



LAW DEPARTMENT

**POLICY NOTE
DEMAND No. 33**

**LAW
2018-2019**

**C.Ve. SHANMUGAM
MINISTER FOR LAW, COURTS AND PRISONS**

©
**GOVERNMENT OF TAMIL NADU
2018**

DEMAND No.33

LAW DEPARTMENT

POLICY NOTE 2018-2019

Sl.No.	Subject in Brief	Page No.
1.	Introduction	1-6
2.	Legal Studies	7-14
3.	The Tamil Nadu Dr.Ambedkar Law University	14-19
4.	The Tamil Nadu National Law School	19-22
5.	Notaries	23
6.	State Law Commission	24-27

POLICY NOTE FOR THE YEAR 2018-2019

DEMAND No.33

LAW DEPARTMENT

Introduction

'Peace, Progress and Prosperity' is the vision of Hon'ble former Chief Minister Amma. The Government is working tirelessly to achieve the above vision. Well functioning legal institution and Government bound by the rule of law are vital to good governance which brings peace. The rule of Law is at the heart of relationship between Society and the State. It is the basis for creating trust and accountability and forms a social contract between a Government and its citizens. Good governance plays an essential role in the advancement of sustainable development. This Government applies fair and equitable laws

equally, consistently, coherently and brings prosperity to all citizens.

The Constitution of India is the supreme law of our country. 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 after it is 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 and 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.

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. This wing functions under the overall control and supervision of the Secretary to Government, Law Department. Tamil Cell, another wing of Law Department has been merged with Official Language (Legislative) Wing. 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 has 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.

Law Department also deals with the following subjects: -

- Legal Studies
- Tamil Nadu Dr. Ambedkar Law University
- Tamil Nadu National Law School
- Notaries
- 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 and 5 year Law Course has been introduced from the academic year 2017-2018. Further, three Government Law Colleges, with 3 year and 5 year Law courses, at Villupuram, Dharmapuri and Ramanathapuram districts have started functioning from the academic year 2017-2018. Thus, there are ten Government Law Colleges in the State at present.

Based on the recommendations of the Justice Thiru P. Shanmugam Commission of Inquiry, the Government have sanctioned a sum of Rs.117.31 Crore for the construction of two Government Law Colleges, one at Pudupakkam Village, Tiruporur Taluk, Kancheepuram District and another at Pattarai Perumpudur Village, Tiruvallur Taluk, Tiruvallur District, so as to shift the Dr. Ambedkar Government Law College, Chennai from its present location and construction works are being carried out for the purpose.

The total sanctioned student strength in all the Government Law Colleges in the academic year 2017-18 is 9946. 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

Sl. No.	Name of the College	Total sanctioned strength
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 and Post-Graduate Law Degree)	1060
7.	Government Law College, Vellore. (Three years and five years Under Graduate Law Degree)	320
8.	Government Law College, Villupuram. (Three years and five years Under Graduate Law Degree)	160
9.	Government Law College, Dharmapuri. (Three years and five years Under Graduate Law Degree)	160
10.	Government Law College, Ramanathapuram. (Three years and five years Under Graduate Law Degree)	160

All the Government Law Colleges are functioning in their own buildings except the new Government Law Colleges at Villupuram, Dharmapuri and Ramanathapuram. A sum of Rs 60.69 Crore has been sanctioned for the construction of own building for the Government Law College, Villupuram. 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.3.75 Crore has been sanctioned to construct new Women's hostel for the Government Law College, Vellore.

In the academic year 2017-2018, a sum of Rs.8.37 Crore for the construction works of new

Auditorium and Library building for the Government Law College, Madurai, a sum of Rs.4.45 Crore for the construction works of new Library building and a sum of Rs.1.89 Crore for the improvement of infrastructural facilities for the Government Law College, Chengalpattu have been sanctioned by the Government.

In the academic year 2017-2018, 127 posts of Assistant Professor have been sanctioned for the Government Law Colleges. Apart from this, 30 posts of Assistant Professor have been sanctioned for the three newly opened Government Law Colleges at Villupuram, Dharmapuri and Ramanathapuram and for the newly started 5 year Law Course in the Government Law College, Vellore.

Tuition fee concession has been given to the first generation graduate studying Under Graduate Law Degree Courses in the

Government Law Colleges from the academic year 2010 - 2011 onwards.

The Government of Tamil Nadu decided to enhance the financial assistance annually sanctioned to seven students of Dr.Ambedkar Government Law College, Chennai from Rs.75,000/- (Rupees Seventy five thousand only) per student to Rs.1,00,000/- (Rupees One lakh only) per student, who are selected to participate in the International Moot Court Competitions held in Hongkong and Vienna during the months of March and April every year and accordingly have sanctioned a total sum of Rs.7,00,000/- (Rupees Seven lakhs only) for seven students in the current year 2018 so as to enable them to participate in the said competition.

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/- (Rupees Four hundred only) per annum. Orders have been issued to start Tamil Medium Classes in the Government Law Colleges at Tiruchirappalli, Coimbatore, Tirunelveli and Chengalpattu from the academic year 2017-2018. The students admitted in Tamil Medium Classes in these Colleges will also get the said stipend.

