**IMPORTANCE OF SEX EDUCATION**

**By**

**AYUSH GOYAL**

1st Yr BA.LLB. (Hons.)

INDORE INSTITUTE OF LAW, INDORE

Mob. 6263580765

Email- ayushgoyal038@gmail.com



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**Abstract -** Sex education is a contentious and a debating issue. This research will highlights the both sides concern for sex education. It will also describe the incentive of the Indian government towards the sex education. This research will provide the various facts and figures which indicate the importance of sex education especially for the youngsters. Researcher will expose the various reasons behind the ban and prevalence of sex education in many countries. International organizations and various conventions which advocate the importance of sex education will be the subject matter of this research. This research will define the sex education and its effect on the adolescent children. This research will also highlight the human rights of student for getting sex education. This research will showcase the effectiveness of sex education in reference to spreading the awareness pertaining to the sexual right. It will also describe the sexual education program of USA. At the end the researcher will conclude that the imposition of restriction on the sex education is unconstitutional.

**Keywords-** Human rights, Contraception, transmitted diseases, Intimation

**Introduction-** Sex education is imparting of the information to the adults and adolescent related to the contraception, human relationship and sexuality[[1]](#footnote-2). The aim of sex education is to provide the sexual health which contains not just the information regarding sexuality to the youngster and to curb down the unintended teen pregnancies but also helps to develop the attitude, belief and value of one’s sexual identity, relationship and intimacy. Sex educations also address the public health issues and designated in the direction of safer sex. Critics argued that the sex education should be determined by the parents as it may affect the cultural and social values. It is against the religious and moral values of families also the teaching about the contraceptives amounts to the minor’s delinquencies[[2]](#footnote-3). The research says that the imparting the information of sexuality to the youngsters which includes the use of contraceptives results to the reduction in the teen pregnancy cases and STIs infection rates[[3]](#footnote-4). Mostly the opponent’s criterion for sex education is that there should be abstinence from sex until marriage. It is argued that the abstinence sex education policy is the most appropriate way to prevent unintended pregnancies and adverse effects of the sex at the young age such as physical and physiological[[4]](#footnote-5). However the abstinence sex education policy fails to prepare those adolescent who’s having sex or sexually activate and have not proper knowledge pertaining to the sexuality, human relationship and some other sexually transmitted diseases. Sex educations provide information that helps in formulating attitude and belief about sex, improve the decision making ability for intimate relationship and sexual identity[[5]](#footnote-6). It has been find that the youngster doesn’t feel comfortable in asking about the changes about the anatomy of the human body and sexuality to their parents due to the social norms and believes. Incomplete information of the sexuality takes them to their peers who are also ill-informed. Mobile phones, internet and some other telecommunication sources have the easily accessibility of the information pertaining to the sex which is incomplete, inaccurate and misleading in nature[[6]](#footnote-7). It may expose them towards the sexually transmitted diseases[[7]](#footnote-8). Sex education has not been established in India. However the various groups of social activist and NGO’s are consistently demanding a comprehensive program for sex education in India. Indian government had proposed a program for sex education after the persuasion of National AIDS Central Organization (NACO) and UNICEF. But the perpetuating efforts of the critics and state government authorities render the central government to ban the proposed program of sex education[[8]](#footnote-9). According to the research 63.06% students of public school and 48.80% of private schools are in favour of sex education and wanted it to be the part of school curriculum[[9]](#footnote-10). Research says that the 73% teacher wants the sex education to be the part of the school curriculum[[10]](#footnote-11). All these things showcase that the students and the adolescents are intrigued for sex education. According to the UNHRC report deprivation of students from a comprehensive sexual curriculum is the violation of International human rights[[11]](#footnote-12). Article 21 (A) of the constitution of India support the concept of the entitlement of sex education to the students.

**SCOPE OF THE SEX EDUCATION - Sex** education is the broader term which emphasize on the imparting the information of sexuality, human behavior, sexually transmitted diseases and proper use of contraceptives to the adults and adolescents. It not only helps the adolescents to protect themselves from unintended pregnancies and sexually transmitted diseases but also provide sexual health. Sexual health can be achieved only after combating the issues pertaining to the risk factors involves in the unsafe sexual activities and providing a social culture free from the discrimination and inequality for the individuals who are indulging in socially unacceptable sexual activities[[12]](#footnote-13). Sexual health also includes the access of the safer environment for sexual health as it has been finding that the environment have compatibility to affect the sexual health[[13]](#footnote-14). Sex education helps the adults and adolescents to develop general life skills and render them to get acquitted with the behavior of other person and to resist[[14]](#footnote-15) It also addresses the sexual rights to the students. Sex education makes the adults and adolescents to negotiate the sexual matter and to avoid themselves from the sources which are misleading and inappropriate in nature. According to the WHO sex education is associates with the physical, emotional, mental and social issues related to sex which includes the absence of the diseases and infirmity[[15]](#footnote-16). It also develops young generation to get help of their parents, friends, and professional for sexual matters. Sex education make individual to be able to establish sexual relationship free from coercion, undue influence and fear of social taboos[[16]](#footnote-17). NGO, NARI RAKSHA SAMITI states that a comprehensive sex education curriculum can address the rising rape cases in India. Sex education can leave a positive impact upon the sexual offenders and other members of the society having a mental health and psychosocial risk factor that incite, maintain and perpetuate the offences. In order to make a comprehensive sexual education program that can address the emotional and challenging issues with regards to the cultural and social factors India needs a greater support of psychiatrists and psychologists[[17]](#footnote-18).

