

Propriety Of Legal Education In Secondary Schools

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ABSTRACT: If 'Excuse of Law' is no defense then the people must be made aware of legal ramifications for their acts. To make law so obscured and only avail it to advocates or legal practitioners militates against the 'Right to Life'. The implications of non-introduction of legal education has only made us half learned, for such a person cannot avail his own rights. The paper herein therefore tries to analyze various possibilities in making legal awareness among the citizens, especially via introducing legal studies in schools. The paper finds that legal education in secondary schools can further the informed citizenry. However it also finds that the legal education should not be too ambitious for otherwise it would burden the children. Most significantly, the legal education enhances the chances of dignified life.

KEYWORDS- Ignorantiajuris non excusat, Constructive citizenry, Right to Life, Half knowledge, Non State actors.

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I. INTRODUCTION

Under statutory provisions of Indian penal code, the law mandates 'Ignorantiajuris non excusat'¹. This being so, for if the ignorance of law was to be excused then every person would escape the clutch of law. And if every person was to be excused for offence he commits, on the pretext of his absence of knowledge to that particular law, then there was no necessity for law. The situation, in such scenario, would have been in par with a society where no law exists.

A society without law, and a society where the mistake of law is excusable, would inevitably lead to a chaotic possibilities. There would be no fear of law, and law itself would be under the mercy of the man who commits a crime. It would then have given rise to a situation where the Man of Law would have found it hardest to survive. Perhaps it would have been the survival of the liars and criminals. It was therefore in the best interest of the public that no person should be able to claim for exception against commission of an offence by pretext of mistake of law.

However if one is to be liable for the crimes he commits, then there is also a necessity that one should also have the opportunity to know that that particular act is wrong. This presence of knowledge would be possible, only if one knows what the law says. Thus the need to bring awareness of the law holds huge ramifications. In this regard it is the State which has to play a significant role. Indeed State could bring a Policy wherein the legal education could be made as one of the optional subjects for the students of class XI and XII.

Indeed, it was announced by Central board of secondary education (CBSE) in 2013, that eleventh and twelfth standard students in 200 CBSE affiliated schools would have the option of choosing 'Legal Studies' as elective subject from academic year 2013-14. This 200 schools were to be pilot projects, before it could be introduced into other CBSE affiliated schools, should it be successful. However, it has got to nowhere since then despite its relevance and demands.²

Therefore this paper tries to have a look at the introduction of the legal education into the schools at the earliest possible time. It tries to understand the benefit, and a process to avail a smooth transaction to such mechanism without the education system bearing a burden upon the pupils.

¹ Ignorance of Law is no excuse.

² 'Introduce legal studies at schools in secondary level', State Times, available at (<http://news.statetimes.in/introduce-legal-studies-at-secondary-school-level/>)

II. LEGAL EDUCATION IN SCHOOLS- BENEFITS

Right to Life

A very important implication of Right to Life³, as guaranteed under the Indian Constitution, is that the State shall protect the life and liberty of every person. This fundamental right has negative as well as positive connotation. Negative in the sense that the State shall not do anything which takes away the precious rights of subjects.⁴ And a positive duty that, the State shall endeavor to protect the subject from the harms of Non-State actors.

Despite having the duty to protect its subjects, yet it cannot be ignored fact that, the State cannot always come in the protection of the individual from the actions of Non-State actors. Therefore, it is necessary that the State must also create certain situation as to when the individual can come to his own protection. Such protections can best be ensured either through proper understanding of Individual rights and liberties as envisaged in Constitution or for that matter any other statute of implication, such as IPC, Cr.P.C or Right to Information Act, among others.

Thus to take the shelter under this rights, one needs to know the law. In this regard what can be the better possibility than by way of guaranteeing access to those legal provisions in earliest possible time? This policy would advantage enormously in the implantation of legal awareness among the subject. This would but also, be helpful to create situations for early redress of aggrieved persons anguish at the first opportunity.

