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Equality in the Classroom: the Case for LGBTQ+ Inclusive Sex Education

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*“I am what I am, so take me as I am.”*¹

The article illustrates the importance of accepting oneself and celebrating one's own identity by challenging the deep-seated societal prejudices. It highlights that true strength lies in authenticity in one's identity. The article showcases the crucial need for society to come forward and raise its voice against the pre-existing social evils that have historically faced by the LGBTQ+ community. To overcome such evil circumstances in society, it's crucial to aim at the basic structural unit of society, that is, the students. Students have previously reported that they had reduced social interactions with their peers, suffered from anxiety and depression and lost concentration in their studies. About one-third of students reported that bullying based on sexual orientation and gender identity (SOGI) played a key role in discontinuing school.² Although several landmark judgements have been provided by the Indian Judiciary promoting the protection of human rights of the LGBTQ+ community, there is a crucial requirement for a nationwide LGBTQ+ inclusive sex education in schools, colleges and universities; and promotion of awareness campaigns for the mass population. Such educational programs promote healthy relationships among students in schools, domestic households, workplaces

¹ Navtej Singh Johar and Ors v Union of India AIR 2018 SC 4321

² 'New study on bullying based on sexual orientation and gender identity in schools in Tamil Nadu, India (UNESCO, 20 April 2023)

<<https://www.unesco.org/en/articles/new-study-bullying-based-sexual-orientation-and-gender-identity-schools-tamil-nadu-india>> accessed 10 November 2025

and other public spaces to reduce bullying, harassment, teasing and defamation and also promote the well-being of LGBTQ+ individuals for a safer and more inclusive environment. The article advocates for equality for every individual in society. Ultimately, the society revolves around the absolute truth that every individual, regardless of their sexual orientation, gender identity, race, caste, status, class, financial status, or family background, deserves acceptance for who they are and not to be suppressed and isolated by deep-seated societal prejudices. One can create a supportive environment for the LGBTQ+ community so that every individual can live in a safe and secure environment.

Keywords: *lgbtq+ community, sex education, discrimination, equality, sexual orientation, gender identity.*

INTRODUCTION

Arbitration is a form of alternative dispute resolution and is a binding procedure. Private individuals, instead of engaging in lengthy courtroom litigation, seek a neutral third party to help resolve their dispute.

Primarily, the LGBTQ+ community stands for a group of individuals having various gender identities and diverse sexual orientations. The acronym stands for Lesbian, Gay, Bisexual, Transgender, Queer, and the “+” essentially represents a wide spectrum of other identities and orientations. The whole community has shared the very same story of struggles, discrimination, and prejudices for several decades.

Particularly, the discrimination faced by the LGBTQ+ community dates back several decades. It is primitively linked to the colonial laws imposed by the British Raj. In the enlightened year of 1860, the very first criminal code was formulated by Lord Thomas Babington Macaulay and was called the Indian Penal Code. The sec 377 of the Indian Penal Code³ regulated the criminalisation of homosexuality. Such discrimination not only existed in India but was also prevalent in the United Kingdom, where homosexual acts were a punishable offence. Several instances showcased the offence of homosexuality that led to the death penalty under the Buggery Act 1533 of the United Kingdom. Such acts, provisions and regulations historically oppressed the struggles and social evils faced by the LGBTQ+ community. As a result, these individuals faced

³ Indian Penal Code 1860, s 377

social stigma, hate speech, harassment, bullying, teasing, verbal abuse, and physical assault that forced these individuals into depression, anxiety and other mental health disorders.

Despite such social evils and challenges, a significant revolution has occurred in the Indian subcontinent regarding the rights of the LGBTQ+ community. All such progress has occurred due to the vigilant advocacy of various organisations and the judiciary system of India. One of the very first widespread mass protests advocating for LGBTQ+ rights in India was organised by the AIDS Bhedbhav Virodhi Andolan in the year 1992. The principal objective of this protest was to fight for an equal status for LGBTQ+ individuals in society. In 2009, the Delhi High Court decriminalised the Sec 377 in the *NAZ Foundation v Government of NCT Delhi*⁴, ruling that this very section violates the fundamental right of the individual to consensual sex, equality, legal protection, right to health and right to privacy. The court held that this section promotes unreasonable discrimination against homosexuals as a class. Soon after the judgment, the Indian Judiciary faced immense backlash from society. Several protests and strikes were carried out in response to such a decision. The judgment itself was much ahead of its time. The society, through mass movements, hunger strikes and protests, clearly illustrated their satisfaction towards the court. This led to several other petitions to further criminalise homosexuality.

