

LAW DEPARTMENT

**POLICY NOTE
2022-2023**

DEMAND No.33

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Introduction

The constitution of India is the Supreme Law of the land and no law that violates its provisions can be enforced. Law is but a part of human society. Its purpose is to further and protect the interest of society. In the following Kural, Thiruvalluvar has asserted that all the laws shall be based on humanity and shall have flexibility.

கடிதோச்சி மெல்ல எறிக நெடிதாக்கம்
நீங்காமை வேண்டு பவர்.

- குறள், 562.

The above Kural exhorts the rulers to be stern while administering and lenient while punishing.

In a welfare State and in a Welfare Society, law plays a significant role in

every affair of human being. Law serves as an important instrument to achieve Social-Economical development. Today, law is not viewed merely as an instrument of social control but also as an instrument of social change.

Fundamental Rights and Directive Principles of State Policy are parts of the Constitutional Scheme and they aim at the establishment of a free and a just social order based on the rule of law. Life as a whole in domestic society should include equality in all the aspects such as social, economic, cultural and political. Law made by the representatives of the people should uphold the fundamental rights and forbid legal injury to citizens.

Laws must be suitable to the present situation and they must not only be within the legislative competence of the Legislature enacting it, but also not to be repugnant to any of the fundamental rights.

Law must follow the customary forms of law making and must be a binding rule of conduct.

Law is becoming an instrument changing our society for better development towards a better civilization.

Law department of this Government frames various enactments keeping the above principles in mind and implements the policies of the Government, which are aimed at the welfare of the society.

Wherever Legislation is necessary 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 assent

by the Governor or/and the President, as the case may be. Where there is 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 draft Ordinances for the purpose and pursues further action till the publication of the Ordinance promulgated.

Further, one of the main roles of Law department is to advise all departments of Secretariat including Tamil Nadu Legislative Assembly Secretariat. Law Department offers legal advice on the issues referred to it.

Apart from this, the statutory rules, notifications and orders and deeds wherein the State Government are a party are scrutinized with reference to the relevant legal provisions and settled by the Law department.

In all litigations wherein the State Government are a party, the draft affidavits,

draft counter affidavits, reply affidavits, etc., are scrutinized and settled by the Law Department.

Law Department is also dealing with the following subjects:-

1. Legal Studies.
2. The Tamil Nadu Dr.Ambedkar Law University.
3. The Tamil Nadu National Law University, Tiruchirappalli.
4. State Law Commission.
5. State Official Language (Legislative) Commission.
6. Notaries.

Legal Studies

In the year 1953, the Department of Legal Studies was established, with the object of improving the standard of Legal Education in the State. Since then, there has been considerable 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. Another Law College was opened at Madurai in the year 1974, 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.

In the academic year 2017-2018, three Government Law Colleges were started at Villupuram, Dharmapuri and Ramanathapuram.

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 the High Court, Madras to the newly constructed campuses at Pudupakkam, Chengalpattu district and Pattaraiperumpudur, Thiruvallur district. Five Year Law Course is conducted in the newly constructed campus at Pudupakkam and Three Year Law Course and LL.M. Courses are conducted in the newly constructed campus at Pattaraiperumpudur from the academic year 2018-2019. In the year 2019-2020 three Government Law Colleges were started at Salem, Namakkal and Theni. A new Government Law College at Karaikudi in Sivagangai District has been ordered to be started with an intake of 80 students each in Five year and Three year Law degree course from the academic year 2022-2023. At present, there are Fourteen Government Law Colleges functioning in the State.

The total sanctioned student strength in all the Government Law Colleges in the academic year 2021-22 is 13526. The College wise sanctioned strength are furnished in the table hereunder:-

The Table

Sl. No.	Name of the College	Total sanctioned strength
1.	Chennai Dr. Ambedkar Government Law College, Pattaraiperumpudur. (Three year Under Graduate Law degree and Post Graduate Law Degree)	1123
2.	Chennai Dr. Ambedkar Government Law College, Pudupakkam. (Five year Under Graduate Law Degree and Post Graduate Law Degree)	1245

Sl. No.	Name of the College	Total sanctioned strength
3.	Government Law College, Madurai. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	1478
4.	Government Law College, Tiruchirappalli. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	1480
5.	Government Law College, Coimbatore. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	1480
6.	Government Law College, Tirunelveli. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	1440

Sl. No.	Name of the College	Total sanctioned strength
7.	Government Law College, Chengalpattu. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	1080
8.	Government Law College, Vellore. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	680
9.	Government Law College, Villupuram. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	720
10.	Government Law College, Dharmapuri. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	680