Lesser crimes with informed citizenry

This would invariable led be fewer crimes, as a corollary to informed citizenry. This would thus also led to better public order and the peace in the society. It also promotes the wellbeing of the democratic process of the State as the peoples are able to ensure that bureaucratic, administrative rules are in accordance to established principles of law. There will be improved adherence to law and also proper follow up of duties sanctioned by the law.⁵ Hence it would also ensure a constructive citizenry.

The understanding of the criminal offences will introduce fear among the law offenders against law infringement. Thus more obedience will be ensured in abiding with the code of conduct as specified by statutory provisions. A general awareness will also help in enjoying the rights and duties equally. As there will be lesser crimes, the rates of pendency before the courts will also crumble down and thus it will help in ensuring speedy justice along with effective judicial system.

Participation in law making process

The significance also lies in the very fact that the aforementioned undertaking will make it easier for the participation of the common people in the law making process. They can contribute to critical thinking, participate in decision making process and also give their opinions, alternatives and bring more efficient and satisfactory enactments which will have a positive impact on the public delivery system of public policies.

At the present scenario with least of legal knowledge among the peoples, the participation of citizens upon the policy making process is minimal. Mostly it is due to feeling of alienation with legal knowledge which embeds a feeling that much can't be contributed without having basic ideas of working of legal framework. Thus with basic ideas being known, the public can participate in policy making and thus give meaningful expression to democracy.

Attraction towards legal studies

Today, despite the fact that huge prospect also lies in legal study however there is very few interest shown by students. Introduction of the legal studies in the schools will play a role in creating an interest in law as the students will have early taste of legal studies. This will also enable the students to take up the legal studies seriously. Thus secondary level can be stepping stone for introductory scheme to law, before enrolling oneself to Law graduation.⁶

New carrier avenues

There will certainly be a new opening to new carrier avenues, especially for children in two minds over medical or engineering, as is the trend today. The State therefore is able to free itself of mammoth tasks in empowering the people to secure government jobs, as they will become self-employed. It will also led to more employment, as the secured and established lawyers will need employees in theirs undertakings too. The advantage of such a mechanism lies in the fact that the State can save time and money and will also be in better position to elevate the condition of the other urgent matters thus there lies better economic prospect and eventually furthering the growth of the nation to the maximum.

³Art. 21 of Indian Constitution.

⁴State denotes the same as one envisaged in Art. 12.

⁵Such as the ones envisaged by Part IV of Constitution of India.

⁶'*CBSE to teach law to kids, early dis/advantage*', Legally India, available at (<https://www.legallyindia.com/pre-law/cbse-schools-to-teach-law-to-kids-early-dis-advantage-20130409-3580>)

Not unnerving the unaware

There will be more efficiency in the judicial system and more well administration of the justice system. This being so because, should one know the laws of the land then it would perhaps dissuade him from committing those crimes, for which later he cannot be heard to say he was unaware of.

Perhaps this is also important because the laws should not be an instrument to unnerve the common mass, rather it should become a tool to get rid of commotion that prevails due to commission of offences among public. It will also help develop an informed and unprejudiced questioning mindsets towards law and legal matters. The intricacies of the laws, therefore can be best solved, should the legal education be introduced among the students in secondary schools.

III. WHAT TO TEACH

One important factor which needs to be kept in mind is that the law which is introduced should not be overly ambitious and must be kept within reasonable bounds, so as not to be too technical. At this stage the main emphasis for introduction of legal studies in schools, should be to develop critical thinking, delinquency prevention and significantly to overcome the incredible ignorance in matters of legal nature. Law should not become the privilege of the few.

Various topics and themes can be taught at this level to create among the students an awareness and understanding of the relationships between certain legal principles and many issues that persist in today's modern civilization. This could be topics ranging from environment, consumerism, industries, jobs etc. Thus the course should be to develop an understanding towards the legal nuances appropriate for all, so as to seek their active participation in life. This laws however must not be the ones which are seeking immaculate understanding of rules and regulations. For as stated, the main objective of imposing the law as a part of education in schools is not to build a skilled experts, but to open up their inquisitive minds.

