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# Sex Education in India: A Topic of the Records in turn Affecting the Demeanor

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PROF. AVINASH BHAGWAN AWAGHADE<sup>1</sup>

## ABSTRACT

*A few days ago, I saw the UNICEF advertisement where one teenage girl got her monthly menstruation and unfortunately, she was in school, it was difficult for her to understand what is happening and other students started making fun of her. She must have been devastated not knowing what is happening to her and then other students laughing at her. It is rather surprising that a teenager is not aware of her body and nothing about her body, sex, menstruation is told to her. These kinds of incidents can be avoided when young children especially girls get education about their bodies and sex. Not many in the society in India and elsewhere are open to the idea of sex education. Talking about sex is considered a taboo in India and it's still a hush-hush topic and can't be discussed with parents, elders, teachers among others.*

*It is astonishing that we shy away from this topic in the 21st century also. The question arises why we have made it a hush-hush topic. We keep this topic top secret, confidential and highly restrictive meaning we discuss it with few only or in restricted groups. It's a natural instinct among human beings to be curious about sex. Amusingly sex education is considered a complete personal matter and is not in the public spheres. It is also believed, sex education is for the west, Indian teenagers or young people need not have knowledge about it.*

*This paper revamps the understanding of sex education in India and its cultural dimensions, the scope of sex education, its legal implication, and initiatives taken by the government of India and how do we take it ahead.*

**Keywords:** *Sexual Rights, Human Rights, Sex education, Behaviour, Indian Constitution*

## I. INTRODUCTION

Let's understand the term 'sex', It refers to the biological distinguish between human and other living creatures. It has primarily concern about physical and physiological character of human being. It is usually categorized male or female but due to some hormonal imbalance or you can say genetical/biological attributes transgender is now been recognised as different types of sex

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<sup>1</sup> Author is an Assistant Professor in Law at CMR School of Legal Studies, CMRU Bangalore, India.

which is different than male or female sex.<sup>2</sup>

Now turning toward the sex education, it is nothing but the teaching human values to the learner with objectives to develop moral and ethical sense towards the sex and sexual behaviour.<sup>3</sup> Generally, it is expected from the child the good and sensible reaction, who have developed the judgement and conscience relating to sex, personal relation, private parts of human body, sexual intercourse, masturbation, menstruation.

There is a huge misconception and misleading literature available in sex education market which would confuse and develop the misconception and fear about their genital organ/sex organ. Further this wrong understanding could lead in involvement in crime and sexually misbehaviour. The sex education and biological education of reproductive system of human should develop concrete connection while imparting sex education at school level.<sup>4</sup>

## **II. THE SCOPE OF SEX EDUCATION IN INDIA AND ITS CULTURAL DIMENSIONS**

The open discussion on sexual behaviour, sexuality, health issue of genital organ and topic relating to SEX are commonly considered as taboo in Indian cultural society. Therefore, if you tried to discuss or open your mouth on sex related it will be considered as shamelessness, irresponsible and porn-centric behaviour. Therefore, even in 21st century topic of sex education hasn't been openly accepted by society, parents, teachers and policy makers. The political ban of imparting sex education to adolescents, will be supported by argument that promoting sex education in Indian society will corrupt so called 'Indian Values' and 'religious values of youth'.<sup>5</sup>

Some orthodox view will charge sex education by arguing that sex education has no place in Indian culture and rich tradition, this religious insight will kill the very purpose of sex education by limiting the scope and confining it only with reproductive system of human. The health educators, social worker who are devoting their life towards promotion of sex education will patiently gradually build the sex education and its need in Indian society.<sup>6</sup>

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<sup>2</sup> Meaning and definition of term sex- Canadian Institutes of Health Research available at <https://cihr-irsc.gc.ca/e/48642.html>

<sup>3</sup> Anil Kumar, The Singular Standpoint of Sex Education: An Overview, *International Journal of Arts, Humanities and Social Studies (IJAHSS)* ISSN: 2582 – 3647(Online) Volume: 2; Issue: 6; Pages: 24-30|| Nov-Dec. 2020|pp-24-30

<sup>4</sup> Michael J Reiss, Reproduction and sex education In: Kampourakis, K. & Reiss, M. J. (Eds) *Teaching Biology in Schools: Global research, issues, and trends*, Routledge, New York, pp. 87-98. available at <https://www.researchgate.net/>

