



**Law**

**2011-2012**

**POLICY NOTE  
DEMAND NO.33**

**G.SENTHAMIZHAN  
MINISTER FOR INFORMATION, LAW,  
COURTS AND PRISONS**

©  
GOVERNMENT OF TAMILNADU  
2011

LAW DEPARTMENT

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<u>Sl. No.</u>	<u>Subject in Brief</u>	<u>Page No.</u>
1)	Introduction	1-8
2)	Legal Studies	8-15
3)	Notaries	15
4)	State Official Language (Legislative) Wing	16-17
5)	Tamil Nadu Dr. Ambedkar Law University	17-21
6)	Detailed List of Part-II Schemes for the year 2011- 2012.	23-24

**POLICY NOTE FOR THE YEAR 2011-2012**

**RELATING TO**

**LAW DEPARTMENT**

**DEMAND NO.33**

**I. INTRODUCTION**

Law is a system of rules a society sets to itself to maintain order and to provide protection to persons and property. Laws are made in accordance with socially accepted rules. The positivist view on law can be seen to cover two broad principles, namely, (1) laws may seek to enforce justice, morality, or any other normative end; and (2) law is nothing more than that a set of rules to provide order and governance of society.

According to Austin, law is "commands, backed by threat of

sanctions, from a sovereign, to whom people have a habit of obedience". Morally best institutional facts and practices which is regarded as legal laws promote the development of virtuous characters in the citizens. Law as a social institution is closely related to various other disciplines that have a direct impact on society. Human experience is the basis of law and that law is designed to meet dynamic social needs. It either adopts a pragmatic approach by treating law as an applied science which uses functional methods to investigate, analyse and solve social problems or else, it adopts a realistic approach and defines law primarily in terms of judicial precedents.

The aim of law is,-

- (1) to satisfy as many wants as possible while causing as little friction or confrontation as can be caused;
- (2) to reconcile the aims, wants and demands of the individual with those of society; and
- (3) to bring harmony into the relationship between the individual and society.

The task of law is "social engineering" and this social engineering assumed great importance in the field of social welfare.

Laws are enforced by police, supported by the Court and Prisons systems.

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 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 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 scrutinised 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 scrutinised and settled by the Law Department.

Law Department is also dealing with the following subjects :-

- (1) Legal Studies
- (2) Notaries
- (3) State Official Language  
(Legislative) Wing
- (4) 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 Thirunelveli. Orders have been issued for declaring the Law College at Chengalpattu, run by the

Tamil Nadu Dr.Ambedkar Law University as Government Law College in the academic year 2006-07. During the academic year 2008-2009 a Law College was started in Vellore. Thus, there are seven Government Law Colleges in the State of Tamil Nadu at present.

The total sanctioned strength in the Law Colleges in the academic year 2011-2012 is furnished hereunder:-

Sl. No.	Name of the College	Total sanctioned strength
1.	Dr. Ambedkar Govt. Law College, Chennai (Under graduate and Post-graduate)	2288
2.	Government Law College, Madurai (Under graduate and Post-graduate)	1428

- |    |   |      |
|----|---|------|
| 3. | Government Law College,<br>Thiruchirappalli<br>(Under graduate and Post-graduate) | 1430 |
| 4. | Government Law College,<br>Coimbatore<br>(Under graduate and Post-graduate)       | 1430 |
| 5. | Government Law College,<br>Thirunelveli<br>(Under graduate and Post graduate)     | 1430 |
| 6. | Government Law College,<br>Chengalpattu<br>(Under graduate only)                  | 1040 |
| 7. | Government Law College,<br>Vellore.<br>(Under graduate 3 years course only)       | 240  |

All the Government Law Colleges except Government Law College, Vellore are functioning in their own buildings. Separate hostel facilities are available for

both men and women students in the Government Law Colleges at Chennai, Madurai and Coimbatore. Hostel facilities are available for women students at the Government Law College in Thiruchirappalli and Thirunelveli. The construction of the hostel for men students in the Government Law College, Thirunelveli has been completed recently. For the construction of hostels for the men students of the Government Law College, Thiruchirappalli orders have been issued allotting lands in Abishekapuram village.

A hostel for men students is under construction in the Government Law College, Chengalpattu and the said work is nearing completion.

In order to enable the students to study Law in Tamil, necessary steps were taken to publish the text book in Tamil, Manuscript copies for all the subjects have been prepared and the Tamil Nadu Dr.Ambedkar Law University has published books for 27 subjects in Tamil out of 32 subjects.