Sl. No.	Name of the College	Total sanctioned strength
11.	Government Law College, Ramanathapuram. (Three year and Five year Under Graduate Law Degree and Post Graduate Law Degree)	680
12.	Government Law College, Salem. (Three year and Five year Under Graduate Law Degree)	480
13.	Government Law College, Namakkal. (Three year and Five year Under Graduate Law Degree)	480
14.	Government Law College, Theni. (Three year and Five year Under Graduate Law Degree)	480
Total		13526

All the Government Law Colleges are functioning in their own buildings except the newly established Government Law Colleges

at Ramanathapuram, Salem, Namakkal and Theni. Own Buildings are being constructed for the Government Law Colleges at Ramanathapuram, Salem and Theni. Construction of own building for the Government Law College, Ramanathapuram at an estimated sanctioned cost of Rs. 76.60 crore is nearing completion. Construction work of the own building for the Government Law College, Theni along with Men's and Women's hostel are in progress, at an estimated sanctioned cost of Rs.89.01 crore. Construction of permanent building for the Government Law College, Salem along with Men's and Women's hostel is also in progress at an estimated sanctioned cost of Rs.96.54 crore. Administrative sanction has been accorded for a sum of Rs.92.31 crore towards the construction of own building along with Men's and Women's hostel for the Government Law College, Namakkal.

Additional class rooms with improved infrastructure facilities for the Government Law Colleges, Tiruchirappalli and Chengalpattu are being constructed at the cost of Rs.10.89 crore.

Most of the Government Law Colleges are having hostel facilities for both men and women students. Hostel facilities are available for the women students of the Government Law Colleges, namely, Tiruchirappalli, Tirunelveli, Chengalpattu and Vellore. Necessary action will be taken to construct hostel for the men students in the above said Government Law Colleges.

The Teachers Recruitment Board, was requested to recruit 186 Assistant Professors to Government Law Colleges in the State. So far, 109 Assistant Professors have been

selected and appointed in the Government Law Colleges in the year 2019, 2020 and 2021. Necessary action is being taken to fill up the remaining posts.

Ten Associate Professors have been promoted as Principals and posted in the Government Law Colleges during the academic year 2020-2021 and 2021-2022.

Admission to the Post Graduate degree Law Courses (LL.M) offered in the Government Law Colleges is being conducted through online from the academic year 2021-2022.

At present LL.M Courses on multiple branches with a student strength of 40 per branch are being offered in 11 Government Law Colleges.

LL.M Courses offered in the Government Law Colleges (2021-2022)

Sl. No	Name of the College	Branch of LL.M
(1)	Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur.	(1) Business Law. (2) Criminal Law & Criminal Justice Administration. (3) Property Law. (4) Labour Law & Administrative Law.
(2)	Chennai Dr.Ambedkar Government Law College, Pudupakkam.	Environment, Energy and Climate Changes Laws.
(3)	Government Law College, Madurai.	(1) Property Law. (2) International Law & Justice.
(4)	Government Law College, Tiruchirappalli.	(1) Labour Law & Administrative Law. (2) Intellectual Property Laws.
(5)	Government Law College, Coimbatore.	(1) Business Law. (2) Taxation Laws.

Sl. No	Name of the College	Branch of LL.M
(6)	Government Law College, Tirunelveli.	Constitutional Law and Human Rights.
(7)	Government Law College, Chengalpattu.	Criminal Law with Cyber Crime.
(8)	Government Law College, Vellore.	Constitutional Law and Administrative Law.
(9)	Government Law College, Villupuram.	(1) Information Technology and Cyber Security Laws. (2) Family Laws.
(10)	Government Law College, Dharmapuri.	Corporate Governance Laws and Finance.
(11)	Government Law College, Ramanathapuram.	Constitutional Law and Administrative Law.

Tuition fee concession is being given to the first generation graduate students studying Under Graduate Law Degree Courses in the Government Law Colleges.

Administrative sanction has been accorded for a sum of Rs.70 lakh per year towards conducting Moot Court competitions in 14 Government Law Colleges for selection of students for participating in the International Moot Court competitions from the academic year 2021-2022.

Tamil is offered as a medium of instruction in seven Government Law Colleges, namely, Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur, Chennai Dr.Ambedkar Government Law College, Pudupakkam, Government Law Colleges, Madurai, Tiruchirappalli, Coimbatore, Tirunelveli and Chengalpattu. Students pursuing Law courses in Tamil Medium in the Government Law Colleges are being paid a stipend of Rs.400/- per annum.

