

POLICY NOTE - 2006-2007

LAW DEPARTMENT

DEMAND NO.33

1. INTRODUCTION

"Democracy" is government, by the people in which the Supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. Abraham Lincoln said, "Democracy is a government of the people, by the people and for the people".

As a pre-requisite of a functional parliamentary democracy, the Constitution of India has provided for separation of powers, for securing the basic rights of the people and has consciously introduced a scheme of checks and balances in exercise of power, with the very important object of ensuring that power is not concentrated in a particular organ, which can assume undesirable proportion. Functional distribution of power is a characteristic feature of parliamentary democracy and is essential to save the people from arbitrary action and oppressive rule. The three principal organs, the Legislature, the Executive and the Judiciary are expected to work in harmony.

The Legislature has to act within the scope of its Constitutional prerogative, it must have the legislative competence to pass the Act and the law must be consistent with the provisions of the Constitution and in particular those relating to the fundamental rights. Law is meant to serve the living. Law is a great organ through which the sovereign power of the society moves. The object of law is establishment and enforcement of justice.

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 coordination 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 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 Law department which prepares the 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 the deeds wherein the State Government is a party are scrutinized with reference to the relevant legal provisions and settled by the Law department.

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.

Law Department is also dealing with the following subjects :-

- (1) Legal Studies
- (2) Appointment and Removal of Notaries
- (3) State Law Commission
- (4) State Official Language (Legislative) Wing
- (5) Tamil Nadu Dr. Ambedkar Law University

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 of Tamil Nadu. After the creation of the Department, there has been an all-round improvement in the standard of Legal education in the State. 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 Thiruchirappalli and Coimbatore, were opened during the academic year 1979-80. During the academic year 1996-97 a Law College was started in Tirunelveli. Thus, there are five Government Law Colleges in the State of Tamil Nadu at present.

The sanctioned strength of 80 for each of the 3 year and 5 year Law Courses in Dr. Ambedkar Government Law College, Chennai has been increased to 321 and 241 seats respectively from the academic year 2006-07.

The total sanctioned strength in the Law Colleges in the academic year 2006-07 is furnished hereunder.

<u>Name of the College</u>	<u>Total sanctioned strength</u>
1. Dr. Ambedkar Govt. Law College, Chennai (Under graduate and post-graduate)	1402
2. Government Law College, Madurai (Under graduate and post-graduate)	1428
3. Government Law College, Thiruchirappalli (Under graduate and post-graduate)	1430
4. Government Law College, Coimbatore (Under graduate and post-graduate)	1430

**5. Government Law College, Tirunelveli 1400
(Under graduate)**

All the Government Law Colleges are functioning in their own buildings.

Separate hostel facilities are available for both men and women students in Government Law Colleges in Chennai and Madurai. Hostel facilities are available for the men students in Coimbatore Government Law College and for women students in Thiruchirappalli Government Law College. Hostel for women students of the Government Law College at Tirunelveli is under construction and it will be completed shortly.

Financial assistance to the extent of Rs.5.25 Lakhs has been given to seven students of Dr. Ambedkar Government Law College, Chennai to participate in Moot Court Competitions in Vienna and Hong Kong in March-April 2006.

The Directorate of Legal Studies is functioning in the rental premises. Hence, it is decided to construct a building for the Directorate of Legal Studies at a cost of Rs.25.83 Lakhs.

At present there are no hostel facilities for women students studying in Government Law College at Coimbatore. Hence, it is decided to construct a hostel for Women students of the Government Law College at Coimbatore at a cost of Rs.124.37 Lakhs.

It is decided to construct additional rooms in the existing hostel for men students of the Government Law College, Coimbatore at a cost of Rs.22.37 Lakhs.

APPOINTMENT AND REMOVAL OF NOTARIES:

For the purpose of attesting the negotiable instruments and for all recognized notarial purposes, notaries are appointed under the Notaries Act, 1952. There are 1784 Notaries in this State as on 1.1.2006.

STATE LAW COMMISSION:

The State Law Commission has submitted the following Seven Reports on the subjects specified below:-

- (1) "Unrepealed Tamil Nadu Regulations" enacted during the British Regime.
- (2) Central Laws having local application in Tamil Nadu.
- (3) "Rendering of Justice to the Villagers" in terms of the Tamil Nadu Village Courts Act, 1884.
- (4) Tamil Nadu Court fees and Suits Valuation Act, 1955.

- (5) Tamil Nadu General Clauses Act, 1867 and 1891**
- (6) Tamil Nadu Prohibition of Eve-teasing Act, 1998.**
- (7) Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.**

The tenure of the Chairman, Full-time Members and Part-time Member of the Re-constituted State Law Commission expired on 28.01.2002 afternoon and they were relieved of their duties. The State Law Commission is yet to be re-constituted.

