

**DEMAND No.33**

**LAW DEPARTMENT**

**POLICY NOTE  
2019-2020**



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## **POLICY NOTE FOR THE YEAR 2019-2020**

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#### **LAW DEPARTMENT**

##### **Introduction**

Laws and legislations are necessary to serve and promote a good life and a good legislation should be fit and equitable so that it can have a right to command obedience. Law exists to serve the needs of the society which is governed by it. If the law is to play its allotted role of serving the needs of the society, it must reflect the ideas and ideologies of that society. It must keep time with the heartbeats of the society and with the needs and aspirations of the people. As the society changes, the law cannot remain immutable. Keeping with time, this legislature is enacting laws to serve the needs and aspirations of the people of this state.

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, if the law enacted by the Legislature of the State is repugnant to any law made by Parliament or an existing law, it 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. The subordinate legislation is drafted by the subordinate authorities and 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.

Law Department also deals with the following subjects:-

- Legal Studies
- Tamil Nadu Dr. Ambedkar Law University
- Tamil Nadu National Law University
- State Law Commission

- State Official Language (Legislative) Commission
- Notaries

### **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 in that college from the academic year 2017-2018. Further, 3 Government Law Colleges with 3 year and 5 year Law courses have started functioning at Villupuram, Dharmapuri and Ramanathapuram districts from the academic year 2017-2018. LL.M. course was started in the Government Law College, Chengalpattu from the academic year 2017-2018.

Based on the recommendations of the Justice Thiru P.Shanmugam Commission of Inquiry, the Government ordered to shift the Dr. Ambedkar Government Law College, Chennai from the premises of High Court, Madras to the newly constructed campuses at Pudupakkam,

Kancheepuram district and Pattaraiperumpudur, Thiruvallur district. 5 Year Law Course is conducted in the newly constructed campus at Pudupakkam and 3 Year Law Course and LL.M. courses are conducted in the newly constructed campus at Pattaraiperumpudur from the academic year 2018-2019. Thus, there are eleven Government Law Colleges in the State at present.

The total sanctioned student strength in all the Government Law Colleges in the academic year 2018-19 is 10526. The Collegewise sanctioned strength are furnished hereunder:-

<b>Sl. No.</b>	<b>Name of the College</b>	<b>Total sanctioned strength</b>
1.	Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur. (Three years Under Graduate Law degree and Post-Graduate Law Degree)	1123

<b>Sl. No.</b>	<b>Name of the College</b>	<b>Total sanctioned strength</b>
2.	Chennai Dr.Ambedkar Government Law College, Pudupakkam. (Five years Under Graduate Law Degree)	1205
3.	Government Law College, Madurai. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1438
4.	Government Law College, Tiruchirappalli. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1440
5.	Government Law College, Coimbatore. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1440
6.	Government Law College, Tirunelveli. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1440



<b>Sl. No.</b>	<b>Name of the College</b>	<b>Total sanctioned strength</b>
7.	Government Law College, Chengalpattu. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1080
8.	Government Law College, Vellore. (Three years and five years Under Graduate Law Degree)	400
9.	Government Law College, Villupuram. (Three years and five years Under Graduate Law Degree)	320
10.	Government Law College, Dharmapuri. (Three years and five years Under Graduate Law Degree)	320
11.	Government Law College, Ramanathapuram. (Three years and five years Under Graduate Law Degree)	320
<b>Total</b>		<b>10526</b>

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 at Villupuram and the construction work is in progress. A sum of Rs.69.29 Crore has been sanctioned towards the construction of own building for the Government Law College, Dharmapuri and out of this amount, Rs.15 Crore was released for the year 2018-2019 and the construction work is in progress. Separate hostel facilities are available for both men and women students of the Government Law Colleges at Chennai, Madurai, Coimbatore, Tirunelveli and Chengalpattu. Hostel facility is 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 and construction work is in progress.

The Teachers Recruitment Board, which was requested to recruit 186 Assistant Professors to the Government Law Colleges in the State, has provisionally selected 81 Assistant Professors. As per the orders of the High Court, Madras, an Expert Committee, headed by Retired Chief Justice of High Court of Jammu&Kashmir, Hon'ble Justice Thiru.N.Paul Vasanthakumar has been constituted to monitor the entire recruitment process.

