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Part IV—Section 1

Tamil Nadu Bills

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Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 5th July, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 34 of 2018

A Bill to regulate the establishment of Private Law Colleges in the State of Tamil Nadu.

WHEREAS, in consonance with the spirit of Article 41 of the Constitution of India, the Government have taken a policy decision to establish adequate number of Government law colleges in the State in a phased manner, to impart legal education at affordable cost;

AND WHEREAS, the past experience revealed that private persons are not able to provide legal education at affordable cost to the economically and socially weaker sections and also not able to continue to run the law colleges;

AND WHEREAS, the Tamil Nadu Establishment of Private Law Colleges (Prohibition) Act, 2014 (Tamil Nadu Act 13 of 2014) was enacted to prohibit private persons from establishing any law college or institution providing any course of study or training in law for admission to the examination for law degrees, diplomas or other academic distinctions of the University;

AND WHEREAS, the Madras High Court, has ruled that there cannot be a total prohibition to start law colleges by private persons;

AND WHEREAS, the Bar Council of India has passed a resolution requesting all the State Governments to restrict the number of granting No Objection Certificates to start law colleges for three years;

NOW, THEREFORE, the Government have decided to regulate the establishment of private law colleges in Tamil Nadu by laying down certain norms for grant of permission to start law colleges by private persons;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:-

Short title and commencement.	<p>1. (1) This Act may be called the Tamil Nadu Establishment of Private Law Colleges (Regulation) Act, 2018.</p> <p>(2) It shall come into force on such date as the State Government may, by notification, appoint.</p>	
Definitions.	<p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) "competent authority" means the Director of Legal Studies;</p> <p>(b) "Government" means the State Government;</p> <p>(c) "Law College" means any college or institution providing any course of study or training in law for admission to the examination for law degrees, diplomas or other academic distinctions of the University;</p> <p>(d) "prescribed" means prescribed by rules made under this Act;</p> <p>(e) "private person" means,-</p> <p style="margin-left: 40px;">(i) a company, whether incorporated or not;</p> <p style="margin-left: 40px;">(ii) a registered society;</p> <p style="margin-left: 40px;">(iii) a registered trust;</p> <p>(f) "University" means the Tamil Nadu Dr.Ambedkar Law University established under section 3 of the Tamil Nadu Dr.Ambedkar Law University Act, 1996.</p>	Tamil Nadu Act 43 of 1997.
Establishment of Law College.	<p>3. No private person shall, on or after the date of commencement of this Act, establish a law college without the permission of the Government and except in accordance with the terms and conditions specified in such permission.</p>	
Application for permission.	<p>4. (1) Every private person who proposes to establish a law college shall make an application to the competent authority.</p> <p>(2) Before making an application under sub-section (1), the private person shall create an Endowment for rupees thirty lakh for establishment of a law college. The amount shall be invested in a Nationalised Bank or Government of India or Government of Tamil Nadu Undertaking.</p> <p>(3) The private person shall produce either a Bank Guarantee for a period of five years to the tune of rupees twenty lakh or a solvency certificate for the said amount obtained from the competent revenue authority.</p> <p>(4) Every such application shall, -</p> <p style="margin-left: 40px;">(a) be in the prescribed Form;</p> <p style="margin-left: 40px;">(b) be accompanied with a challan for having remitted a fee of rupees twenty five thousand (non-refundable) into the Government Treasury;</p> <p style="margin-left: 40px;">(c) contain the following particulars, namely:-</p> <p style="margin-left: 80px;">(i) the name of the law college;</p> <p style="margin-left: 80px;">(ii) the degrees and the courses for which the law college prepares, teaches or guides its students to grant or confer such degree;</p> <p style="margin-left: 80px;">(iii) the amenities available or proposed to be made available to students;</p> <p style="margin-left: 80px;">(iv) the library, moot court and other facilities for instructions;</p>	

- (v) the number of students to be admitted to each course of study;
- (vi) the situation and the description of the buildings in which the law college is proposed to be established;

(d) contain such other particulars as may be prescribed.

5. (1) On receipt of an application under sub-section (1) of Section 4, the competent authority shall verify the particulars and after making such enquiry as it deems necessary, forward the application to the Government along with his recommendations for grant of permission. The Government may grant or refuse to grant the permission for establishment of a law college taking into consideration the particulars contained in the application and also the rules, guidelines, instructions issued by the University Grants Commission, the Bar Council of India and the Tamil Nadu Dr.Ambedkar Law University: Grant of Permission.

Provided that the permission shall not be refused under this section unless the applicant has been given an opportunity of making his representations.

(2) No person shall be granted permission under sub-section (1) to establish a law college in Districts where a law college has already been established by the Government.

(3) On receipt of the permission granted under sub-section (1), for establishment of a law college, the private person shall apply to the University and other appropriate authorities for permission or affiliation, as the case may be, as required under the relevant laws.

(4) Notwithstanding anything contained in any other law for the time being in force, or in any judgment, decree or order of any court, every private person who has applied for No Objection Certificate from the Government or for affiliation from the University and whose application is pending with the Government or the University, as the case may be, on the date of commencement of this Act, shall apply for permission under the provisions of this Act.

6. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force. Application of other laws not barred.

7. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act. Power to make rules.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or the Legislative Assembly decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu Establishment of Private Law Colleges (Prohibition) Act, 2014 (Tamil Nadu Act 13 of 2014) was enacted so as to prohibit private persons from establishing any Law College or institution providing any course of study or training in law for admission to the examination for law degrees, diplomas or other academic distinctions of the University.

2. In view of the orders of the High Court, Madras in W.P.No.29536/2014 dated 26.10.2016 that there cannot be a total prohibition to start Law Colleges by private persons, the Government have decided to regulate the establishment of Private Law Colleges in the State, instead of totally prohibiting establishment of Private Law Colleges. Accordingly, the Government have decided to bring out a new legislation to regulate the establishment of Private Law Colleges in the State.

3. This Bill seeks to give effect to the above decision.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(2), 4(4)(a), 4(4)(d), and 7(1) of the Bill authorize the Government to issue notifications or to make rules, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

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

K. SRINIVASAN,
Secretary.