**Importance of sex education for India-** Sex education is among the major needs of Indian education system as it aims to felicitate the information regarding the sexuality, human behavior and about sexuality transmitted diseases. A study says that India has the largest adolescent’s population with 243 million[[18]](#footnote-19). Study conducted by the UNGASS in 2014 says that 2.27million people in India are currently living with HIV. According to the study 31% AIDS patients in India are belong to the category of 15-24 age groups[[19]](#footnote-20). In India only 35% boys and 19% girls have sufficient information of both AIDS and HIV[[20]](#footnote-21). According the study 16% of the women between the age group of 15-19 surveyed are mother in India[[21]](#footnote-22). It has been found that Breast cancer is most common among the women in India[[22]](#footnote-23). A study conducted by the Women and Child Development ministry of India says that the cases of sexual abuse, violence and physical abuse are increasing in among adolescent in India[[23]](#footnote-24). A research of International institute of population science says that 45% women in India marry before the age of 18 and 22% of them give birth before attaining the age of majority[[24]](#footnote-25). It has been find that due to the social taboos and preconceived notions Indian youth has to go through the social stigma pertaining to the sexual issues and to face inequalities in the state of indulging into the socially unexpected sexual activities. In the absence of the sexual education they are bound to rely upon some other sources which are misleading or have not accurate information. These figures shows the importance of a comprehensive programme in a developing country like India which can address the issues specially related to health care and sexually transmitted diseases. A study shows that due to the significant participation of women in the decision making of house hold in TV shows have potentially resulted in the decrease the cases of domestic violence toward women. Such ideas can be articulated through a comprehensive sex education programme with the involvement of the medical staff, teacher and peers[[25]](#footnote-26). Sex education can address the sexual issues and abridged the gap arises of social taboos and traditional practices. A research says that 87.2% adolescent girls of high schools and colleges want the sex education to be the part of curriculum[[26]](#footnote-27). According to a research due to the issues in the rural areas such as privacy and lacking of general facilities like toilets girls often miss school during menstruation[[27]](#footnote-28) Poor infrastructure and insufficiency of the resources to deal with the issues like sexuality and reproduction urge that India need a proper comprehensive programme foe sex education[[28]](#footnote-29). A proper constructed sex education programme can restrain the culture associated with ignorance, hesitation, fear of the disease in community from where the disease is born.

When a comprehensive programme for sex education was introduced by the central government in India, opponents persistently advocates against it. It is argued that sex education leads the youngsters toward debauchery and risky behaviour[[29]](#footnote-30). However research says that the sex education encourages youngsters towards safe- sex and make them less sexually activated person. It is also argued that sex education is consisted of sensitive issues that affect the moral, social and religious values. The proposed programme of central government failed to touch the many aspects of sex education. A NGO TARSHI states that several parts of the curriculum are not sufficient in order to attain the significance of sexual education[[30]](#footnote-31). State authorities had also made incentives in this regard, in the year of 2002 sex education programme was launched by the Odisha government. In initial stage it was launched in the four districts of Odisha and it was further implemented in 2007 in the 30 districts of the state. A research says that it was successful in combating the 4000 unintended pregnancies, 7000 STIs and 1900 HIV cases[[31]](#footnote-32). In the year of 2017 Modi Government had prescribed a comprehensive framework of sex education, but it was not properly implemented[[32]](#footnote-33). It is found that the most of the adolescents are not aware about the government programme and the method of the teaching is also lagging behind the actual requirement[[33]](#footnote-34). India is a country where the issues such as women empowerment, sexual abuse, and domestic violence are evolving should impart the sex education. It is argued that traditional approach and felicitation of abstinence from sex education is the biggest hindrance in the path of establishment of proper sexual education programme in India. Although these things are partially true. India has always a culture of sex education the historical sculptures of Kamasutra are expressing the intuitiveness of Indian society toward sexuality. The great leader like Mahatma Gandhi and Jawahar Lal Nehru had written about the sexuality and also spoke in the public about their own experience and experimentation pertaining to sexuality[[34]](#footnote-35). Foreign invasions and intruders had exploits the Indian society and force them to set up new norms to preserve the society. However the scenario of Indian societies has changed and it can be molded into a culture where the people can freely express his concerns and make decision of the sensitive topics like sexuality, if a proper direction will provided to them.

**Is the abstinence of adolescents from sex education is justified in accordance to the Indian law-** sex education is a human rights advocates by the many persons who supports the view of imparting the sex education in India. According to the Family Planning Association of India sex education the human right that comes under the reproductive right[[35]](#footnote-36).

1. According to the Article 21 A of the constitution of India every child under the age of 6-14 are entitled for free and compulsory education[[36]](#footnote-37). It can be argued that deprivation of sex education is the violation of the Article 21 A of the constitution.

2. Article 45 of the Constitution imposed the liability on the state for imparting the sex education. Article 45 which is the DPSP talks about the obligations of the state to provide free and compulsory education to every child under the age of 6-14[[37]](#footnote-38).

3. Article 51-A enshrined under the Constitution of India says that it is the fundamental duty of every parents to provide education to their children under the age of 6- 14[[38]](#footnote-39). Article 51-A also imposed the liabilities on the parents to provide Sex education to their children.

4. It has been established that the imparting the sex education help the adults and adolescents to save themselves from the sexually transmitted diseases and to get access of the safe environment for sex. It can be articulate that the Article 21 of the constitution impose a duty upon the state to ensure the sex education programme and the deprivation of the sex education will amounts to the violation of Article 21 of the Constitution.

