

DEMAND No.33

LAW DEPARTMENT

POLICY NOTE 2020-2021

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Introduction

Respect for human rights and fundamental freedoms are the essential elements of democracy. Rule of Law is the basis of democracy because it helps to preserve and ensure that the core principles of democracy are adhered to. It also ensures that all citizens are subject to same laws and are equal before law. This Government protects the rights of all people, advances inclusiveness and exercises its powers rationally, thereby strengthening the rule of law in the 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, now Chengalpattu 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. Further, three Government Law Colleges, with 3 year and 5 year Law courses at Salem, Namakkal and Theni districts have started functioning from the current academic year 2019-2020. Thus, there are Fourteen Government Law Colleges in the State at present.

The total sanctioned student strength in all the Government Law Colleges in the academic year 2019-20 is 11626.

The Collegewise sanctioned strength are furnished hereunder: -

Sl. No.	Name of the College	Total sanctioned strength
1.	Chennai Dr. Ambedkar Government Law College, Pattaraiperumpudur. (Three years Under Graduate Law degree and Post-Graduate Law Degree)	1123
2.	Chennai Dr. Ambedkar Government Law College, Pudupakkam. (Five years Under Graduate Law Degree and Post-Graduate Law Degree)	1225
3.	Government Law College, Madurai. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1438

Sl. No.	Name of the College	Total sanctioned strength
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
7.	Government Law College, Chengalpattu. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	1080

Sl. No.	Name of the College	Total sanctioned strength
8.	Government Law College, Vellore. (Three years and five years Under Graduate Law Degree)	480
9.	Government Law College, Villupuram. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	500
10.	Government Law College, Dharmapuri. (Three years and five years Under Graduate Law Degree and Post-Graduate Law Degree)	500
11.	Government Law College, Ramanathapuram. (Three years and five years Under Graduate Law Degree)	480
12.	Government Law College, Salem. (Three years and five years Under Graduate Law Degree)	160

Sl. No.	Name of the College	Total sanctioned strength
13.	Government Law College, Namakkal. (Three years and five years Under Graduate Law Degree)	160
14.	Government Law College, Theni. (Three years and five years Under Graduate Law Degree)	160
Total		11626

All the Government Law Colleges are functioning in their own buildings except the newly established Government Law Colleges at Dharmapuri, Ramanathapuram, Salem, Namakkal and Theni. Own Buildings are being constructed for the Government Law Colleges at Dharmapuri, Ramanathapuram, Salem and Theni. The construction of own building for the

Government Law College, Villupuram, at a cost of Rs.70.59 crore, was completed and the building was inaugurated by the Hon'ble Chief Minister on 26.11.2019. 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. A sum of Rs.76.60 Crore has been sanctioned towards the construction of own building for the Government Law College, Ramanathapuram and the construction work is in progress. Administrative sanction has been accorded for a sum of Rs.89.01 Crore towards the construction of permanent building for the Government Law College, Theni along with Men's and Women's hostel. Out of this amount, a sum of Rs.5 Crore has been

released for the year 2019-2020. Administrative sanction has been accorded for a sum of Rs.96.54 Crore towards the construction of own building for the Government Law College, Salem along with Men's and Women's hostel. Out of this amount, a sum of Rs.28.96 Crore has been allotted in the Budget Estimate 2020-2021.

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 will be 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 a new Women's hostel for the Government Law College, Vellore and the construction work is nearing completion.

The Teachers Recruitment Board, was requested to recruit 186 Assistant Professors to the Government Law Colleges in the State. So far, 96 Assistant Professors have been selected and appointed in the Government Law Colleges. Necessary action is being taken to fill up the remaining posts.

The maximum amount of honorarium to the Guest Lecturers utilised in the Government Law Colleges has been enhanced from Rs.15,000/- per month to Rs.30,000/- per month with effect from the 1st February 2019. LL.M Courses have been started in Pudupakkam Chennai Dr. Ambedkar Government Law College, Villupuram and

Dharmapuri Government Law Colleges from the academic year 2019-2020. 9 Associate Professors have been promoted as Principals and posted in the Government Law Colleges at Madurai, Thiruchirappalli, Coimbatore, Thirunelveli, Chengalpattu, Vellore, Villupuram and Ramanathapuram districts.

