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IMPORTANCE OF LEGAL EDUCATION FOR JUVENILES

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Abstract

Studying general laws in early age will abundantly ameliorate one's cognitive potential, most fundamentally, as to "How to think," and a sensible thinking process will have affirmative outcomes in constituting the present juveniles and youths as responsible citizens and will drastically flatten the curve of the trajectory of crimes committed by them.

Points discussed

1. Introduction
2. Law and religious texts
3. Cognitive capacity of the children
4. Juveniles and relevant laws protecting them
5. Indulgence of juveniles in crimes and the reason thereof
6. What is supposed to be included?
7. What is to be achieved?
8. Conclusion

Introduction-

Today's children are the tomorrow's future. The most precious gift from the almighty and the special personal and public assets. Children are anticipated to be respectful, obedient, and having positive qualities in them. However, their indulgence in serious crimes like murder, gang rape, dacoity etc. is a harsh actuality in India and is increasing by leaps and bounds which attracts a serious public concern. Apart from the socio-cultural environment, poverty and other like factors, lack of education is one of the most crucial factors which enables the children i.e. the juveniles to commit crimes. Therefore it is suggested that, strengthening the school education system with the insertion of the study of some general legal concepts as a compulsory paper will be helpful to

sensitize the pupils in their everyday dealings with others and will constitute them as sincere and responsible citizens. And ultimately this will lead to reduce down the rate of crimes committed by the juveniles or their indulgence in the same.

Law and Religious texts

Apart from imparting justice, resolving disputes and vindicating rights of the individuals, the most fundamental purpose of Law is to establish peace in the society and to ensure public good. The Indian jurisprudence¹ derives its origin from the ancient concept of 'Dharma,' which was mainly considered to be the very weapon to discipline one's mind. The practice of 'Dharma' enabled citizens to inculcate a sense of discipline in regulating themselves in the society.

Not only Hinduism, but the primary object of all other religious groups and their respective religious scriptures, is to ensure common good and wellbeing of the human beings as well as other living creatures. Giving zero potential to the multifaceted views of the self God-man, fake gurus etc., one can never deduce any interpretation of those scriptures which may have negative and harmful effect on the mankind.

Cognitive capacity of the children

According to Jean Piaget, a Swiss Psychologist who is renowned for his scholarly work on child development and his theory of "Genetic epistemology", which is a cumulative theory of cognitive development of the children and the epistemological view.² In this theory, Jean Piaget identified 4 (Four) cognitive stages of childhood development, those are;

- i. Sensorimotor stage i.e. from birth to 2 (two) years,
- ii. Preoperational stage i.e. from age between 2(two) to 7 (seven) years,
- iii. Concrete operational stage; between age 7(seven) to 11 (Eleven) years,

¹ Himanshi Mittal, Jurisprudence, Second Edition 3 Universal Publication (2015).

² 4 cognitive stages for child development, (Apr. 29, 2020, 3.30 pm), <https://www.learningrx.com/4-cognitive-stages-for-child-development/>.

iv. Formal operational stage; between age 11 (Eleven) and Older.

In the last two stages of cognitive development i.e. concrete operational stage i.e. from 7 to 11 and Formal operational stage from 11 and older, are the most crucial stages of the childhood. As in the 'Concrete operational stage' the children become more aware of the external events as well as the feelings other than their own. In addition to that they become more egocentric and begin to understand that everyone does not share and value their thoughts, feelings or beliefs.³

And in Formal operational stages, the children, most importantly, are able to use logic to solve problems, view the world around them and plan for the future. Therefore, the two stages are considered to be the most crucial and fundamental stage of the child's development as it becomes capable to distinguish between what is right and what is wrong.