5. India affirmed the Sexual reproductive rights of adolescents and young people at the 1994 United Nations International Conference on population and Development (ICPD)[[39]](#footnote-40). Reproductive rights suggest the view that the adolescents and young people will be able to make informed decision in the issues of sexuality. It can be understood that a well comprehensive sex education programme is essential in this regard. The affirmation of India for the reproductive right of adults an d adolescents at the UN conference imposed the obligation upon the government of India to provide sex education. In accordance to the affirmation of India at the UN conference on Population and Development (ICPD) it had proposed the sex education policy which had encountered widespread protest from the conservatives and political parties and 12 state governments had ban the sex education policy. Central government has not taken any further action against the state authorities for the ban on sex education programme. Central government argued in his regard that it is enshrined under the Indian Constitution that the policies of the health and education can be exclusively legislated upon and executed by State Legislature and Government. According to the International law federalism state is not justified on taking the excuse of the national law for the violation of the International Commitments. Indian Constitution allows the central government to make any law to promote its International commitment whether such matter is subjected to the state government under the federal structure of Indian Constitution. The central government in all ways is justified to make the sex education mandatory for the state government.

6. In the year of 1992 India had rectified the treaty of CRC. According to the Convention on the Rights of the Child (CRC) state is obliges to protect the children from all types of the abuse and violence. It is the responsibility of state to protect the interest of all children. State government is also obliged to protect the children all type of the mall- treatment and exploitation in the care of the parents or legal guardian[[40]](#footnote-41). It has been find that India is undergoing through the increasing cases of the sexual abuse, under the treaty of CRC Indian government is obliged to prevent the children from getting sexually abused and exploited. It is the onus on the government to provide a comprehensive sex education to protect them from sexual violence and exploitation.

**Sex Education as reproductive rights-** Various NGO’s and other organization associates with the social development programme articulate the sex education as reproduction right. Reproductive rights was described as[[41]](#footnote-42)

* Reproductive right is to acquire information to make reproductive choices and decisions without any threat, discrimination or any abuse.
* Reproductive right allows anyone to acquire quality reproductive health care.
* Reproductive right also includes the right to acquire the knowledge pertaining to the proper use of contraceptives and sexually transmitted diseases.
* It emphasizes upon the right to birth control and safe termination.

**Review of the sex education policy of India –** T**o** promote the idea of ICPD conference 1994 Central government of India had proposed a comprehensive sex education programme known as Adolescents Education Programme (AEP) in coordination with National Aids Control Organization (NACO) and UNICEF. UN Human Right Council in his report said that the AEP programme had make it compulsory to all schools in India to assimilate sex education in the curriculum[[42]](#footnote-43). The government’s perspective for the AEP were [[43]](#footnote-44)

1. To provide knowledge to the students about the various sexually transmitted diseases and to aware them contraceptives.

2. To develop the students toward healthy life skills through the work book, reference material and flip chart.

3. To develop the healthy attitude and responsible behaviour towards the sexual abuse, exploitation and discrimination against HIV/AIDS substances.

After the assimilation of sex education programme in the school curriculum the government witness a lot of critics against the proposed programme and due to these widespread protest 12 Indian state governments had ban the sex education programme. It has been said that it will affect the Indian culture and religious values. It is also argued that sex education is encouraging youngsters toward promiscuity. According to the WHO report all these allegations are vague in nature as the sex education makes the youngsters less sexually activated. Sex education in all ways not affecting the cultural values and any social norms as the primary basis of constructing the comprehensive sex education programme is to ensure the religious values and in respect the not abrogating the social norms[[44]](#footnote-45).

UN Human Right Council in his report pointed out the government apathy to promote the sex education in appropriate manner. The central government has not taken any action against the ban by the state government on sex education programme and justified it inaction by saying that education is a subject which is enshrined under the concurrent list of Indian Constitution and state government execute it according to its wish. However the Constitution of India allows the government to make any law and policy for completion of any International commitment. In this way the Government of India had violates the International commitment for sex education at the UN conference of ICPD[[45]](#footnote-46).

UN Human Right Council highlights that India had also violate the treaty of UN Convention on the Rights of Children (CRC) which was rectified by the India in 1992[[46]](#footnote-47). It obliges the state to protect the children from getting sexually abuse and from any type of violence and exploitation. It is the onus upon the signatory countries to preserve the interest of the children[[47]](#footnote-48). According to the report of the WCD Ministry in association with UNICEF and Prayas (NGO) 53% of the children surveyed between the age of 5 to 12 in the 13 state of India found sexually abused[[48]](#footnote-49). This figure suggests that the sex education programme launched by the central government of India was not implemented properly. A comprehensively construct sex education programme and its proper implementation can help children to get acquitted with the behavioral aspects of the person and in this way they can protect themselves from getting sexually abused. Indian government failed to provide comprehensive sex education to the children; hence it violates its commitment to CRC.

All India Educational and Vocational Institute in his study find that between the 42% - 52% of the Indian adolescents feel that they do not have enough knowledge of sex. According to the India Today’s survey most of the young student does have adequate information regarding HIV/AIDS and safeguards to protect them from HIV/AIDS. A research says that 2.5 million people were found infected of HIV in India in 2005 and most of these infected persons were youngsters. All these figures are sufficient to say that government of India fails to implement a comprehensive sex education programmed in India. According to the report of the Human Right Council absence of mandatory and comprehensive sex education programme in schools violates the Human rights of Indian adolescents and young people enshrined under the International law[[49]](#footnote-50).