A sum of Rs.50 Lakh was sanctioned towards the purchase of Law Books, Law Journals and Legal Databases for the Libraries of

14 Government Law colleges. Wi-Fi Zones with high speed Internet facility have been set up in the Government Law Colleges at Tiruchirappalli, Coimbatore and Tirunelveli, at a cost of Rs.30 Lakh. A sum of Rs.14 lakh has been sanctioned towards conducting faculty development programme and refresher course periodically to the Assistant Professors. For conducting international workshops, seminars and conferences for the final year students of Government Law Colleges, a sum of Rs.28 Lakh has been sanctioned per annum.

In order to improve the soft skills of the law students, English Skill Development Training is provided by the Tamil Nadu Skill Development Corporation to the students of all the Government Law Colleges. Administrative sanction has been accorded for a sum of Rs. 28 lakh for the establishment of Indoor Stadium and Gym in the Government Law Colleges at Tiruchirappalli, Coimbatore, Tirunelveli, Chengalpattu and Vellore.

Book Bank Scheme is available in the Government Law Colleges at Tiruvallur, Chengalpattu, 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 acre of land to the University for its developmental activities.

A new Additional Building for Under Graduate Block for students studying in School of Excellence in Law at Perungudi Campus has been constructed at the cost of Rs.13 crore and being utilized.

The Tamil Nadu Dr.Ambedkar Law University started its academic activities 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) under

graduate degree courses with a total student strength of 3479. The University also offers Post Graduate degree courses and Research Activities.

A new branch "Maritime Law" was created in Post Graduate department of School of Excellence in Law (LL.M) from the academic year 2021-2022.

Tuition fee concession is being given to the first generation graduate students 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.

To meet out the current expenditure a sum of Rs.5.43 crore has been released as Block Grant to the Tamil Nadu Dr.Ambedkar Law University.

Administrative sanction has been accorded for a sum of Rs.46.58 lakh towards establishment of Audio and Visual Media Centre in the School of Excellence in Law in the Tamil Nadu Dr.Ambedkar Law University. Administrative sanction has also been accorded for a sum of Rs.1.67 crore for setting up of Solar Power Plant in the School of Excellence in Law at Perungudi campus.

The University being a pioneer in all aspects has awarded Ph.D. Degree for 92 scholars of the School of Excellence in Law. Now, 27 full-time candidates and 106 part-time candidates are pursuing Ph.D. Degree in this University.

NCC has been introduced as an elective subject in the Under Graduate degree Courses offered in the School of Excellence in Law. New LL.M Courses were started in the new subject "Cyber Space and Law and

Justice" at a cost of Rs.1.18 Crore in the Tamil Nadu Dr.Ambedkar Law University. Action is being taken by the University to improvise the research in the field of law to the international standard at a cost of Rs.15 Lakh.

A Legal Literacy Mission Cell, with sufficient infrastructure which serves to disseminate legal knowledge to a large mass of general public is functioning in the Tamil Nadu Dr.Ambedkar Law University. A Forensic Lab is also functioning 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 the following National and International Universities / Institutions, so as to extend its academic activities in the fields of education, training and research in law,

justice, social development and allied subjects:-

- (1) Maharashtra National Law University, Aurangabad;
- (2) The Central Depository Services (India) Limited, Mumbai;
- (3) Maharashtra National Law University, Mumbai;
- (4) Tata Institute of Social Sciences, Mumbai;
- (5) AIR Lava Academy & Research Centre, Nagpur [ALARC];
- (6) Transcripts Solutions Private Limited, IIT Madras Research park, Taramani, Chennai;
- (7) Consortium for Educational Communication, New Delhi;
- (8) Institute of Company Secretaries of India (ICSI);
- (9) Spoken Tutorials, Indian Institute of Technology, Mumbai;
- (10) Child and Adolescent Foundation of India (CA&I) and Institute of Child Development Education Research and Technology (ICDERT); and

- (11) Gujarat National Law University, Gandhi Nagar, Gujarat.

The Tamil Nadu Dr. Ambedkar Law University has launched "All India Reporter Legal Education Support Suite Project" 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 entire admission process including counselling for the Law Degree Courses offered by the Government Law Colleges, School of Excellence in Law in Tamil Nadu Dr. Ambedkar Law University and for the Government seats in Self financing Private Law Colleges is conducted online by the University through web portal

<http://www.tndalu.ac.in> from the academic year 2021-2022.

The University is taking necessary action to get NAAC accreditation with maximum score.

The Tamil Nadu National Law University

The Tamil Nadu National Law School was established at a cost of Rs.79.22 crore in a twenty five acre campus at Navalur Kuttapattu Village in Srirangam taluk, Tiruchirappalli district 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 offers five year B.A., LL.B (Honours), B.Com., LL.B (Honours) Under Graduate degree Courses and LL.M Degree Courses with a total intake of 138 students. Students are admitted to the said courses through the Common Law Admission Test (CLAT).