<sup>5</sup> Ismail, Shajahan et al. "Adolescent sex education in India: Current perspectives." *Indian journal of psychiatry* vol. 57,4 (2015): 333-7. doi:10.4103/0019-5545.171843 available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4711229/>

<sup>6</sup> Dwyer RG, Thornhill JT. Recommendations for teaching sexual health: How to ask and what to do with the

A petition was filed by Smt. Asha Sharma and other to Raja Sabha (Upper house of Indian parliament) praying for putting on hold the proposal to introduce sex education in CBSE affiliated Schools was opposed by putting ground in the petition that sex education will corrupt Indian youth and lead to collapse of education system; that sex education will transform student-teacher relation into that of a man and woman that it is an education to sell condoms; and that it will lead to creation of immoral society and also lead to a growth in single parent families.<sup>7</sup> Sexual health issues like a menstruation are strongly considered as private talk and confined in wall of strict social norm. These cultural and narrow mind approach restricting the right to have sexual education as part of right to health.

The opponent of sex education should know that even though India was and are considered as one of the most conservative countries in the world was extremely liberal and open about the concept of sex education and sexology i.e., Kamasutra even before the 12th century. Sex education and its behavioural study was even taught and openly recognised as a formal subject in human values and education in India. In informal education symbolic representation can be found in literature like Kamasutra and Khajuraho. It was written in ancient time around 400 BCE–200 CE.<sup>8</sup>

A very limited scope of sex education in existing formal education prevalent the sexual abuse of girl as well as boys. Unfortunately, the child is growing with misunderstanding, misconception and this half-baked knowledge will lead in ignorance of sex related diseases and issues. The situation becomes uglier for the girls, and subjected to sexual abuses.<sup>9</sup>

Imparting sex education is now a demand of law and society. It needed to be included in formal education as part of curriculum. Moreover, teaching sex education with scientific approach is important. It is an art and as well as science hence educator/instructor need some special type of training and induction before assigning them the task of imparting sex education. At present the scope of sex education is very limited to basic human anatomy, study of reproductive system and some psychological tenets. In the modernisation and globalisation of culture, human values, and ethics the scope of sex education is required to be extended to sensitize issues relating to sexually transmitted disease particularly HIV AIDSs, Sex hygiene, fertility issues,

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answers. *Acad Psychiatry*. 2010; 34:339–41. available at <https://pubmed.ncbi.nlm.nih.gov/20833901/>

<sup>7</sup> Rajya Sabha Hundred and Thirty-fifth Report on Petition praying for national debate and evolving consensus on the implementation of the policy for introduction of sex education in the Schools available at <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Petitions/135%20Report.htm>

<sup>8</sup> Swetha Vijayakumar, *The Sacred and the Sensual Experiencing Eroticain Temples of Khajuraho*, published on 11/12/2017 available at <https://doi.org/10.4000/viatourism.1792>

<sup>9</sup> Papatthanasious I, Lahana E. Adolescence, sexuality and sexual education. *Health Sci J* 2007; 1:8. available at: [http://www.hsj.gr/volume1/issue1/issue1\\_review2.pdf](http://www.hsj.gr/volume1/issue1/issue1_review2.pdf)

menstruation, sexual psychology.<sup>10</sup>

In identification of particular need of sex education to public at large we can classify the age group of targeted learner/students in following ways<sup>11</sup>

- A. children -The child who is below the age of puberty or primary school going children.
- B. adolescents / teens – The child who is in the process of developing physically and psychologically in to adult. The child between 15 to 19 years of age or secondary and higher secondary school going children.
- C. young adults / youths – The youngster, the adult person who has completed the age of 21 or early twenties.
- D. Adults- The person who are fully grown or physically and mentally developed and has conscience of sexuality.

Sexuality education have been an objective like addressing biological, psychological aspect and to develop the approach and belief and values about sexual identity. It helps human being specially youngster people to form values, opinions, about their own sexual behaviour and others too.

### **III. SEX EDUCATION AND INDIAN GOVERNMENT INITIATIVE**

A per the report for the Universal Periodic Review of India<sup>12</sup> In India there is no comprehensive and universal sexuality education in schools. The lack of compulsory and essential sexuality education in formal as well as informal education curriculum violate the human rights of Indian adolescents and young people. Sexuality education shall be included in formal as well as informal both in and out of the classroom/school.