**International law for sex education and reproductive right –** International treaties, covenants, conventions and charters are considered as perceived sources for International law. So many International treaties and conventions were organized to promote the sex education and these were rectified by many nations, all of these nations have procedure to become the part of such events and to impose the liabilities on themselves that can felicitate the motto of such treaties[[50]](#footnote-51).

* The United Nations Educational, Scientific and Cultural Organization along with some other International organization advocates that, sex education is the most significant tool to develop the youngsters toward a safe and healthy life by acknowledging them about the various contraceptives and sexually transmitted diseases[[51]](#footnote-52).
* According to the Beijing Programme for Action (1994) Para 96: Right to take decisions pertaining to the sexuality without any discrimination and coercion is the part of women’s human right[[52]](#footnote-53)
* In the UN’s convention for Economic Commission for Latin America obligation of the states were defined for sex education- It has been state that the state should formulate such policies that can help persons to take decision pertaining to their sexuality, free from coercion and any type of discrimination[[53]](#footnote-54). State should provide the information for their sexual health and should protect their sexual and reproductive rights.
* International Human Rights Treaty Monitoring Bodies are consisted with the experts to monitor the response of the state who had rectified the treaty towards the fulfillment of the obligations resulted through the rectification[[54]](#footnote-55). They can issue guidance to the state for proper implementation of the objectives of the treaty. It is argued that these monitoring body’s findings is not the binding source of law. Hence its declaration has no legal basis but another aspect of its monitoring is that its declaration is based on research through which the actual facts and facets of the implementation process emerged out to the public and they can raise their concerns. An individual or group of person can also discuss these concerns to the monitoring bodies under the protocol of the treaty, which must be rectified by the state[[55]](#footnote-56). In the Toonen case[[56]](#footnote-57) of Australia the Human Right committee issued a decision on which it said that the protection against discrimination and privacy includes the restrictions on criminalization of intimate sexual conduct. On the basis of such decision Australian government had decriminalized same sexual conduct. Monitoring bodies not only issues guidelines but also help the International organization to enact the law to fill the vacuum emerges out through the report of the monitoring bodies.
* According to the CRC’s comment 15 it is the right of every child to attain the highest standard of health. This indicates that the state is obliged to provide the information to the children in order to prevent them from risky behaviour of sexual activities and sexually transmitted diseases[[57]](#footnote-58). It is also includes the preservation of the reproductive right and to provide sexual health to the children. These interpretations are the matter of International law which suggests that it is obligations of the states that had rectified the treaty to facilitate the sex education.
* There is a legal term called “pacta sunt survanda” which means a agreement must be kept. It is the principal of International law which says that the signatories have to fulfill the provisions of treaty. It obliges the states that had rectified the treaty of human right to fulfill the International commitment. State cannot take the excuse of its national law[[58]](#footnote-59).

All these enumerated points highlight the International laws and treaties that are focusing on to preserve the sexual and reproductive right of adults and adolescents and provide them sexual health. Facilitation of sex education is the best way to attain the sexual health and spread awareness about the sexual rights. In the contrary to it criminalization of certain sexual conducts and imposing restrictions on the access of the information about sexuality is a most drastic way that can bring discrimination and fear among the members of the society. The person who is engaging in the sexual and reproductive conducts will be in fear and tries to hide himself from police and to other persons. The persons infected with the HIV/AIDS will always carry the fear of being molested, stigmatization and punishment. It is important to a state to recognize the need of sex education and to preserve the sexual rights of its residents[[59]](#footnote-60). It can be argued that no state is having a stance that they can completely fulfill all the rights. It is the important to a state to progressively recognized the rights and implement it. Right to health can be recognized by attaining the needs of financial, technical and logistic support. Right to health can be fully addressed by recognizing some other rights related to it such as sexual rights and right to sex education. State has to consistently work in this direction and to legislate the provision of sexual rights and sex education to fulfill the obligation of International commitments.

**Prevalence of sex education in the USA –** Sex education programme of the USA is divided into the three parts – (a) Abstinence only sex education policy (b) Abstinence plus (c) Comprehensive sex education policy

**Abstinence only sex education policy-** It has been find that the evolution of the abstinence only sex education policy or abstinence only until marriage programme in the USA was liked with a sociopolitical movement that supports the beliefs of the Christianity[[60]](#footnote-61). The first spark of the abstinence sex education policy was lit on the 1970’s. It is closely connected with the issues such as family values, anti abortion, birth control and anti welfare agenda[[61]](#footnote-62). Abstinence sex policy says that sexual relationship should be established after the marriage to combat the unintended pregnancies and risky behaviour of early age sexual activities. The credit for proliferation the culture of abstinence only sex education goes to the Bush administration. US congress had legislate the abstinence only sex policy by passing the Personal Responsibility and Work Reconcile Act (PRWORA)[[62]](#footnote-63). It has been find that the abstinence only sex education programme does not provide accurate information and ineffective on changing the behaviour of adolescents towards sexuality. It does not focus on to prepare the adolescents for safer sex[[63]](#footnote-64). A research says that more than 50% of the adolescents from US oppose the abstinence only sex policy[[64]](#footnote-65).

**Abstinence plus-** It is the updated form of abstinence only sex education programme as it contains the proper use of the contraceptives and access of the information pertaining to the sexual transmitted diseases to combat the unintended pregnancies and HIV/AIDS. It emphasizes on the abstinence from sex until marriage[[65]](#footnote-66).