Hence it could be said that the main aim sought would be to assist students:

- To understand the main functions and limits of law relevant in ordinary phase of life.
- To help regulate the behavioral pattern.
- For enhancing better communication on nuances of law.
- To appreciate law which are closely related to one's personal life.

In secondary levels, aim should not be to chalk out children as experts of law, rather be taught to doubt and question the issues in hand. Thus it should try to inculcate caution, not deliver specialist of law profession.

The delay caused in introducing the legal studies only deepens the ignorance among the citizenry. The laws which can be introduced at this level could be the central themes on history, contemporary and future changes befalling upon legal studies. It should also teach on culture and values of the society such as human rights, equality and discrimination based on various counts. Other subsidiary themes could be the basics of Laws of Crime, Motor Vehicles Act, Right to Information Act, Domestic Violence Act, Indian Contract Act, Constitution of India, Human Rights Conventions, Environment Laws, Family law, Laws relating to Women and Child etc.

The Law on crimes would be a statute which deals with the offences against the human body. Before claiming any other rights, it is one's own body, which everyone tries to ensure, is protected. Since Indian Penal Code is dealing with immediate rights of a person, hence the need arises to much more extend that one should know the implications which would arise in any given circumstances.

Likewise, the laws in relation to women, children and environment are as much of significance as any other law. Women and children being the most vulnerable section of the society needs to be protected. In similar vein the need for the conservation of the forest is a major responsibility of every individual. Law perhaps would help in furthering the co-ordination between the rights and responsibilities of persons.

However the most important of all the laws is the Constitution of India. All rights and duties which arise from the different statutory provision is ultimately flowing down from the Constitution. It places limitation over the scope of various bodies such as legislature, executive and judiciary and other emergent exigencies. Therefore study of any law without taking into account the Constitution would sound futile.

It is also significant point to be noted that law should be taught by teachers with legal education. They must also be aware about the philosophy of purpose behind introduction of legal studies. Such teachings can also be made more interesting by holding seminars and court visitations along with calling upon leaders. It would also be tremendously helpful, should publications be made of legal studies for people not from law background.

IV. CONCLUSION

The rights and duties would perhaps be perverse for holding a person responsible to his unlawful actions, if it penalizes him without having him informed of laws, when such information is possible as well as

necessary. This is amply clear in provisions of Article 21 of Indian Constitution which guarantees Right to Life and Personal Liberty. With the introduction of the legal studies the level of disharmony and haphazardness of execution of any policy along with the apathy shown over various statutory provisions shall minimize down. There shall be greater respect, regard and obedience towards the law and law implementers.

Peoples who were left out in dark as regards the law can become aware of it. It will help not only the State to maintain the decorum and harmony in the country but also avail the person to familiarize himself with the law and protect himself against tyranny and make him sure that whatever steps he takes is being done lawfully. With the understanding of the law, one can dramatically enhance the quality of the life one is living. However to develop such opportunities the State must implement and impose the legal studies at the secondary level at the earliest. For, each year thousands of students pass out of secondary schools and enter the adulthood, but without knowing the laws which has effects on his immediate personal life and liberties.

It would also be better should the nuances of imparting legal education be taken a cue from the other nations where legal education is provided in early schooling days. However in doing so the policy makers must also understand the practical differences that exist within the countries. Ours policy makers must remember that ours is hugely diverse State, with variations in language, ethnicity, geography, history and thus is with sub-continental dimensions. Nevertheless the imparting of legal education should be done in immediate future so as to reap the benefits of informed citizenry.

Suggestions-

- Legal Education be imparted by those from legal background.
- The education system should not be too ambitious.
- Laws relating to women, children and those in relation to basic rights be given emphasis.
- Legal studies must lead to appreciation of legal learning and not overburdening upon children.