The Central Government has taken positive efforts on promotion and imparting sexuality education at school level. The main focus of central government policy was to control population and awareness of HIV infection through sex education. The initiative has been taken to develop life skills programs and skill development to engage youth energy in productive work. This policy was undertaken since ,1993 form National Education Policy-1993.Further, Central government has taken the initiative to develop the Adolescences Education Programme

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<sup>10</sup> Rashmi Tiwari Shukla, Sex Education at a Crossroads, Indian Institute of Sexology Bhubaneswar (December-2016)

<sup>11</sup> Aurel Bahnanu , Remus Runcan, Sex Education Revisited: School-Based Sex Education, Analele Universității “Eftimie Murgu” din Reșița, FASCICOLA DE ȘTIINȚE SOCIAL-UMANISTE ANUL VI, 2018

<sup>12</sup> Report to The United Nations Human Rights Council For The Universal Periodic Review of The Republic of India on the Lack of Comprehensive Sexuality Education in India available at [https://lib.ohchr.org/HRBodies/UPR/Documents/Session1/IN/YCSRR\\_IND\\_UPR\\_S1\\_2008\\_YouthCoalitionforSexualandReproductiveRights\\_uprsubmission.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session1/IN/YCSRR_IND_UPR_S1_2008_YouthCoalitionforSexualandReproductiveRights_uprsubmission.pdf)

(AEP) through NCERT. It was shaped in 2005 under National Curriculum Framework (NCF) 2005.<sup>13</sup> But the State Governments were opposing and unwilling to set up sex education at school level. The unwelcoming of sexual education policy was later resulted in ban on sex education by 12 State government including Gujarat, Madhya Pradesh, Maharashtra, Karnataka, Kerala, Rajasthan, Chhattisgarh and Goa.<sup>14</sup>

A scheme for AEP positively promoted by the National AIDS Control Organization (NACO) and the Ministry of Human Resource Development (MHRD), Government of India, in the school curriculum.<sup>15</sup> The main objectives of the AEP were

- A. To ensure the adoption of Adolescence Education aspect into formal school curriculum i.e., syllabus and develop teachers training and education courses.
- B. To organize and impart life skill activity and develop the skills of children
- C. To promote and aware students with scientific and adequate knowledge about reproductive system and sexual health care including drugs and sexual abuses issues. Like HIV/AIDS, menstrual issues health related aspect.
- D. To develop responsible behavior towards HIV/AIDS and sexuality behavior.

It was controversial and opposed by the religious people on the ground of that the AEP is corrupting the Indian values and rich customary traditional values. It was argued that sex education is western culture and westernisation of Indian education would lead in irresponsible behaviour and promote sexuality of the youth.

Another initiative of Indian government was coming in form of Adolescent Reproductive and Sexual Health (ARSH),2005. This programme initiative indeed with vision and objective to spotlighted the need of reproductive system education and sexual health. The targeted group of students was adolescents. This program action initiative tried to included sex education messages and content in school curriculum. Further The National Rural Health Mission (NRHM) taken the progressive step in establishment of framework and national guidelines under the authority of Ministry of health and Family Welfare.<sup>16</sup>

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<sup>13</sup> Jiji Jose, The Need of Sex Education in School Curriculum- A Case Study Research report submitted to the Government of Kerala under State Planning Board Internship Programme 2018-2019 available at <https://spb.kerala.gov.in/sites/default/files/inline-files/17.SEXEDU.pdf>

<sup>14</sup> Tripathi N, Sekher TV (2013) Youth in India Ready for Sex Education? Emerging Evidence from National Surveys. available at PLoS ONE 8(8): e71584. <https://doi.org/10.1371/journal.pone.0071584>

<sup>15</sup> The Adolescence Education Programme (AEP), available at <http://aeparc.org/pages.php?id=aboutlse&ln=en>

<sup>16</sup> Nair MK, Leena ML, Thankachi Y, George B, Russell PS. ARSH 1: Reproductive and sexual health problems of adolescents and young adults: a cross sectional community survey on knowledge, attitude and practice. *Indian J Pediatr.* 2013 Nov;80 Suppl 2:S192-8. doi: 10.1007/s12098-013-1136-2. Epub 2013 Aug 11. PMID: 23934098. available at <https://pubmed.ncbi.nlm.nih.gov/23934098/>