Steps are being taken by the Government to fill up all vacant teaching posts in the Government Law Colleges through Teachers Recruitment Board. However, in the interest of the students, as an interim measure, orders have been issued permitting the Director of legal Studies to re-employ the retired teachers of the Government Law Colleges. Further,

the Government have also permitted the Principals of the Law Colleges to utilise Guest lecturers without approaching the Employment Exchange, subject to certain conditions.

A sum of Rs.5.25 lakhs has been sanctioned as financial assistance to seven students of Dr. Ambedkar Government Law College, Chennai for participating in the 18<sup>th</sup> annual Willem C.Vis International commercial arbitration Moot Court Competition held at Vienna, Austria and the 8<sup>th</sup> annual Willem C.Vis East International commercial arbitration Moot Court Competition held at Hong Kong during the months of March and April 2011.

The Government have proposed to establish a National Law School at Navalur Kuttapattu in Srirangam Taluk, Tiruchirappalli District, to provide legal education par excellence in our State and to set apart 25 acres of land owned by the Tamil Nadu Agricultural University for the said purpose.

**NOTARIES:**

For the purpose of attesting the negotiable instruments and for all recognised notarial purposes, notaries are appointed under the Notaries Act, 1952. The number of notaries appointed by this Government and in practice in this State as on 01.01.2011 are 1582.

## **STATE OFFICIAL LANGUAGE (LEGISLATIVE) WING**

The 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.

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 overall 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**

The Tamil Nadu Dr. Ambedkar Law University, Chennai was established by the State, with an aim to provide eminence in

Legal Education and to propagate legal knowledge in the State of Tamil Nadu. It was inaugurated by his Excellency Thiru.K.R.Narayanan, then President of India on September 20, 1997. The University started functioning from 03.10.1997. 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.

Seven Government Law Colleges functioning at Chennai, Madurai, Thiruchirappalli, Coimbatore, Thirunelveli,

Chengalpattu and Vellore and one Private Law College at Salem are affiliated to the said Law University.

Admissions to B.L. course in all Government Law Colleges are being made through single window counselling system by Tamil Nadu Dr.Ambedkar Law University, Chennai. This enables the candidates to get admission in Law Courses, without any difficulty.

A sum of Rs.1,71,56,443/- has been sanctioned towards construction of buildings for the Tamil Nadu Dr.Ambedkar Law University at Perungudi, Chennai.

University Grants Commission has sanctioned a sum of Rs.50.00 Lakhs and Rs.1,81,05,000/- to the Law University

towards General Development Assistance Scheme and for Merged Schemes during XI Plan period.

A sum of Rs.3.75 lakhs has been sanctioned as financial assistance to five students of School of Excellence in Law of the Tamil Nadu Dr.Ambedkar Law University for participating in 18<sup>th</sup> annual Willem C. Vis International commercial arbitration Moot Court Competition held at Vienna, Austria and 8<sup>th</sup> annual Willem C. Vis East International Commercial arbitration Moot Court Competition held at Hong Kong during the month of March and April 2011.

The NSS & NCC unit of the Tamil Nadu Dr. Ambedkar Law University in

association with "KRIYIA-The Foundation"  
has involved in the following activities,  
viz., Blood donation camps, Eye donation  
camps.

**DETAILED LIST OF PART II SCHEMES FOR THE YEAR 2011-2012**

(Rupees in lakhs)									
SI No	Description of the Schemes	Ultimate Cost			Cost in 2011-2012				Remarks
		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)	(10)
1	Purchase of Books for the Government Law Colleges	-	7.00	7.00	7.00	-	-	7.00	Approved by State Planning Commission.
2	Construction of Additional Class Rooms, Professor Rooms and Mini Seminar Hall for the Government Law College, Tirunelveli.	-	85.58	85.58	-	70.52	-	70.52	Approved by State Planning Commission.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
3.	Construction of Quarters for the Full time Residential Warden in the Dr.Ambedkar Government Law College Men's Hostel at Purasawakkam, Chennai.	-	9.08	9.08	-	9.08	-	9.08	Approved by State Planning Commission.
4.	Construction of Guest House over existing Canteen Building in second Floor in Tamil Nadu Dr.Ambedkar Law University at Poompozhil Campus.	-	13.40	13.40	-	13.40	-	13.40	Approved by State Planning Commission.
TOTAL		-	115.06	115.06	7.00	93.00	-	100.00	

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