Juveniles and relevant laws protecting them

The Indian Penal Code, 1860 exonerates the children under seven (7) years of age from all kinds of criminal liability (Doli In capax),⁴ and inflicts partial criminal liability on the children aged between seven (7) to twelve (12) (Doli capax).⁵ Besides, there are other legislation like Juvenile Justice (Care and protection of Children) Act, 2015 which envisages different forms of treatments towards the children in conflict with law who are below eighteen (18) years of age. However after the occurrence of the Delhi rape case in the year 2012,⁶ considering the huge public outcry and other issues, the legislature passed the 'Juvenile Justice (care and protection) Act, 2015' in which a new provision was added, which states that; if a juvenile aged between 16-18 years and is charged of heinous offences, then he will be tried as an adult.⁷

Apart from that there are other International instruments and guidelines relating to the protection and development such as United Nation Convention on the Rights of the Child

³ Concrete operational stage, Formal Operational stage, 4 cognitive stages for child development, (Apr. 29, 2020, 3.30 pm), <https://www.learningrx.com/4-cognitive-stages-for-child-development/>.

⁴ Act of a child under seven years of age, The Indian Penal Code, 1860, Section 82.

⁵ Act of a child above seven and under twelve of immature understanding, The Indian Penal code, 1860, Section 83.

⁶ 2012- Delhi rape case, Commonly known as Nirbhaya rape case, where a Juvenile was found to be involved and the injury inflicted him was claimed to be the most brutal one.

⁷ Preliminary assessment into heinous offences by Board, The Juvenile Justice (care and protection of children) Act, 2015, Section-15

(UNCRC),1989, International Covenant on Civil and Political Rights (ICCPR),1966, United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), 1990 and likewise.

Indulgence of juveniles in crimes and the reasons thereof

The rate of crimes committed by the Juveniles in India is increasing day by day. Petty offences in general and serious offences in particular are being committed continuously by the juveniles in India. Criminal offences like burglary, theft, snatching etc. which are deemed to be the offences less serious in nature and crimes such as murder, dacoity, robbery, gang rape, which are comparatively serious offences committed, unfortunately, by the juveniles below eighteen (18) years of age. As per the statistics published by the NCRB,⁸ the trajectory of the curve of the indulgence of the juveniles in committing heinous offences has been going upward eventually.

In the Delhi rape case (Nirbhaya) in the year 2012, one minor was there amongst the six accused and the injury inflicted by the such minor accused was claimed to be the most brutal one, though without any proof of the brutality thereof. But, certainly his involvement was there and his mere involvement in such a heinous offence provides sufficient insights as to how culpable may be the minds of the juveniles of the present generation.

When we look into the very reasons which compels the juveniles to commit such heinous offences, the common reasons one can come up with are; socio-cultural environment i.e. both inside and outside of one's house, poverty, lack of education, drug abuse, easy availability of fire arms, family violence etc.⁹ However the *lack of legal awareness* in the juveniles has hardly been identified as one of the effective reasons of the increasing rate of crimes by the juveniles.

⁸ According to the data published by the 'National Crime Records Bureau (NCRB),' in the year 2013, 43,506 crimes have been registered against minors under the Indian Penal Code (IPC) and the Special Local Law (SLL) by juveniles and amongst them 28,830 had been committed by those between the ages of 16 to 18, which is more than 60% of the total number of crimes by the juveniles. And the crimes against women committed by juveniles was highest in cases where the modesty of a woman was outraged (132.3%) followed by word, gesture or act intended to insult the modesty of a woman (70.5%) and rape (60.3%).

⁹ K.J Anand, Reasons of juvenile crimes, Juvenile crimes in India, (Apr.30, 2020, 12:30am), <https://youthaction.in/2016/09/juvenile-crimes-in-india/>.

Therefore, time has come to sensitize the juveniles about their conduct, the way they think, the way as to how one should differentiate between right and wrong, rights available to them and the extent of such right and likewise.

As the Constitution of India has made the Right to Education a fundamental right¹⁰ and the very obligation of the state is to provide free and compulsory education to all children of six to fourteen (6- 14) years of age. So the insertion of some concepts of general provisions of law in the education system of the school going children will be abundantly fruitful to constitute them as good human beings as well as responsible citizens of the nation. And, most importantly, it will be helpful in all possible way to reduce down the rate of crimes by the juveniles and flourish their future.