A sum of Rs. 29.92 Lakh towards the establishment of Wi-Fi Zones with high speed Internet facility in the campuses of the Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur and Pudupakkam, a sum of Rs.4.75 Crore towards the construction of additional classrooms for the Government Law College, Coimbatore, a sum of Rs.4.50 Crore towards the construction of additional classrooms for the Government Law College, Tirunelveli, a sum of Rs.44 Lakh

towards the purchase of Law Books, Law Journals and Legal Databases for the Libraries of 11 Government Law Colleges at a cost of Rs.4 Lakh for each Law College have been sanctioned by the Government.

A sum of Rs.8.46 Crore, at the rate of Rs.2.82 crore per College, has been sanctioned towards the recurring and non-recurring expenditure for the newly established Government Law Colleges at Salem, Namakkal and Theni.

Tuition fee 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/- per 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 Diplomas and Certificate Courses are also offered under the Department of Distance Education.

Tuition fee concession is being given to the first generation graduates belonging to the State of Tamil Nadu studying Under Graduate Law Degree Courses in the School of Excellence in Law from the academic year 2010-2011 onwards. A sum of Rs.1.07 Crore has been sanctioned during the academic year 2018-2019 towards reimbursement of tuition

fee for the first generation graduate students studying in the School of Excellence in Law.

The University being a pioneer in all aspects has awarded Ph.D. Degree for 91 scholars of the School of Excellence in Law. Now, 39 (full time) and 84 (part time) candidates are pursuing Ph.D. Degree in this University.

A sum of Rs.1 Crore to meet out the current expenditure has been sanctioned to the Tamil Nadu Dr. Ambedkar Law University in the financial year 2019-2020. Apart from this, based on the recommendation of the Block Grant Committee, a sum of Rs.4.43 Crore has been sanctioned as Block Grant – I for the financial year 2019-2020.

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 2nd 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 a total intake of 123 students. Students are admitted to the said courses through the 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 2019-2020 are as follows: -

S.No.	Course	No. of Students admitted	
(1)	B.A.,LL.B (Honours)	Resident of Tamil Nadu	22
		All India Basis	35
		NRI	03
		Total	60
(2)	B.Com.,LL.B (Honours)	Resident of Tamil Nadu	32
		All India Basis	19
		NRI	01
		Total	52
(3)	LL.M	Resident of Tamil Nadu	07
		All India Basis	04
		NRI	00
		Total	11
		Grand Total	123

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

Orders were issued by the Government in January 2018 to grant tuition fee 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 from 2013-2014 to 2017-2018. The said tuition fee concession have also been granted to the students who studied during the academic year 2018-2019.

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 the 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.

A sum of Rs.7.54 lakh has been sanctioned for 13 students of the Tamil Nadu National Law University who had participated in the International Moot Court Competitions held in Hongkong and Vienna in the year 2018.

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 batches was held on the 16th March 2019.

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 of the Supreme Court of India. The tenure of the State Law Commission shall be for a period of three years from the date of assumption of charge by the Hon'ble Chairman. The Hon'ble Chairman has assumed office on the 19th June 2017.

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.

Further, based on the recommendations of NITI Aayog, in the matter of Good Governance, in the National Conference of Chief Secretaries, convened on 10th July 2017, the State Government have referred the subject "Rationalising the Acts and Laws in Tamil Nadu" to the State Law Commission and requested its suggestions and recommendations, vide letter dated the 21st September 2017.

The present Commission has so far submitted 30 Reports to the Government. In the said Reports, the Commission has, recommended,-

- (a) to repeal 135 Principal Acts and 710 Amendment Acts;
- (b) to amend 12 enactments; and
- (c) to bring fresh legislation in respect of 2 enactments.

Based on the recommendation of the State Law Commission, the State Government have so far repealed 217 enactments.

State Official Language (Legislative) Commission

The State Official Language (Legislative) Commission, Tamil Nadu has been reconstituted by the State Government under

the Chairmanship of Hon'ble Justice Thiru P. Kalaiyaran, retired Judge of the High Court of Madras. The tenure of the State Official Language (Legislative) Commission shall be for the period of five years from the date of assumption of charge by the Hon'ble Chairman. The Hon'ble Chairman assumed office on the 27th December, 2018.

The functions of the State Official Language (Legislative) 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.

The State Official Language (Legislative) Commission has so far translated 14 Central Acts into Tamil. The State Government have approved the translated version of the 14 Acts, which in turn have been sent to the Government of India for approval by the Commission.

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 31.01.2020 are 2518.

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 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.