For Chennai Dr.Ambedkar Government Law Colleges at Pudupakkam and at Pattaraiperumpudur, 3 teaching posts and 75 non-teaching posts were additionally sanctioned.

A sum of Rs.10.16 Crore towards the construction of new Auditorium and Library building for the Government Law College, Coimbatore, a sum of Rs. 3.11 Crore towards

the construction of a new Library building for the Government Law College, Thiruchirappalli, a sum of Rs.1.41 Crore for free bus pass to the students who have been shifted to the Chennai Dr.Ambedkar Government Law College, Pudupakkam and Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur, a sum of Rs.1.98 Crore towards the provision of Air Condition arrangements in the Auditorium of the Chennai Dr.Ambedkar Government Law College, Pudupakkam and Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur, a sum of Rs.37.95 lakh towards the purchase of Law Books, Law Journals and Legal Databases for the Libraries of the 11 Government Law Colleges have been sanctioned by the Government.

Tuition fees concession is being given to the first generation graduates studying Under Graduate Law Degree Courses in the

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

The Government sanctioned a sum of Rs.7,00,000/- for 4 students of Chennai Dr.Ambedkar Government Law College, Pudupakkam and 3 Students of Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur, at the rate of Rs.1,00,000/- for each student who had participated in the International Moot Court Competition held in Hongkong and Vienna during the months of March and April 2019.

Students pursuing Three years Law Course and Five years Law Course in Tamil Medium in the Government Law Colleges, 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. It is one of the premier institutions in the State of Tamil Nadu committed to the above cause. This University is the first 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 of

Tamil Nadu have also allotted additional 10 acres of land to this University for its 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 have 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 fees concession is being given to the first generation graduates studying Under Graduate Law Degree Courses in the School of Excellence in Law from the academic year 2010-2011 onwards. A sum of Rs.75,000/- 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 90 scholars of the School of Excellence in Law. Now, 47 (full time) and 115 (part time) candidates are pursuing Ph.D. Degree in this University.

A sum of Rs.7 Crore to meet out the short fall expenditure towards salary to the staff and other amenities and a sum of Rs.1 Crore to meet out the current expenditure have been

sanctioned to the Tamil Nadu Dr.Ambedkar Law University in the financial year 2018-2019.

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 Dr.Ambedkar Law University has launched "All India Reporter Legal Education Support Suite" Project on 2<sup>nd</sup> February 2019 at Perungudi Campus. The aim of the project is to provide training in Clinical Legal Education for law students with the object of promoting Alternative Dispute Redressal Mechanism, Para-Legal Training and to conduct other programmes in order to achieve excellence in professional standards for the benefit of students and faculty of this University and its affiliated Law Colleges.

### **The Tamil Nadu National Law University**

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 Tamil Nadu National Law School has been renamed as the Tamil Nadu National Law University in the year 2018. The main object of the Tamil Nadu National Law University 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 University 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 University.

The Tamil Nadu National Law University offers five year B.A., LL.B (Honours) degree, B.Com., LL.B (Honours) degree and LL.M

courses with an total intake of 121 students. Students are admitted to the said courses through Common Law Admission Test. Post Graduate Law Degree Course has been introduced in the Tamil Nadu National Law University from the academic year 2018-2019 onwards.

The details of the students admitted to the said courses for the academic year 2018-2019 are as follows:-

S.No.	Course	No. of Students admitted	
(1)	B.A.,LL.B (Honours)	Resident of Tamil Nadu	16
		All India Basis	35
		NRI	00
		<b>Total</b>	<b>51</b>
(2)	B.Com.,LL.B (Honours)	Resident of Tamil Nadu	39
		All India Basis	20
		NRI	00
		<b>Total</b>	<b>59</b>

(3)	LL.M	Resident of Tamil Nadu	07
		All India Basis	04
		NRI	00
		<b>Total</b>	<b>11</b>
		<b>Grand Total</b>	<b>121</b>

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 in January 2018 to grant tuition fees concession to the first generation graduate students belonging to Tamil Nadu studying in the Tamil Nadu National Law University from the academic year 2013-2014 onwards and to reimburse the tuition fees so far paid by the first generation graduate students who studied in this University from 2013-2014 upto 2017-2018.

