

POLICY NOTE FOR THE YEAR 2016-2017

DEMAND No.33

LAW DEPARTMENT

Introduction

Law, a command of the Legislature, is a democratically wielded instrument for achieving the object of making social adjustments to meet the challenge which incessantly flows from human desires, hopes and ambitions. It is a science of social adjustment, the vehicle through which the State discharges its obligations to the society.

The legislature of the State is enacting laws on the subject-matters specified in the State List and Concurrent List under the Seventh Schedule to the Constitution and in the case of the subject-matters falling under the Concurrent List, the law enacted by the legislature becomes an Act of the legislature after it is being assented to by the President. The enactments made by

the Legislature reflects the major policy of the elected Government which is the Law directly made by the Legislature and the minute details involving technical details and procedures for implementation of the Scheme of the Act are delegated to the executive authorities which is called subordinate legislation made by the subordinate authorities. Though this subordinate legislation is drafted by the subordinate authorities, it is being scrutinised by the Law Department. The Committee on Delegated Legislation is also scrutinising all the Rules, Notifications issued under the provisions of the Act made by the legislature to ensure that the subordinate authorities do not exceed the powers delegated to them by the Legislature while making subordinate legislation.

Whenever legislation is decided upon to implement the policy decision of the Government, the Law Department, puts them into legal shape in the form of draft Bill in co-ordination with the administrative departments concerned.

On passage of the Bill by the Legislative Assembly, Law department pursues further action till it is published as an Act after assented to by the Governor or the President, as the case may be. Where there is an urgent need to make law when the Legislative Assembly is not in session and is prorogued, Ordinance is promulgated under Article 213 of the Constitution. It is the Law department which prepares the draft Ordinance for the purpose and pursues further action till Ordinance is promulgated and published.

Further, one of the main functions of Law Department is to offer legal advise to all departments of the Secretariat including the Tamil Nadu Legislative Assembly Secretariat.

In all litigations wherein the State Government is a party, the draft affidavits, draft counter affidavits, reply affidavits, etc. are scrutinized and settled by the Law Department. Apart from this, all deeds wherein the Government is a party are scrutinized and settled by the Law Department.

Law Department also deals with the following subjects:-

- Legal Studies.
- Tamil Nadu Dr. Ambedkar Law University.
- Tamil Nadu National Law School.
- Notaries.
- Official Language (Legislative) Wing.
- State Law Commission.

Legal Studies

The Department of Legal Studies was established in the year 1953 with the object of improving the standard of Legal education in the State. After the creation of the Department, there has been improvement in the standard

of Legal education in the State and the Department continues to strive for further improvement.

The Dr. Ambedkar Government Law College, Chennai was started in the year 1891. In the year 1974, another Law College was opened at Madurai and two more Law Colleges, one each at Tiruchirappalli and Coimbatore were opened during the academic year 1979-80. During the academic year 1996-97, a Law College was started in Tirunelveli. In December 2006, the Law College at Chengalpattu, run by the Tamil Nadu Dr. Ambedkar Law University was declared as a Government Law College. Yet another Government Law College was started at Vellore from the academic year 2008-2009. Thus there are seven Government Law Colleges in the State at present.

The total sanctioned student strength in all the Government Law Colleges in the academic year 2015-16 is 9366. The College wise sanctioned strength are furnished hereunder:-

| Sl. No. | Name of the College | Total sanctioned strength |
|----------------|---|----------------------------------|
| 1. | Dr. Ambedkar Government Law College, Chennai-104. (Three years and five years Under Graduate Law Degree and Post- Graduate Law Degree) | 2328 |
| 2. | Government Law College, Madurai. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree) | 1438 |
| 3. | Government Law College, Tiruchirappalli. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree) | 1440 |
| 4. | Government Law College, Coimbatore. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree) | 1440 |
| 5. | Government Law College, Tirunelveli. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree) | 1440 |

| | | |
|----|---|------|
| 6. | Government Law College, Chengalpattu. (Three years and five years Under Graduate Law Degree) | 1040 |
| 7. | Government Law College, Vellore. (Three years Under Graduate Law Degree) | 240 |

All the Government Law Colleges are functioning in their own buildings. Separate hostel facilities are available for both men and women students of the Government Law Colleges at Chennai, Madurai, Coimbatore, Tirunelveli and Chengalpattu. Hostel facilities are available for the women students of the Government Law College at Tiruchirappalli. Necessary action is being taken to construct Hostel for the men students of the said Government Law College.

A sum of Rs.5,25,000/- is being sanctioned by the Government of Tamil Nadu every year for 7 Students in Dr. Ambedkar Government Law College, Chennai at the rate of Rs.75,000/- per student who are selected to participate in the International Moot Court

Competition held in Hongkong and Vienna during the months of March and April.