In 2014, National Adolescent Health Program Central Government Ministry of Health and Family Welfare launched special health care programme for adolescents the objective of said programme were to focus on nutrition development, promotion of reproductive health care education and prevention of sexual abuse by educating younger generation. This programme was also called as the *Rashtriya Kishor Swasthya Karyakram* .in January, 2014. Under this programme government promoted the tagline called as *Saathiyas* (Good Friend) of adolescents, who would help him/her in sexual health problems, HIV/AIDS infection assistance and awareness about reproductive system of human being.<sup>17</sup>

School Health Program (SHP) this programme was introduced by central government in ,2018 under the National Health Policy Protection scheme called as Ayushman Bharat. It was collective initiative health ministry and human resources development (MHRD). In this programme teacher were encouraged to become part of this scheme. Two teachers form every school would be nominated for further training and this teacher will help and promote students interest in overall development of students in life skill development, engagement of students in productive and substantial work of life skill. The programme also promoted sexuality education among child around 14 years of age.<sup>18</sup>

Sex education was and are included in school level but it was made on paper and not really executed by stakeholder of education. The controversy about contents, public dissatisfaction and limited scope of sexuality education were pitfall of sex education policy. Rather these government policies were general guiding principles of health awareness without any particular aspect of need and indeed of sexuality education in school curriculum.

#### **IV. SEX EDUCATION, SEXUALITY RIGHTS AND ITS LEGAL IMPLICATIONS**

It is legal as well as social obligation of State and other stake holder of sexuality education that to contribute in development of child capacity and sexuality sense of age-appropriate behaviour of child. the itself necessitates an obligation on the State and non-State actors like the family and community to contribute towards developing age-appropriate capacities with respect to sexuality and sexual health. Yet very few legislations have recognised the sexuality health and protection. The protective shield for children rights of sexuality and sexual health is the Protection of Children from Sexual Offences Act, 2012 (POCSO) the purpose of legislation is

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<sup>17</sup>Ministry of Health and Family Welfare, National Health Mission, available at <http://nhm.gov.in/index1.php?lang=1&level=2&sublinkid=818&lid=221>

<sup>18</sup> LexQuest Foundation , Policy Brief Sexuality Education in India: Curriculum in the Sheets, Silence in the Streets ,(January 2020) available at [https://lexquest.in/wp-content/uploads/2020/01/LQF-Policy-Brief-Sexuality-Education-in-India\\_-Curriculum-in-the-Sheets-Silence-in-the-Streets.pdf](https://lexquest.in/wp-content/uploads/2020/01/LQF-Policy-Brief-Sexuality-Education-in-India_-Curriculum-in-the-Sheets-Silence-in-the-Streets.pdf)

to protect the children sex autonomy. The main objective of the Act was to give protection of children from numerous types of sexual abuses and offences. It has included the wide range of criminal behaviour and conduct like sexual acts, touching, caressing, and kissing, to penetrative sexual intercourse.<sup>19</sup>

The important legislation titled the Protection of Women from Domestic Violence Act, 2005 has protected domestic relation and prohibited sexual harassment and violence in domestic relation. However, this Act failed to recognize sexual violence and sexuality rights between same sex marriage.<sup>20</sup>

The Immoral Traffic (Prevention) Act. 1956. which came in to force with objective to prevent sexual harassment and immoral human trafficking of woman and child for prostitution and bagging activity.<sup>21</sup> Prostitution i.e., Sex workers in India are very vulnerable and subjected to greater risk of victimizing because of anti-social and violence behaviour. This situation leads illegality and sexual abuses against woman. When any sex worker tries to get access to public health services, hospitals they are often refused the health services or get very poor or quality of treatment. It is clear violation of Right to health including right to awareness of sexual health rights.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013<sup>22</sup> not only provide protection against sexual harassment ensure the awareness of women and child from various aspect of sexual harassment, discrimination on ground of gender. It also confirms the women's autonomy on her own body and sexuality. It imposed liability on employer to provide safe working place and ensure gender bias free environment at working place.