What is supposed to be included?

It is not that the aforesaid pupils will have to learn the procedures prescribed by the law in various procedural laws like the 'Code of Criminal Procedure, 1973' or the 'Code of Civil Procedure, 1908' or the 'Indian Evidence Act, 1872' and other like legislations, neither they need to know the Entire Indian Constitution and the Indian Penal Code, 1860 at the fullest.

Therefore, Instead of remembering the exact provision of a particular legislation, the paper pertaining to legal education should only contain some general concepts and principles of law. The following general concepts appear to be prudent and reasonable to be included in the course curriculum of the pupils coming under the bracket of juveniles and also for the graduating students as a compulsory paper; namely,

- I. The concept of law and morality and their inter-relation with each other,
- II. Primacy and supremacy of Law, the concept of Rule of Law and Rule by Law,
- III. Fundamental duties, reciprocating obligations between the state and the individuals,
- IV. Fundamental rights, concept of freedom; that one can exercise its freedom at the fullest as long as it encroaches the freedom of others,
- V. Concept of reasonable restrictions,

¹⁰ Indian Const. art. 21 A.

- VI. Concept of liability, both civil and criminal and their extent,
- VII. Some criminal offences which are comparatively less serious, like; theft, burglary, cheating, stalking, voyeurism etc.,
- VIII. Some serious offences like Murder, rape, gang rape, dacoity and other like offences
- IX. The act of private defence, and its extent which one can exercise it lawfully,
- X. The theory of Punishment, it's various categories and it's brutality etc.,
- XI. Illicit usage of narcotics and other like products and the repercussions thereof.

All the above mentioned concepts are to be understood along with it's brutal consequences which may refrain an individuals from committing any act forbidden by law.

What is to be achieved?

The prime object behind the insertion of legal studies in school education system is mainly to penetrate the concept of self discipline, self consciousness, self preservation and to establish the balance between the liberty of the individual and the action of the state. In addition to that there are some more possible outcomes which are to be achieved, namely;

- I. Study of various legal concepts, their objectives and prescribed consequences like punishment will sensitise the individuals in their way of dealings with others and refrain them from committing crimes.
- II. Channelizing the cognitive capacity of the children, so as to enable them to do something good instead of involving themselves in culpable activities.
- III. To ensure the establishment of idealistic balance in the relation between the individuals and the state.
- IV. Enhancement of respect in the mind of an individual towards the liberty of others.
- V. Reduction in the rate of crimes committed by the juveniles.
- VI. To constitute them as sincere and responsible citizens of the nation.

Conclusion

The fact accepted in all hands that, nobody is born criminal. As discussed above, the factors like socio-economic conditions, lack of education, poverty, drug abuse, effect of social media etc. are considered to be having ample role in shaping one's life and overall personality. However, amongst all the aforementioned factors 'lack of education' i.e. 'lack of quality education' seems to be the primary cause. As the right to Education (U/A- 21-A of the Constitution of India) has got the status of fundamental right which states about the positive obligation of the state to provide free and compulsory education to the children of 6 to 14 years of age which is considered to be the fundamental duration to shape one's nature and cognitive capacity. Starting from school till the graduation students do study some compulsory subjects like 'Environmental studies' irrespective of their stream chosen.

Hence, by considering the increasing indulgence of juveniles, youth in criminal offences, it will never be imprudent to admit that, it is the very demand of the contemporary period to include another compulsory subject containing study of general legal concept with giving soft importance to the exact legal provision of a particular legislation. By doing so, it will enhance one's potential of reasonable thinking, sensitize the individual about the brutality of the punishment for offence (if committed), their rights and liabilities, obligation towards the state and etc. And these all will certainly have affirmative effect on shaping their nature and reducing the rate of crimes committed by the juveniles in the country.

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