**Comprehensive sex education policy-** Construction of the comprehensive sex education policy in USA is ascribing to the Obhama administration. It has been finding that the abstinence policy despite allotting a huge funding remains ineffective to control the unintended pregnancies and sexually infected diseases[[66]](#footnote-67). Comprehensive sex education policy mainly focused on to prepare the students to create healthy relationships, imparting the information pertaining to the sexuality and sexually transmitted disease. It also emphasizes on to develop the life skills to the students so that they can communicate and negotiate with their partners in order to establish the healthy and safe relationships. This comprehensive sex education programme resulted in the less numbers of the cases of harassment and bullying. It has addressed the issues of discrimination of gay, transgender and lesbians[[67]](#footnote-68). According to the Centers for Disease Control only 38% of high schools and 14% of the middle schools have introduced the all topics of the comprehensive sex education policy. According to the 2014 polls 96% are in favour of the sex education programme[[68]](#footnote-69). A lot of NGO and organization are working in the US to impart the sex education to the students. They are mainly focuses on to teach the students about the various paths to maintain sexual health and encouraged them to reach to their peers and informed them about sexuality and safer sex[[69]](#footnote-70). According to the UN it is the human right of every individual to know about the changes in the human anatomy. US should properly implement a comprehensive sex education programme to protect the human right of every individual.

**Conclusion-** Sex education is articulated as human right by human right monitoring bodies through the interpretation of various International laws and norms. It suggests that every person is entitled to get sex education. The group of social activists persistently demanding for imparting the sex education program in school curriculum. Many human rights treaties and convention advocates that the state should preserve the sexual rights of individual and recommended to it signatory countries to impart the sex education to the adults and adolescent. It has been witnessed that many countries after the persuasion of the International organization and to fulfill the commitment of International treaties legislate a sex education programme. On the contrary to it the various groups of conservative’s views are persistently opposing the sex education policy. The conservative groups advocate the abstinence only sex education policy. Abstinence only sex education doesn’t address the all concerns pertaining to the sexual health. Sexual health is a broader term according to the research of Wynlie Keven and Ismail Shanjahan sexual health can be attain after preparing oneself by taking appropriate measures of safer sex, it contains the proper use of contraceptives, acquaintance of various sexually transmitted diseases and having a safer environment for sexual health. Sexual health is not only about attaining the physical health but also about the mental health. Sexual health can be imparted to the people by allowing them to make sexual relationship without any discrimination, coercion and undue influence and make them able to understand the behaviour of other persons to prevent him from getting extorted and sexually abused. It has been established throughout this research that the all aspects of the sexual health can only be addressed by legislating a comprehensive sex education programme and making it a mandatory part of school curriculum. However it been find that even after making the sex education as a mandatory part of school curriculum it had not been adapted by many schools. Although the best way to properly execute it is to make it a part of school curriculum as usually the youngster due to the social taboos don’t feel comfortable to talk to their parents about the issues related to the sexuality and get misrepresent by tracing their answers from other sources such as internet.

The central government of India had proposed a comprehensive sex education as a mandatory part of school curriculum after the persuasion of NACO and UNICEF. It had witness a widespread protest by the group of conservatives and 12 states had banned the proposed policy of the central government and deprived students from sex education. Such deprivation is the violation of the human right of the adults and adolescents. It has been established that the sex education is the essential element to achieve the sexual health hence the deprivation from the sex education amount to the violation of Article 21 of the constitution. It is also established throughout this research that the deprivation of sex education is also the violation of Article 21 (A), 45, 51 (A) of constitution. This research had highlighted various figures which indicate the importance of sex education in India. It is wrong claim that the sex education is against the traditional values of India as it has been find through the various portraits and artistic creation such as Kamasutra painting that the India had always a cultural of sex education, which got influenced after the various invasion on India. The current scenario of India is conducive for fostering sex education as mandatory part of school curriculum as the great leaders like Mahatma Gandhi and JL Nehru had written about the sexuality and don’t hesitates to discuss about sexuality and their own sexual experiences. India should properly introduce the comprehensive sex education policy to protect the sexual rights of individual and to adhere its commitment to the International convention and treaties. Federal structure of the constitution enables the central government to make any law to fulfill its International commitment despite such law is affecting the subject interest of state legislature. Hence it is established throughout this research that the deprivation of sex education is the violation of the International law and also not in consonance with the constitution of India.

**References**

* Family. Findlaw.com/reproductive-right/sex-education-in-schools.html.

Kumar. B. Vipin and Kumar. Pratibha, Right to Sexuality Education as a Human Right, The journal of Family Welfare

Ramachandran A.2000.issues in growing up- The need for sex education in schools, Journal of the Krisnamurthy Schools.

Bhasin, S.K., and Agarwal. Perception of teachers regarding sex education in national capital territory of Dehli. Indian Journal of pediatrics,

Sharma, Censorhip at school sex education and survival tools.

Easter Thamburaj J.S, Satish Kumar S.K, Adwin A, Ganesh A.K, Suniti S. 2000. Student prespractive on sex education: a comparative study from Chennai , India. Paper presented at the International Conference on AIDS

YCSSR. 2008. http;//www.un.ohchr.org/HRBodies/UPR/Documents/Session /Youth coalition for sexual reproductive rights

Developing Sexual Health Programmes: a Framework for action. Geneva : World Health Organization;

Sexual health, human rights and the law, WHO :Reproduction Programme , research for impact . Geneva: WHO;2006. Defining Sexual health.

Ismail. Shajahan and Wylie. Kevan, Adolescent sex education in India: Current perspectives, Indian Journal of Psychaitry.

N. Tripathi, Shekhar TV. Youth in india ready for sex education? Emerging evidence from national servey.

New Dehli: UNICEF; 2010. Adolescents in India. Desk review report of existing evidence and behaviours, Programmes and political report.