Book Bank Scheme is being implemented 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. 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 is now functioning at Perungudi - Kottivakkam Village, near Taramani Railway Station, in the new campus built at a total cost of Rs.61.74 Crore in 15 acre land allotted by the Government of Tamil Nadu. The Government have also allotted additional 10 acres of land for the Law University's developmental activities.

The Tamil Nadu Dr.Ambedkar Law University started its academic activities from the academic year 2002-2003 through the School of Excellence in Law. The School of

Excellence in Law offers 3 year LL.B (Honours), 5 year integrated B.A., LL.B (Honours), B.Com., LL.B (Honours), B.B.A., LL.B (Honours) and B.C.A., LL.B (Honours) degree courses. In view of the introduction of the new courses and the increase in the number of seats in the existing courses, the total number of seats in Under Graduate Law courses has increased from 320 to 780 in the School of Excellence in Law from the academic year 2015-2016. The University also offers Post-Graduate degree courses and Research Activities. Various Post Graduate Diploma and Certificate Courses are also offered under the Department of Distance Education.

Tuition fee concession has been given to the first generation graduate studying Under Graduate Law Degree Courses in the School of Excellence in law, as special case from the academic year 2010-2011 onwards.

Further, a sum of Rs.75,000/- (Rupees Seventy five thousand only) per student has been sanctioned to five students of the School of Excellence in law to participate in the International Moot Court Competition held at Vienna in March 2018.

The University being a pioneer in all aspects has awarded Ph.D. Degree for 73 scholars of the School of Excellence in Law. Now, 179 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.

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 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. Further, an additional sum of Rs.7.17 Crore was sanctioned in the financial year 2015-2016 for providing furniture,

sports facility and other infrastructure for the Law School.

The Law School offers five year B.A., LL.B (Honours) degree and B.Com., LL.B (Honours) degree courses with a total intake of 110 students. Students are admitted to the said courses through Common Law Admission Test.

The details of the students admitted to the said courses for the academic year 2017-2018 are as follows: -

S.No.	Course	No. of Students admitted	
(1)	B.A.,LL.B (Honours)	Resident of Tamil Nadu	24
		All India Basis	27
		NRI	03
		Total	54
(2)	B.Com.,LL.B (Honours)	Resident of Tamil Nadu	29
		All India Basis	25
		NRI	02
		Total	56

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

Orders have been issued by the Government to grant tuition fee concession to the first generation graduates belonging to Tamil Nadu studying in this School from the academic year 2013-2014 onwards and to reimburse the tuition fee so far paid by the first generation graduate students studying in this school from 2013-2014 up to 2016-2017.

It is proposed to introduce Post graduate Law Degree Course in the Law School from the ensuing academic year 2018-2019.

A sum of Rs.3,00,000/- (Rupees Three lakhs only) has been sanctioned by the Government to four students of the Tamil Nadu National Law School, Tiruchirappalli at the rate of Rs.75,000/- (Rupees Seventy

five thousand only) each to participate in the International Moot Court competition held at Hongkong and Vienna during the months of March and April 2017.

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

- (1) National Law University, New Delhi,
- (2) National Law School of India University, Bengaluru,
- (3) Institute of Company Secretaries of India, New Delhi, and
- (4) India International Institute of Democracy & Election Management, New Delhi.

The Tamil Nadu National Law School is a Member in the following bodies: -

- (1) Association of Indian Universities,
- (2) Indian Academy of Social Science, and
- (3) Shastri Indo-Canadian Institute.

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 29.01.2018 are 1403. The Government of India vide its Notification No. G.S.R.429(E), dated 18.04.2016, published in the Gazette of India, has increased the number of Notaries to be appointed by the Government of Tamil Nadu to 2500 by amending the Schedule to the Notaries Rules, 1956. Accordingly, action is being taken to appoint 1097 more Notaries in the State.

State Law Commission

The State Law Commission, Tamil Nadu has been reconstituted by the Government on 15.06.2017 under the Chairmanship of Hon'ble Justice Thiru. Chokkalingam Nagappan, Retired Judge, Supreme Court of India and the Chairman assumed charge of the office on 19.06.2017. The tenure of the State Law Commission is for a period of three years from the date of assumption of charge by the Chairman. In addition to the Chairman, Full-time Members, Part-time Members and Full-time Member Secretary have also been appointed to the reconstituted State Law Commission.

The functions of the 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 Law Commission shall examine whether the said laws are in consonance with the various decisions of the Supreme Court and the High Court and to advise the Government on the changes that should be made in those laws. The 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 (as Thirteenth Report) on 27.10.2017 to the Government, wherein the Commission has recommended to repeal 83 Amendment Acts relating to the Tamil Nadu Panchayats Act, 1994. The State Law Commission in its second report (as Fourteenth Report), submitted on 08.11.2017, has recommended to repeal the Madras Aliyasanthana Act, 1949 and in its third report (as Fifteenth Report), submitted on 14.12.2017, has recommended to repeal 36 enactments relating to Tamil Nadu Panchayats and Panchayat Union Councils Acts that have become obsolete. Action is being taken to implement the recommendations of the

State Law Commission in consultation with the departments of the Secretariat which are administratively concerned with the said Acts.

**C.Ve.SHANMUGAM,
Minister for Law, Courts and Prisons.**
