

Bill No. 100 of 2021

THE COMPULSORY TEACHING OF SEX EDUCATION IN
EDUCATIONAL INSTITUTIONS BILL, 2021

By

SHRI RAM MOHAN NAIDU KINJARAPU, M.P.

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BILL

*to provide for compulsory teaching of sex education in educational institutions
and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-second Year of the Republic
of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Sex Education
in Educational Institutions Act, 2021.

Short title, extent
and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government
may, by notification in the official gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) “Advisory Council” means the Advisory Council for Sex Education
constituted under section 5;

(b) “appropriate Government” means in the case of a State, the
Government of that State and in all other cases, the Central Government;

15 (c) “educational institution” means a school imparting education to
children at primary, middle, secondary or a senior secondary level, recognized
by the appropriate Government or established under an Act of the Central
Government or a State Government;

(d) “LGBTQI community” means lesbian, gay, bi-sexual, transgender, queer, intersex community;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “sex education” includes education related to contraception, sexuality, menstrual cycle, gender identity, consent and awareness about sexual abuse, developing awareness around sexual health, female reproductive health and hygiene, gender sensitisation, awareness about sex including awareness about pregnancies and other related issues, safe sex and diseases like Sexual Transmitted Disease (STD) and Human Immunodeficiency Virus (HIV) and such other topics as the Advisory Council may deem appropriate for the purposes of this Act.

Compulsory teaching of sex education in educational institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, sex education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendations of the Advisory Council constituted under section 5.

Appropriate Government to issue directions for compulsory teaching of sex education in educational institutions.

4. The appropriate Government shall, within six months of issuance of the notification under section 3 or from the upcoming academic year after the issuance of the notification under section 3, issue directions for compulsory teaching of sex education in all educational institutions within its jurisdiction.

Constitution of Advisory Council.

5. (1) The Central Government shall, within one month of the coming into force of this Act, by notification in the Official Gazette, constitute an Advisory Council for Sex Education.

(2) The Advisory Council shall consist of—

(a) Secretary, Department of School Education and Literacy, Union Ministry of Education— *ex-officio* Chairperson;

(b) Chairperson of the Central Board of Secondary Education, or any member of the Board nominated by the Chairperson on his behalf— *ex-officio* member;

(c) Director of the National Council for Educational Research and Training or any member of the Council nominated by the Director on his behalf— *ex-officio* member;

(d) Chairperson of the National Council for Teacher Education or any member of the Council nominated by the Director on his behalf— *ex-officio* member; and

(e) **three eminent persons, having special knowledge or practical experience in the field of education to be appointed by the Central Government in such manner as may be prescribed— members.**

(3) The salary and allowances payable to, and other terms and conditions of service of members appointed under clause (e) of sub-section (2) shall be such as may be prescribed.

Functions of Advisory Council.

6. (1) The Advisory Council shall make recommendations to the appropriate Government with a view to ensure that through sex education,—

(a) the issues of gender-based violence, sexual abuse and gender inequality are root out from the society;

(b) respect for diversity and gender equality is encouraged; and

(c) critical thinking is encouraged to build a strong foundation for lifelong sexual health of the child.

(2) Without generality of anything contained in sub-section (1), the Advisory Council shall:—

(a) recommend to the Central Government the syllabus of sex education for each class up to senior secondary level;

5 (b) recommend to the Central Government the class from which onwards the sex education shall be taught in educational institutions;

(c) recommend to the appropriate Government the measures to increase awareness about women's body rights, children rights and for prevention of children's sexual abuse in the educational institutions;

10 (d) recommend to the appropriate Government the measures to impart gender sensitization lessons and workshops in schools and to decrease stereotypes related to gender roles;

(e) recommend to the appropriate Government the measures to increase awareness about LGBTQI community and their rights amongst children in the educational institutions;

(f) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching sex education;

(g) recommend to the appropriate Government, the institutions which may be given recognition for training teachers in sex education for the purpose of their appointment and teaching in educational institutions; and

(h) co-ordinate with the appropriate Government, educational institutions and authorities for ensuring effective implementation of the provisions of this Act.

25 **7. The appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be necessary, for teaching sex education in educational institutions.** Appointment of teachers.

8. The appropriate Government shall conduct annual teachers' training programme with a minimum of two psychologists and child counsellors per school on relevant issues relating to sex education. Provision of teachers' training.

30 **9. The appropriate Government shall derecognize such educational institutions, which do not comply with the provisions of this Act, after giving such institutions a reasonable opportunity of being heard.** Derecognition of schools for non-compliance of the provisions of the Act.

10. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the States for carrying out the purpose of this Act. Central Government to provide funds.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

40 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any
45 modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Sex education is often held as a taboo and the large section of the Indian society has a stigma against it. However, the ancient Indian society was much progressive and advanced in imparting sex education through sculptures like sculptures in Khajuraho, Badami and Virupaksha temples and through literature like *Kama Sutra*, *Ananga Ranga* and *Rati Rahsya*. In today's time, educational institutions don't have any form of sex education in their curriculum and there are still very little attempts taken by them to incorporate it in the curriculum. Currently, sex education is limited to creating awareness about AIDS and Sexually Transmitted Diseases (STDs), which is not sufficient. Sex education is necessary for respect for women, safety, family planning and prevention of sexual transmitted diseases.

A child's first experience outside his house is at his school. It is, therefore, responsibility of the schools to empower young people with accurate, age appropriate and culturally relevant information and to promote healthy attitudes and develop skills to enable them to respond to real life situations in positive ways. Sex education must be incorporated in the school curriculum in non-judgemental and non-stigmatized manner and should be in the simplest and most understandable medium.

National Education Policy, 2020 is a progressive step for imparting quality education but it is missing out on sex education and therefore, the policy is incomplete. The Government has launched "*Beti Bachao, Beti Padhao*" campaign but it is the need of the hour to launch "*Beta Padhao, Beti Bachao*" campaign to teach the boys of our country about body rights, gender rights and about gender equality so the girls of our country can feel safer. Moreover, India is also signatory to International Conference on Population and Development (ICPD) Programme of Action, 1994 and so the country is obligated to provide free and compulsory comprehensive sex education. The need is not just to help the nation and fulfil its obligation, but it will also be a reformative step in making Indian education system advanced and progressive.

The Bill, therefore, seeks to provide compulsory sex education in all educational institutions in order to make it a part of school curriculum.

Hence this Bill.

NEW DELHI;
March 8, 2021.

RAM MOHAN NAIDU KINJARAPU

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for constitution of Advisory Council for Sex Education by the Central Government. It also provides for appointment of eminent persons, having special knowledge or practical experience in the field of education by the Central Government. Clause 7 provides for appointing teachers by appropriate Governments in educational institutions to teach sex education. Clause 8 provides for conducting training for teachers of sex education from time to time. Clause 10 provides for adequate funding by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one hundred crores will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

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