The details of the students admitted to the said courses for the academic year 2021-2022 are as follows:-

S.No.	Course	No. of Students admitted	
1.	B.A.,LL.B (Honours)	Resident Students of Tamil Nadu	29
		All India Basis	26
		NRI	03
		Total	58
2.	B.Com.,LL.B (Honours)	Resident Students of Tamil Nadu	28
		All India Basis	29
		NRI	02
		Total	59

3.	LL.M	Resident Students of Tamil Nadu	08
		All India Basis	09
		NRI	00
		Total	17
Grand Total			134

So far, the seats earmarked for the Resident Students of Tamil Nadu alone were being filled up by following the Tamil Nadu State Reservation Policy. Now, Government have issued orders to follow the Tamil Nadu State's reservation Policy (69%) in "All India Category" also with 50% seats for OBCs, 18% for SCs and 1% seat for STs from the academic year 2022-2023 onwards.

A sum of Rs.20 lakh has been sanctioned towards purchase of Copper reliefs and Models and for digitalization of documents, accession, registration, insurance and conservation, so as to expand the Legal

History Museum at the University Campus, Tiruchirappalli.

A sum of Rs.31.20 lakh has been sanctioned for establishing the Centre for Women Welfare, Centre for History of South India, Centre for Law & Agriculture and Centre for Investment Laws at Tamil Nadu National Law University, Tiruchirappalli.

The Tamil Nadu National Law University has entered into Memorandum of Understanding 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;

- (5) National Institute of Technology, Tiruchirappalli; and
- (6) The University of Waikato, New Zealand.

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

- (1) Association of Indian Universities, New Delhi;
- (2) Indian Academy of Social Science, Allahabad;
- (3) Shastri Indo - Canadian Institute, New Delhi;
- (4) Asian Law Institute, Singapore; and
- (5) Developing Library Network (DELNET), New Delhi.

State Law Commission

The State Law Commission, Tamil Nadu has been re-constituted by the Government on 15.06.2017 under the Chairmanship of Hon'ble Justice Thiru. Chokalingam Nagappan, retired Judge of the Supreme Court of India for a period

of three years from the date of assuming charge of the Hon'ble Chairman. The Hon'ble Chairman has assumed office on the 19th June 2017. The Government have extended the tenure of the State Law Commission which was due to expire on 18.06.2020, for further period of three years on and from 19.06.2020.

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 Court 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.

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" and requested the suggestions and

recommendations of the Commission, vide Letter dated 21st September 2017.

The present Commission has so far submitted 48 Reports (From 13th Report to 60th Report) to the Government and in the said reports, the Commission has recommended,-

- (i) to repeal 168 Principal Acts and 1400 Amendment Acts;
- (ii) to amend 13 enactments; and
- (iii) to bring fresh legislation in respect of 3 enactments.

Based on the recommendation of the State Law Commission, the State Government have so far amended One Principal Act and repealed 408 enactments.

State Official Language (Legislative) Commission

The State Official Language (Legislative) Commission has been reconstituted under the Chairmanship of Hon'ble Justice

Thiru.P.Kalaiyarasan, retired Judge, High Court of Madras. The tenure of the 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 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 so far has translated 55 Central Acts, 103rd, 104th and 105th Constitution Amendment Acts into Tamil. Besides, the Commission is also engaged in the preparation of Law Lexicon (சட்ட சொற்களஞ்சியம்). More than

18,000 words (i.e.) upto letter 'M' have been compiled so far and the work is in progress. The Commission also released the revised (fourth) edition of the Constitution of India, as amended upto 31st January 2021 in bilingual (English & Tamil) form.

Notaries

For the purpose of 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 29.01.2022 are 2434.

Sustainable Development Goals

Sustainable development is the development that meets the needs of the present, without compromising the ability of future generations to meet their own needs. 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. This Department aids in the implementation Sustainable Development Goal 16 (Peace, Justice and Strong Institutions) by providing Legal education through various Educational Institutions functioning under its control.

The Government of Tamil Nadu, by giving importance to the students belonging to the educationally backward districts have provided an opportunity to them to pursue Higher Education especially in Law. In order to cater to the needs of interested students belonging to the educationally backward districts to pursue Legal Education and thereby to achieve the said Sustainable Development Goal, the Government have issued orders to start a new Government Law College in the educationally backward district of Sivagangai District at Karaikudi with

160 seats during the year 2022-2023 to benefit the students belonging to the educationally backward areas surrounding Sivagangai district.

Law department being an advisory department gives legal frame work to the policies developed for achievement of the goals and targets by other departments and also ensures that they are consistent with provisions of the Constitution including Fundamental Rights. This department supports and aids the other departments in ensuring the achievement of all the Sustainable Development Goals.

**S. Regupathy
Minister for Law.**