Students pursuing Three year Law Course and Five year Law Course in Tamil Medium in the Dr. Ambedkar Government Law College, Chennai and the Government Law College, Madurai are being paid a stipend of Rs.400/- per annum.

Book Bank Scheme is available in the Government Law Colleges at Chennai, Madurai, Tiruchirappalli, Coimbatore and Tirunelveli.

The Tamil Nadu Dr. Ambedkar Law University

In order to provide quality legal education to enable the students to find a firm footing in today's competitive world, the Tamil Nadu Dr. Ambedkar Law University was established through a State enactment for the legal studies. It is one of the premier institutions in the State of Tamil Nadu committed to the above cause. This University is the only one of its kind in the whole of

South Asia as it is the only Law University to have Colleges affiliated to it under its canopy. This uniqueness of the said University helps in disseminating the same standards of Legal Education throughout the State of Tamil Nadu.

The Tamil Nadu Dr.Ambedkar Law University started its academic activities from the academic year 2002-2003 through the School of Excellence in Law functioning in its campus and offered 5 year integrated B.A.,L.L.B. (Honours), B.Com.,L.L.B. (Honours) and 3 year L.L.B. (Honours) degree courses. During the Academic year 2015-2016, two new courses i.e B.B.A.,L.L.B. (Honours) and B.C.A.,L.L.B. (Honours) were started. In view of the introduction of the said new courses and the increase in the number of seats in the existing courses, the total number of seats in UG law courses has been increased from 320 to 780 in the School of Excellence in Law from the academic year 2015-2016. The University offers Post-Graduate degree courses and Research Activities. Various Post Graduate

Diploma and Certificate Courses are also offered under the Department of Distance Education.

The University being a pioneer in all aspects has awarded Ph.D. Degree for 47 scholars of the School of Excellence in Law. This University has taken lead in offering 64 candidates for Ph.D Research Programme in the academic year 2015-2016. This is the largest registration in a single academic year in the Ph.D Research Programme in Law in the entire Nation. Now, 145 candidates are pursuing Ph.D. Degree in this University.

To train newly recruited teachers of law and interdisciplinary courses, there is no quality training centre in the Southern India at present. Participation in Orientation and Refresher Courses are necessary for career advancement. A proposal for establishing an 'Academic Staff College' by the Tamil Nadu Dr.Ambedkar Law University has been submitted for the consideration of the University Grants Commission, New Delhi.

A new campus to the Tamil Nadu Dr.Ambedkar Law University was inaugurated by the Hon'ble Chief Minister of Tamil Nadu on 14.02.2016, which has been constructed in the 15 acres of land allotted at Perungudi-Kottivakkam Village, near Taramani Railway Station, at a total cost of Rs.61.74 Crore sanctioned by the Government of Tamil Nadu. The Tamil Nadu Dr. Ambedkar Law University is now functioning in the new campus. The Government of Tamil Nadu have also allotted additional 10 acres of land for its developmental activities.

The Tamil Nadu Dr. Ambedkar Law University has established a Legal Literacy Mission Cell with proper infrastructure which serves to disseminate legal knowledge to a large mass of general public. The Government of Tamil Nadu have sanctioned a sum of Rs.30 Lakhs in this regard. The Government of Tamil Nadu have sanctioned a sum of Rs.10 Lakhs for the establishment of Forensic Lab in the University to cater the needs of students pursuing Criminal Law and Research.

The Tamil Nadu Dr.Ambedkar Law University has entered into Memorandum of Understanding with National and International Universities/Institutions, so as to extend its academic activities by co-operating with other Institutions of higher learning in the field of education, training and research in law, justice, social development and allied subjects, exchange of teachers and scholars. The University proposes to enter into Memorandum of Understanding with the following institutions in the near future:-

- The University of Norway
- The University of Chapman, U.S.A.
- Indian Society of International Law, New Delhi
- University of Naples (II)
- Gonzaka University, U.S.A.

The Tamil Nadu National Law School

The Tamil Nadu National Law School was established in the year 2012 through a State enactment to provide legal education par excellence in the State of Tamil Nadu. The main object of the Tamil Nadu National Law School is to disseminate learning and knowledge of law, legal processes, advocacy and skill in judicial administration, keeping pace with the changing global scenario.

The Tamil Nadu National Law School has been established at a cost of Rs.79.22 Crore in a twenty five acre campus at Navalur Kuttapattu Village in Srirangam taluk, Tiruchirappalli district and the same was inaugurated and admission orders were also given to the selected students by the Hon'ble Chief Minister on 22nd August 2013. Further, an additional sum of Rs.7.17 Crore has been sanctioned in the financial year 2015-2016 for provisioning of furniture, sports facility and other infrastructure for the Law School.

