democratic system needs to absorb the aspirations of this vibrant group, especially as, across the globe,

youth acquire the right to franchise at an average age of 18. Further, in order to address complex issues they encounter in a competitive world, it is important that the youth be involved in the democratic process of the country.

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Kochi's Burgeoning Parking Woes

Zeenab Aneez

The only thing more frustrating than driving on MG Road in Kochi during peak traffic hours is reaching your destination only to find all the parking spaces occupied.



It does not take a scholar in urban planning to realize that Kochi is facing a severe transport crisis. Poor connectivity, bad quality of roads, congestion, air and noise pollution, lack of public transport amenities...the list is endless. Somewhere in this chaos is a small, but significant variable - PARKING.

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The Whistleblower's Bill: A Disappointment

Jithin Paul Varghese



The Ministry of Parliamentary Affairs has finally brought to public domain the Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2010, popularly known as the Whistleblowers' Bill. Surprisingly the bill is hardly discussed in public, nevertheless, demanding a

closer scrutiny in the context of seriousness of the subject dealt with.

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To Eat or Not to Eat (PART II)

Pradipti Jayaram

Some critics put forth a solution to eliminate GM foods - countries should initiate an 'organic movement' thereby increasing demand for organic foods, forcing increased supply that would lead to reduced prices, re-encouraging sustainable agricultural practices in Third World countries and eliminating 'middlemen' and having farmers sell their produce directly to the consumer.

Legal Gyan Series 5

Summary Suits



Summary suits are filed under Rule 37 Order 2 for recovery of money. It provides for summary proceedings with respect to certain suits. These can be filed only on suits on bill of exchanges, hundies, promissory notes, for recovering debt or liquidated sum of money payable by the defendant with or without interest on a written contract, or on an enactment for the money due other than penalty or on a guarantee. The objective of this provision is speedy dispersal of justice where the defendant has no reasonable or genuine defense at all. The provision tries to tackle delaying tactics adopted by defendants raising frivolous defenses.

The most significant difference between summary suits and original suits are: First, in summary suits, the defendant is entitled to defend his/her case with only a leave from court. Obtaining leave from court is a must. In original suits, the respondent has a right ipso facto to defend his/her case. Second, in summary suits, decrees could be set aside by trials courts under special circumstances, even in the original application. However, in original suits, the decree can be set aside only on a review application.

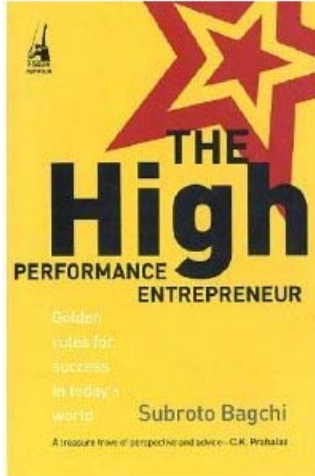
In summary suits, the defendant is under obligation to enter appearance within 10 days of serving notice. It is no longer mandatory to give a copy of documents along with the notice. It is, however, mandatory that the annexure prescribed under the rules are served. The constitutionality of these summary proceedings was upheld in *Khemchand v. Hari AIR 1979 Del 7* and in *Ramkarandas v. Bhagwaandas AIR 1965 SC 114*.

The summary suits shall contain specific averments to the effect that the suit is filed under this Order and that no relief that does not fall within the ambit of this rule has been claimed in the complaint. The following inscription shall be inserted

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Book of the Month

The High Performance Entrepreneur by Subroto Bagchi
Jithin Paul Varghese



Subroto Bagchi's *The High Performance Entrepreneur* is a compelling read, as the author's story telling capability and candid style is captivating. The book narrates how IT service company MindTree became a success in a short span of time. Bagchi, being a new generation entrepreneur, challenges conventional wisdom on entrepreneurship. If you thought there was a specific time and reason to start an enterprise, you are sorely challenged in this book. The author says it's like having a baby: You certainly don't have a reason. You know it when the time has come and you waive all caution and discomfort. Again, if you thought that a company was built with firm long-term plans in mind, you might not be on the right track. Starting an initiative, for the author, is like creating a forest and not planting a tree. All you need to reach the top is excitement and passion.

Bagchi also stresses that it is only perfection in execution that an entrepreneur needs to aspire for. He points out that several successful companies do not have any significant innovative product to boast about. Yet, they have prospered due to their unique implementation methods.

The book cites examples of how the founders often disagreed during MindTree Board meetings and eventually arrived at the best decisions. What counts among partners is not blood ties or friendship, but the freedom to disagree. In a long list of qualities associated with an entrepreneur, the book adds an unusual one – a good sense of humour; the ability to laugh at a roof that has just been blown away.

However, when Bagchi candidly admits that MindTree was only one of his entrepreneurial attempts and that he used to sell balloons at the age of six, readers are brought back to the age-old question: Are entrepreneurs born or bred?

'Finishing School for Law Students' a Great Success

The second edition of *Finishing School for Law Students* was held from September 10-12, 2010, at Ashir Bhavan, Kochi. The three-day residential course that was attended by 18 law students from across

immediately below the number of the suit in the title of the suits, namely: Under Order XXXVII of the Code of Civil Procedure, 1907.

Summary suits are supposed to provide quick recovery procedure in money suits. However, many of our courts are not inclined to providing a speedy remedy under this rule.

Research Paper of the Month

Land Reform and Housing in India

Pradipti Jayaram

Land is seen as providing a vital economic and social foundation for development. In India, land scarcity poses a huge barrier to all infrastructural development. Its efficient utilization plays a key role in increasing our agricultural output, conversely related to the incomes of the majority of our populace. Since India's economy thrives primarily on agriculture, equitable distribution of land and secure land rights can be viewed as instrumental in empowering the urban and rural poor; to enable them to meet ongoing changes posed by a rapidly globalizing world.

One believes that past government regulations and practices, to a large extent, have led to a decrease in land supply and artificial increase in land consumption. For instance, the Urban Land Ceiling Act that led to the freezing of large tracts of land in legal disputes, owing to which not only are these areas barred from development, but often they are also excluded from the process of redevelopment.

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the country was conducted by ADR Centre. The course was inaugurated by Dr N R Madhava Menon, a noted legal luminary.

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