## **V. CONSTITUTIONALITY OF SEX EDUCATION AND SEXUAL HEALTH**

The Constitution of India has obligation to ensure equality, protection, and promotion of fundamental rights of Indian citizen. Especially protect the socially vulnerable and marginalized peoples like women, children.

The right to health or reproductive rights or sexuality has not been expressly provided in fundamental rights. The Supreme Court of India have been recognizing right to health which

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<sup>19</sup> Section-1 of Protection of Children from Sexual Offences Act, 2012

<sup>20</sup> Mohan, Sunil. "Towards Gender Inclusivity: A Study on Contemporary Concerns Around Gender". 2013. Alternative Law Forum and LesBiT. available at <http://feministlawarchives.pldindia.org/wp-content/uploads/Gender-Inclusivity-by-Sumathi-and-Sunil.pdf>

<sup>21</sup> Section-1, Statement of aims and objectives, The Immoral Traffic (Prevention) Act. 1956.

<sup>22</sup> Section-1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013



will be including to get health services without any discrimination. It is part of right to life under Article -21 of Indian Constitution ,1950.<sup>23</sup> it is the state obligation to raise nutritional level and living standard of women It also include awareness of sexuality behavior and education about reproductive system of human.<sup>24</sup> It also ensures the health rights and prohibition of sex abuses and exploitation of workers due to any forced financial need. Further, Indian constitution imposes state obligation to provide facility and equal opportunity to develop health<sup>25</sup>. Indian constitution has provided the special care and protection to women under the head of maternity benefit and health which include the reproductive rights and sexual awareness.<sup>26</sup>

In the *Suchita Srivastava v Chandigarh Administration*<sup>27</sup> Supreme court of India held that the State government shall respect the autonomy of woman will concerning the decision of termination of her pregnancy because termination of pregnancy without her consent would cause serious health issues mentally as well as physically. Further court observed that reproductive rights and sexual rights are humanity dimension of women's personal liberty, right to privacy and corpus integrity.

*NALSA vs. Union of India*<sup>28</sup> has ensured the fundamental rights of Indian citizen to decide gender regardless without any discrimination on ground of sex. further this judgement protected the transgender rights of sexuality and reproductive rights. In *K.S. Puttaswamy (Retd.) v. Union of India*<sup>29</sup> has recognized privacy rights of Indian citizen by extending scope of right to privacy wherein government cannot compel people to disclose private information even sexuality behavior, physical and mental health related information unless it required for legal use. Further supreme court attractively held that sexual orientation is fundamental part of sexuality and privacy right in sexual life of human being. It has been enriched in fundamental right under Article-14 and 21 of Indian Constitution.

In *Devika Biswas vs Union of India* <sup>30</sup> The Supreme Court of India held that There should not be any restriction or even compulsion on use or non-use of contraceptive methods and birth control methods. It is exclusive rights of woman to decide to use or participation of in any sexual intercourse. Even government cannot force woman for female sterilisation i.e., family planning surgical operation.

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<sup>23</sup> *Parmanand Katara v Union of India* 1989 SCC (4) 286.

<sup>24</sup> Article 39(e), Indian constitution,1950

<sup>25</sup> Article 39(f) Indian constitution,1950

<sup>26</sup> Article 42 Indian constitution,1950

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<sup>28</sup> *National Legal Services Authority vs. Union of India.* (2014) 5 SCC 438.

<sup>29</sup> AIR 2017 SC 4161.

<sup>30</sup> 2016 WRIT PETITION (CIVIL) NO. 95 OF 2012

## **VI. CONCLUSION**

It is now genuine need of Indian youth to have sex education to be incorporated in secondary and higher secondary school curriculum. Further it should be publicly accepted without any hesitation. The vulnerable group of society especially women's and young peoples are being excluded from basic human rights of sexuality education, reproductive rights and sexual privacy rights are subjected to abuse, assault, illegal discrimination on ground of sexual behavior and matters. Absence of concrete legal frame work badly affecting development rights of individual. As Indian constitution has adopted broadminded approach towards in all development of human life. Not having sexuality education in formal education system leading towards exclusion of the socially and educationally marginalized part of society from public health benefits. It also led increasing sexual assaults, abuses, illegal abortions and sexual exploitation of young youth and women. It is not only human right but fundamental right of every person to have absolute autonomy over sex relation and sexuality matters.it is included in the right of development personally, physically, mentally and sexually as well.

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