STATE OFFICIAL LANGUAGE (LEGISLATIVE) WING

State Official Language (Legislative) Commission was constituted in the year 1965 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.

2) The State Official Language (Legislative) Commission was departmentalized in the year 1992 as a Wing of the Law Department viz, Official Language (Legislative) Wing. It is headed by an Additional Secretary to Government, Law Department. This wing functions under the over all control and supervision of the Secretary to Government, Law Department. Central Acts and the State Acts have been 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.

TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

Five Government Law Colleges functioning at Chennai, Madurai, Thiruchirappalli, Coimbatore and Tirunelveli and one private Law College at Salem are affiliated to the Law University.

To impart quality legal education in five year integrated B.A.B.L.(Hons.) Degree course, the School of Excellence in Law was established in the University campus in the year 2002.

In the year 2003 an University constituent Law College was established in Chengalpattu and 3 year and 5 year Law degree courses are offered in that college.

P.G. Departments were introduced in the University earlier, the following two P.G. Departments were introduced in the University in the year 2003:

- i. Constitutional Law and Legal Order**
- ii. Business Law**

The following two P.G. Departments were introduced in the University in the year 2005-2006.

- i. Intellectual Property Law
- ii. International Law and Organisation

Two more P.G. Departments were introduced in the year 2006:

- i. Environmental Law and Legal Order
- ii. Criminal Law

A P.G. Diploma course in General Insurance Law and Practice was established in the year 2004 in collaboration with the United India Insurance Company Limited and is continuing successfully.

The University has introduced 4 P.G. Diploma (Evening) programmes for being conducted successfully. They are:

- 1) Business Law
- 2) Information Technology Law
- 3) Intellectual Property Laws
- 4) Environmental Laws

The Tamil Nadu Dr. Ambedkar Law University has proposed to extend the Research Study facilities namely Ph.D. for persons other than the Faculty Members attached to Law Colleges affiliated, such as practicing Advocates and sitting Judges.

The Law University has proposed to offer a non-practicing Law Degree Course through Distance Education Mode leading to the award of B.A.L. Degree.

The Law University has proposed to establish a Career Guidance Placement Bureau under one umbrella to aid and advise the students.

DETAILED LIST OF PART II SCHEMES FOR THE YEAR 2006-2007.

(Rupees in lakhs)

SI No	Description of the Schemes	Ultimate Cost			Cost in 2006-2007			
		Recurring Expenditure	Non-recurring expenditure	Total	Expenditure on Revenue account	Expenditure on Capital account	Expenditure on Loan account	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	Construction of building for the Directorate of Legal Studies	0.00	25.83	25.83	0.00	10.33	0.00	10.33
2	Construction of Hostel for women students of the Govt. Law College at Coimbatore	0.00	124.37	124.37	0.00	49.75	0.00	49.75

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3	Construction of additional rooms in the existing hostel for men students of the Govt. Law College, Coimbatore	0.00	22.37	22.37	0.00	8.95	0.00	8.95
4	Construction of pay and use toilet facilities for the visitors in the Dr.Ambedkar Govt. Law College, Chennai	0.00	6.00	6.00	0.00	2.40	0.00	2.40

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5	Purchase of furniture and fittings for the Post Graduate and Research depts.. in Tamil Nadu Dr.Ambedkar Law University	0.00	5.00	5.00	5.00	0.00	0.00	5.00
6	Purchase of furniture and fittings for the School of Excellence in Law in Tamil Nadu Dr.Ambedkar Law University.	0.00	2.00	2.00	2.00	0.00	0.00	2.00

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7	Purchase of furniture and fittings for the Tamil Nadu Dr.Ambedkar Law University Law College at Chengalpattu	0.00	3.00	3.00	3.00	0.00	0.00	3.00
8	Purchase of books for the Library in School of Excellence in Law in Tamil Nadu Dr. Ambedkar Law University	0.00	2.00	2.00	2.00	0.00	0.00	2.00

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9	Purchase of books for the Library of Post Graduate and Post Graduate Diploma and Research depts.. in Tamil Nadu Dr. Ambedkar Law University	0.00	4.00	4.00	4.00	0.00	0.00	4.00
10	Purchase of books for the Library in Tamil Nadu Dr. Ambedkar Law University College at Chengalpattu	0.00	2.00	2.00	2.00	0.00	0.00	2.00

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11	Purchase of computers and accessories and office equipments for the Library of Post Graduate dept. in Tamil Nadu Dr. Ambedkar Law University and Tamil Nadu Dr. Ambedkar Law University Law College at Chengalpattu	0.00	6.00	6.00	6.00	0.00	0.00	6.00
	GRAND TOTAL (As approved by SFC)	0.00	202.57	202.57	24.00	71.43	00.00	95.43

**I. Periyasamy,
Minister for Revenue and Law**