National Family Health Servey (NFHS-3) 2005-06, September 2007

https://www.nfhsindia.org/factsheet.shtml.com

Khan M. A, Bahadur A.K, Agarwal P.N, Sehgal A, Das B.C. Psychosocial disorder in women undergoing postoperative radiation and Chemotherapy for breast cancer in India.

India: Ministry of Women and child Development, GOI ;2007, Study on child abuse.

Moore AM, Singh S, Ram U, Ramez L, Audam S. Adolescent marriage and childbearing in India: Current Situation and recent trends. Guttmacher Institute, New York.

* R. Jensen and E. Oster, The Power of TV: Cable television and women’s status in India

Maitra N, Baxi R.K. and Hazra M. Adolescent sexuality education and sources of information. In Indian Journal of maternal and child health.

Gupta. Bandra and Shukla , Rashmi, Issues Related to Adolescents sexuality and Role of Socio- Cultural Factor in Sexual Behaviour among Adolescents in India. Indian Institute of Sexology.

Report of UNHRC for the Universal Periodic Review of the Republic of India on the Lack of Comprehensive Sexuality Education In India

http;//www. Sexualrightsinitiative.com/WP-Content/Uploads/India- UPR-1-YC.PDF.

Grunseit. A. and Kippax, S. Environment and sexuality. The Journal of Family Welfare

UNAIDS. Impact of HIV and Sexual Health Education on the Sexual Behaviour of Young people: A Review Update. Geneva, Switzerland: UNAIDS.

Singh AJ. Sex education in Indian schools. Indian Journal of Community medicine.

Tuneja. Sapan, A case for sex education in India

https://www.Youthbhartiya.com/article/a-case-for-sex-education-in-India .

Ismail. Shajahan, Shanjahan. Ashika ,[,,,], and Wylie Kevan, Adolescents Sex Education in India: Current Perspectives, Indian Journal of Psychiarty.

Constitution of India 1950, 86th amendment. Article 21

Constitution of India 1950 , Article 45

Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology

Report of the United National Human Right Council for the Universal Periodic Review of the Republic of India, On the lack of comprehensive sexuality education in India, Youth Coalition.

Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology

Constitution of India 1950, Article 51 A

https://www.Savethechildren.in/news/importance-of-crc-for-children-in-india-and-the-wa.

Aiya. Suranya, UNICEF –style servey magnifies child abuse problem in India, TSG Sunday Gaurdian .

Report of the United National Human Right Council for the Universal Periodic Review of the Republic of India, On the lack of comprehensive sexuality education in India, Youth Coalition.

https://www.tandonline.com/doi/full/10.1080/146811811.2015.110059.

https://www.data4sdgs.org/partner/eclac-united-nations-economic-commission-latin-america-and-caribbean.

The UN Human Rights Treaty Bodies : Impact and Future, International Human Rights Institutions, Tribunals, and court

https//:link.Springer.com/referenceworkentry/10.1007%2F978-981-10-4516-5\_5-1.

Miller.M.Alice, Kismodi. Easter, Cottingham. Jane and Gruskin . Sofia, Sexual Rights as Human Rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health, Reproductive Health Matters

Toonen v. Australia, (488/1992), U.N. Doc, CCPR/C/50/D/488/1992(1994).

https://www.refworld.org/docid/51ef9e134.html.

Aust.Anthony, Pacta Sunt Servanda, Oxforld Public International Law

https//opil.ouplaw.com/view/10.1093/law:epil.

Williams. Calterone. Jean, Battling a Sex –Saturated Society: The abstinence movement and the politics of Sex Education, California Polytechnic State University, USA.

https//www.scholars.org/contribution/why-sex-education-united-states-needs-update-and-how-do-it.

https://www.acf.hhs.gov/css/resources/the-personal-responsibility-and-work-opportunity-reconcilation-act.

Blanthon. Natalie,Why Sex Education In The United States Needs An Update and How to Do It, Public Health. Education Oct 10, 2019

https//www.scholars.org/contribution/why-sex-education-united-states-needs-update-and-how-do-it.

* New York: Routledge. Apple MW and Oliver A (1996) Becoming right: Education and the formation of conservative movements.

Arsneault S 2001 values and virtue: The politics of abstinence only sex education. American Review of Public Administration 31(4).

Shapiro. Sarah and Brown. Catherine, Sex Education Standards Across the States, Centre for American Progress

https;//www.americanprogress.org/issues/education-k-12/reports/2018/05/09/450158/;sex-education-standards-across-status.

**BRIEF ABOUT THE AUTHOR**

Ayush Goyal is pursuing BA.LLB. (Hons.) From Indore Institute of Law, Indore. He is a first year student. He has published many articles in Nyaydisha. He has adjudged as the finalist in the fresher’s moot court competition 2020. He has a keen interest in legal work. He frequently writes on various social and legal issues. His field of interest is Constitutional law and Criminal law.