The Law School offers five year B.A.,L.L.B. (Honours) degree and B.Com.,L.L.B. (Honours) degree courses with an intake of 55 students each. The details of the students admitted to the said courses for the academic year 2015-2016 are as follows:-

| Sl. No. | Course | No. of Students admitted | |
|----------------|---------------|---------------------------------|----|
| 1. | B.A., L.L.B. | Resident of Tamil Nadu | 38 |
| | | All India Basis | 11 |
| | | NRI | 02 |
| | | Total | 51 |
| 2. | B.Com.,L.L.B. | Resident of Tamil Nadu | 30 |
| | | All India Basis | 05 |
| | | NRI | 02 |
| | | Total | 37 |

The seats earmarked for the Resident Students of Tamil Nadu are filled by following the Tamil Nadu State Reservation Policy.

The Tamil Nadu National Law School has entered Memorandum of Understanding with the following Universities/National Institutions:-

- National Law University, New Delhi;
- National Law School of India University, Bengaluru;
- Institute of Company Secretaries of India, New Delhi.

Notaries

For the purposes of noting and certifying the general transactions relating to negotiable instruments and for all recognized notarial purposes, Notaries are appointed under the Notaries Act, 1952

(Central Act 53 of 1952). The number of Notaries appointed by the Government and in practice in the State as on 29.01.2016 are 1492.

Official Language (Legislative) Wing

The State Official Language (Legislative) Commission was constituted in the year 1965 so as to finalise and publish the glossary of legal terms, to undertake translation of Central and State Acts, Ordinances and the Rules and Notifications made thereunder into Tamil and any other work which may be entrusted to the Commission by the Government from time to time.

The State Official Language (Legislative) Commission was departmentalized in the year 1992 as a Wing of the Law Department viz. Official Language (Legislative) Wing headed by an Additional Secretary to Government, Law Department. The work of Tamil Cell, another wing of Law Department is to translate the Legislative Assembly Bills, Acts and Ordinances into

Tamil. Considering that the nature of work done by both the Official Language (Legislative) Wing and Tamil Cell of Law Department is similar in nature and with a view to have greater efficiency and better turnout of translation work and to have effective control over the translation staff attached to the said Official Language (Legislative) Wing, orders have been issued merging the Tamil Cell of this department with the Official Language (Legislative) Wing of this department and the Official Language (Legislative) Wing has been re-structured accordingly. This wing functions under the overall control and supervision of the Secretary to Government, Law Department. Central Acts and the State Acts including the Legislative Assembly Bills, Acts and Ordinances are translated into Tamil by this Wing. The expenditure for translation and printing of Central Acts is reimbursed by the Government of India. The expenditure for translation and printing of State Acts is incurred by the State Government. The Government of India have informed that the State Government shall bear the cost of reprinting and republication of the Central Acts, as the sale proceeds are retained by the State Government.

State Law Commission

State Law Commission, Tamil Nadu, has been reconstituted to suggest modifications or amendments for the existing laws suitable to the present day situation. Hon'ble Justice Thiru. N. Dhinakar, retired Chief Justice of the Jharkhand High Court has been appointed as the Chairman of the reconstituted State Law Commission with effect from 10.02.2014 and two Full-time Members and two Part-time Members and one Full-time Member-Secretary have also been appointed to the said Commission.

The functions of the State Law Commission are to examine each and every law that was enacted during the British regime and the laws that were enacted subsequently and give its opinion whether they are suitable or not, to the present day situation and also to suggest modifications or amendments to those laws accordingly, to the Government. The State Law Commission shall examine whether the said laws are in consonance with the various decisions of the Supreme

Court and the High Courts and to advise the Government on the changes that should be made in those laws. The State Law Commission shall also –

- (a) suggest suitable modifications or amendments to plug loopholes in the existing laws;
- (b) suggest suitable social, economic legislative measures;
- (c) suggest ways and means for the inter–State Relations and Centre–State Relations;
- (d) make suggestions and recommendations for better and expeditious procedures on the judicial administrative reforms; and
- (e) suggest modifications or amendments not only to State Laws but also to Central Laws having application to this State.

The reconstituted State Law Commission has submitted its first report on 04.09.2014 (as Eighth Report)

to the Government, wherein the Commission has recommended to amend certain provisions of the Code of Criminal Procedure and the Code of Civil Procedure in their application to the State of Tamil Nadu and to amend the proposed Tamil Nadu Stamp Act, 2013.

C.Ve.SHANMUGAM,

Minister for Law, Courts and Prisons.