A sum of Rs.4 crore has been sanctioned by the Government as adhoc grant to the Tamil Nadu National Law University for the

financial year 2018-19. Further, administrative sanction for a sum of Rs.15,70,98,000/- for providing additional infrastructure facilities to Tamil Nadu National Law University has been made. Out of which Rs.5,23,66,000/- has been sanctioned in the financial year 2018-19 as first phase.

The Tamil Nadu National Law University 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.
- (4) India International Institute of Democracy & Election Management, New Delhi.

The Tamil Nadu National Law University is a Member of the following academic bodies:-

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

The Tamil Nadu National Law University's first Convocation for 2013-2018 batch was held on 16<sup>th</sup> March 2019. Hon'ble Justice Tmt. Vijaya Kamlesh Tahilramani, Chief Justice of the Madras High Court and Chancellor of Tamil Nadu National Law University presided over the Convocation and delivered the Convocation Address.

Under the Tamil Nadu Innovative Initiatives (TANII) Scheme "Understanding your Rights - Law", the students of Tamil Nadu National Law University, produced the following 5 modules of short films to create legal awareness among the public:-

- (i) Awareness against sexual harassment of women at work place.
- (ii) Maintenance and Welfare of senior citizens.
- (iii) Right to Information Act.
- (iv) Our Rights when we are arrested/ under custody of Police.
- (v) Cyber Crime.

#### **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 to suggest modifications or amendments to the existing laws suitable to the present day situation. The tenure of the State Law Commission shall be for a period of three years from 19.06.2017 namely, 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 so far submitted sixteen Reports to the Government, with recommendations to repeal many principal Acts and Amendment Acts. 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 subject matter.

#### **State Official Language(Legislative)Commission**

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.

The State Official Language (Legislative) Commission was departmentalized in the year 1992 as a Wing of the Law Department viz. State Official Language (Legislative) Wing headed by an Additional Secretary to Government, Law Department. Tamil Cell, another Wing of Law department was also merged with the Official Language (Legislative) Wing. This Wing functioned under the overall control and supervision of the Secretary to Government, Law Department. Central Acts and the State Acts including the Legislative Assembly Bills and Ordinances were translated into Tamil by this Wing.

Now, the State Official (Legislative) Language Commission has been reconstituted

under the Chairmanship of Hon'ble Justice Thiru P.Kalaiyarasan, Retired Judge, High Court of Madras, with three Full-time Members, one Member-Secretary and three Part-Time Members. The main functions of the State Official (Legislative) Language commission are,-

- (i) finalising the Law Lexicon in Tamil;
- (ii) translation of State Acts, Ordinances and Rules made thereunder into Tamil;
- (iii) translation of the Central Acts, Ordinances and Rules and Notifications made thereunder into Tamil; and
- (iv) such other functions as may be specified by the Government from time to time.

#### **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 Government have appointed 1152 advocates as Notaries during the year 2018-2019.

### **Sustainable Development Goals**

The Sustainable Development Goals (SDGs) are a set of 17 goals and 169 targets accepted by 193 countries adopted by the United Nations General Assembly Summit in September 2015 and came into force from 01.01.2016. The SDGs aim to achieve prosperity for people, while ensuring protection of our planet in a climate that fosters peaceful, just and inclusive societies. This department plays a supporting role to the other departments in ensuring the achievement of the aforesaid goals and targets.

This department would closely work on the SDGs with the other departments in issues connected to law. Being the Legal Advisor to all other departments of the Secretariat, Law Department ensures that the development policies and related laws are in line with the

constitutional framework and various other laws and judgments. This Department is also assisting the implementation of SDG Goal 16 (Peace, Justice and Strong Institutions) by providing Legal education through various Educational Institutions functioning under its control.

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

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