1. https://family. Findlaw.com/reproductive-right/sex-education-in-schools.html. [↑](#footnote-ref-2)
2. Kumar. B. Vipin and Kumar. Pratibha, Right to Sexuality Education as a Human Right, The journal of Family Welfare Vol.57,No.2, Dec-2011. [↑](#footnote-ref-3)
3. [Ibid]. [↑](#footnote-ref-4)
4. [Ibid]. [↑](#footnote-ref-5)
5. Ramachandran A.2000.issues in growing up- The need for sex education in schools, Journal of the Krisnamurthy Schools. [↑](#footnote-ref-6)
6. Bhasin, S.K., and Agarwal , O.P. 1999. Perception of teachers regarding sex education in national capital territory of Dehli. Indian Journal of pediatrics, 66(4) :527-31. [↑](#footnote-ref-7)
7. [Ibid] [↑](#footnote-ref-8)
8. Sharma, K.2007 . Censorship at school sex education and survival tools. Retrieved Aug 23,2010, from https://www. Indiatoghether.org/2007/apr/ksh-servival.html. [↑](#footnote-ref-9)
9. Easter Thamburaj J.S, Satish Kumar S.K, Adwin A, Ganesh A.K, Suniti S. 2000. Student prespractive on sex education: a comparative study from Chennai , India. Paper presented at the International Conference on AIDS, Jul 9-14:13. [↑](#footnote-ref-10)
10. [Ibid] 6. [↑](#footnote-ref-11)
11. YCSSR. 2008. http;//www.un.ohchr.org/HRBodies/UPR/Documents/Session 1/IN/YCSRR\_IND\_UPR\_S1\_2008\_Youth coalition for sexual reproductive rights\_upr submission.Pdf retrived on 06th Dec,2010. [↑](#footnote-ref-12)
12. Developing Sexual Health Programmes: a Framework for action. Geneva : World Health Organization; 2010. [↑](#footnote-ref-13)
13. Sexual health, human rights and the law, WHO :Reproduction Programme , research for impact . [↑](#footnote-ref-14)
14. [Ibid]2. [↑](#footnote-ref-15)
15. Geneva: WHO;2006. Defining Sexual health. [↑](#footnote-ref-16)
16. Ismail. Shajahan and Wylie. Kevan, Adolescent sex education in India: Current perspectives, Indian Journal of Psychaitry. [↑](#footnote-ref-17)
17. [Ibid]. [↑](#footnote-ref-18)
18. N. Tripathi, Shekhar TV. Youth in india ready for sex education? Emerging evidence from national servey. [↑](#footnote-ref-19)
19. New Dehli: UNICEF; 2010. Adolescents in India. Desk review report of existing evidence and behaviours, Programmes and political report> http://www.un.org.in/img/uploads/adolescents\_in\_India\_pdf. [↑](#footnote-ref-20)
20. [Ibid] [↑](#footnote-ref-21)
21. National Family Health Servey (NFHS-3) 2005-06, September 2007 retrieved on 4 Dec. 2010,https://www.nfhsindia.org/factsheet.shtml.com [↑](#footnote-ref-22)
22. Khan M. A, Bahadur A.K, Agarwal P.N, Sehgal A, Das B.C. 2010. Psychosocial disorder in women undergoing postoperative radiation and Chemotherapy for breast cancer in India. [↑](#footnote-ref-23)
23. India: Ministry of Women and child Development, GOI ;2007, Study on child abuse. [↑](#footnote-ref-24)
24. Moore AM, Singh S, Ram U, Ramez L, Audam S. Adolescent marriage and childbearing in India: Current Situation and recent trends. Guttmacher Institute, New York. 2009 Apr. [↑](#footnote-ref-25)
25. R. Jensen and E. Oster, The Power of TV: Cable television and women’s status in India. [↑](#footnote-ref-26)
26. Maitra N, Baxi R.K. and Hazra M. 1994. Adolescent sexuality education and sources of information. In Indian Journal of maternal and child health. [↑](#footnote-ref-27)
27. Gupta. Bandra and Shukla , Rashmi, Issues Related to Adolescents sexuality and Role of Socio- Cultural Factor in Sexual Behaviour among Adolescents in India. Indian Institute of Sexology. [↑](#footnote-ref-28)
28. Report of UNHRC for the Universal Periodic Review of the Republic of India on the Lack of Comprehensive Sexuality Education In India> http;//www. Sexualrightsinitiative.com/WP-Content/Uploads/India- UPR-1-YC.PDF. [↑](#footnote-ref-29)
29. Grunseit. A. and Kippax, S. 1993. Environment and sexuality. The Journal of Family Welfare, 53(1): 67-80. [↑](#footnote-ref-30)
30. UNAIDS. 1997. Impact of HIV and Sexual Health Education on the Sexual Behaviour of Young people: A Review Update. Geneva, Switzerland: UNAIDS. [↑](#footnote-ref-31)
31. Singh AJ. Sex education in Indian schools. Indian Journal of Community medicine. 2006 ; 31 (1) ; p3-5. [↑](#footnote-ref-32)
32. Tuneja. Sapan, A case for sex education in India> https://www.Youthbhartiya.com/article/a-case-for-sex-education-in-India . [↑](#footnote-ref-33)
33. Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology. [↑](#footnote-ref-34)
34. Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology. [↑](#footnote-ref-35)
35. Ismail. Shajahan, Shanjahan. Ashika ,[,,,], and Wylie Kevan, Adolescents Sex Education in India: Current Perspectives, Indian Journal of Psychiarty. [↑](#footnote-ref-36)
36. Constitution of India 1950, 86th amendment. Article 21 [↑](#footnote-ref-37)
37. Constitution of India 1950 , Article 45 [↑](#footnote-ref-38)
38. Constitution of India 1950, Article 51 A [↑](#footnote-ref-39)
39. 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, Youth Coalition. [↑](#footnote-ref-40)
40. [Ibid]. [↑](#footnote-ref-41)
41. Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology [↑](#footnote-ref-42)
42. Report of the United National Human Right Council for the Universal Periodic Review of the Republic of India, On the lack of comprehensive sexuality education in India, Youth Coalition. [↑](#footnote-ref-43)
43. Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology [↑](#footnote-ref-44)
44. Report of the United National Human Right Council for the Universal Periodic Review of the Republic of India, On the lack of comprehensive sexuality education in India, Youth Coalition. [↑](#footnote-ref-45)
45. Khanna. Amit and Khanna. Prerna, Adolescents Sex Education – Indian Scenario, Indian Institute of Sexology. [↑](#footnote-ref-46)
46. https://www.Savethechildren.in/news/importance-of-crc-for-children-in-india-and-the-wa. [↑](#footnote-ref-47)
47. Report of the United National Human Right Council for the Universal Periodic Review of the Republic of India, On the lack of comprehensive sexuality education in India, Youth Coalition. [↑](#footnote-ref-48)
48. Aiya. Suranya, UNICEF –style servey magnifies child abuse problem in India, TSG Sunday Gaurdian Live 5 oct. 2015. [↑](#footnote-ref-49)
49. Report of the United National Human Right Council for the Universal Periodic Review of the Republic of India, On the lack of comprehensive sexuality education in India, Youth Coalition. [↑](#footnote-ref-50)
50. Miller.M.Alice, Kismodi. Easter, Cottingham. Jane and Gruskin . Sofia, Sexual Rights as Human Rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health, Reproductive Health Matters, 23:46 , 16-30,DOI: 10-10/16j.rhm.2015.11.007. [↑](#footnote-ref-51)
51. https://www.tandonline.com/doi/full/10.1080/146811811.2015.110059. [↑](#footnote-ref-52)
52. Miller.M.Alice, Kismodi. Easter, Cottingham. Jane and Gruskin . Sofia, Sexual Rights as Human Rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health, Reproductive Health Matters, 23:46 , 16-30,DOI: 10-10/16j.rhm.2015.11.007. [↑](#footnote-ref-53)
53. https://www.data4sdgs.org/partner/eclac-united-nations-economic-commission-latin-america-and-caribbean. [↑](#footnote-ref-54)
54. The UN Human Rights Treaty Bodies : Impact and Future, International Human Rights Institutions, Tribunals, and court>https//:link.Springer.com/referenceworkentry/10.1007%2F978-981-10-4516-5\_5-1. [↑](#footnote-ref-55)
55. Miller.M.Alice, Kismodi. Easter, Cottingham. Jane and Gruskin . Sofia, Sexual Rights as Human Rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health, Reproductive Health Matters, 23:46 , 16-30,DOI: 10-10/16j.rhm.2015.11.007. [↑](#footnote-ref-56)
56. Toonen v. Australia, (488/1992), U.N. Doc, CCPR/C/50/D/488/1992(1994). [↑](#footnote-ref-57)
57. https://www.refworld.org/docid/51ef9e134.html. [↑](#footnote-ref-58)
58. Aust.Anthony, Pacta Sunt Servanda, Oxforld Public International Law Feb-2017>https//opil.ouplaw.com/view/10.1093/law:epil. [↑](#footnote-ref-59)
59. Miller.M.Alice, Kismodi. Easter, Cottingham. Jane and Gruskin . Sofia, Sexual Rights as Human Rights: a guide to authoritative sources and principles for applying human rights to sexuality and sexual health, Reproductive Health Matters, 23:46 , 16-30,DOI: 10-10/16j.rhm.2015.11.007. [↑](#footnote-ref-60)
60. Williams. Calterone. Jean, Battling a Sex –Saturated Society: The abstinence movement and the politics of Sex Education, California Polytechnic State University, USA. [↑](#footnote-ref-61)
61. Blanthon. Natalie,Why Sex Education In The United States Needs An Update and How to Do It, Public Health. Education Oct 10, 2019> https//www.scholars.org/contribution/why-sex-education-united-states-needs-update-and-how-do-it. [↑](#footnote-ref-62)
62. https://www.acf.hhs.gov/css/resources/the-personal-responsibility-and-work-opportunity-reconcilation-act. [↑](#footnote-ref-63)
63. Blanthon. Natalie,Why Sex Education In The United States Needs An Update and How to Do It, Public Health. Education Oct 10, 2019> https//www.scholars.org/contribution/why-sex-education-united-states-needs-update-and-how-do-it. [↑](#footnote-ref-64)
64. New York: Routledge. Apple MW and Oliver A (1996) Becoming right: Education and the formation of conservative movements. Teachers College Record 97 (3): 419-445. [↑](#footnote-ref-65)
65. Blanthon. Natalie,Why Sex Education In The United States Needs An Update and How to Do It, Public Health. Education Oct 10, 2019> https//www.scholars.org/contribution/why-sex-education-united-states-needs-update-and-how-do-it. [↑](#footnote-ref-66)
66. Arsneault S 2001 values and virtue: The politics of abstinence only sex education. American Review of Public Administration 31(4). [↑](#footnote-ref-67)
67. Shapiro. Sarah and Brown. Catherine, Sex Education Standards Across the States, Centre for American Progress>https;//www.americanprogress.org/issues/education-k-12/reports/2018/05/09/450158/;sex-education-standards-across-status. [↑](#footnote-ref-68)
68. Blanthon. Natalie,Why Sex Education In The United States Needs An Update and How to Do It, Public Health. Education Oct 10, 2019> https//www.scholars.org/contribution/why-sex-education-united-states-needs-update-and-how-do-it. [↑](#footnote-ref-69)
69. Williams. Calterone. Jean, Battling a Sex –Saturated Society: The abstinence movement and the politics of Sex Education, California Polytechnic State University, USA. [↑](#footnote-ref-70)