Hence, in the year 2013, the previous ruling was overturned in the case of *Suresh Kumar Koushal v Naz Foundation*⁵, thus criminalising homosexuality again. The Supreme Court of India held that Section 377 was not discriminatory in nature. It controversially addressed that the LGBTQ+ community only occupies a very small fraction of the Indian population, and one must approach the Legislature to establish the rights of such a community. Additionally, it advocated that sec 377 does not essentially target a community or group of people as a whole, rather it regulates the criminalisation of certain acts.

In the enlightened year of 2014, in the landmark case of *National Legal Services Authority v Union of India*⁶, the legal right to self-identify as a third gender was recognised. This case principally held three essentials, that is, promotion of legal recognition of every gender identity; the guarantee of equal treatment of every individual irrespective of their gender identity; and the fundamental right to live with dignity, including the freedom to self-identify. At the same time,

⁴ *Naz Foundation v Government of NCT of Delhi and Ors* (2009) 6 SCC 712

⁵ *Suresh Kumar Koushal and Anr v Naz Foundation and Ors* (2014) 1 SCC 1

⁶ *National Legal Services Authority v Union of India and Ors* AIR 2014 SC 1863

the court clearly clarifies the distinction between the biological sex and psychological sex, and also emphasized more on psychological sex rather than biological sex. Soon, in the year 2017, another landmark case named *KS Puttaswamy v Union of India*⁷, popularly known as the Right to Privacy Case, held that rights of minorities, like that of the LGBTQ+ community, are important and cannot be given hostile treatment as it is permissible. The court held right to privacy is a fundamental right, and sexual orientation is an essential attribute of the right to privacy. It reaffirmed that no gender-based discrimination based on sexual orientation would be tolerated, thus ensuring protection of privacy and dignity under Article 19(1)(a) of the Indian Constitution.

The revolution in the history of the LGBTQ+ community occurred in the year of 2018 with the landmark judgement of *Navtej Singh Johar v Union of India*⁸. The court decriminalised homosexuality as it was clearly discriminatory and infringed the fundamental rights of the individuals provided under Articles 14, 15, 19 and 21 of the Indian Constitution. The court held there was no intelligible differentia or rationale nexus in the fact that two consenting adults cannot have consensual sex just because they are homosexuals. They dismissed the morality-based arguments of the opposition party as vague and subjective. The judgment authored by Justice DY Chandrachud corrected previous judicial errors, acknowledging that the rights of sexual minorities cannot be treated with negligence. This significant ruling established the principles of equality, non-discrimination, freedom of speech and expression, and personal liberty. This was a monumental step toward LGBTQ+ rights in India.

The most recent legal advancements of the nation in regard to LGBTQ+ rights occurred in the year 2023. The case of *Supriyo Chakraborty v Union of India*⁹ argued for the legal recognition of homosexual marriages. The court clearly held that the right to marry is not a fundamental right, and one must approach the Legislature to formulate the rules and regulations regarding homosexual marriages. Currently, in India, no law provides homosexuals the right to marry. The petitioners essentially cited the 2015 case of *Obergefell v Hodges*¹⁰, which legally recognised homosexuals and provided them the right to marry as a fundamental right. Unlike the United States, the Indian population is more diverse and influenced by different religious and cultural beliefs. To incorporate such a drastic change, one has to challenge the very perception that

⁷ *Justice K S Puttaswamy (Retd) & Anr v Union of India & Ors* (2017) 10 SCC 1

⁸ *Navtej Singh Johar and Ors v Union of India* (2018) 10 SCC 1

⁹ *Supriyo @ Supriya Chakraborty v Union of India* AIR 2023 SC 5283

¹⁰ *Obergefell v Hodges* [2015] 576 US 644

marriage is a social institution and not an instrument of enjoyment, as rightly held by the opposition party in the case. The judiciary refrained from intervening in the issue as it deemed it to be a legislative matter. Overall, the Indian Courts did not upset the balance between powers of the Legislature and the Judiciary and left this matter for the Legislature to consider.

On the other hand, the traditional sex education in Indian schools and other educational institutions is more focused on sexual health, reproductive systems, menstruation, contraception and sexually transmitted diseases. These educational programs would empower students by providing them with knowledge and skills to make informed decisions about their reproductive health. However, LGBTQ+ inclusive sex education is absent in India. Mainstream sex education overlooks the LGBTQ+ community due to pre-existing taboos and deep-seated prejudices. The lack of such a policy promotes stereotypes in society, leading to further marginalisation of this community.¹¹

According to the World Health Organisation and the World Association for Sexual Health, the Declaration of Sexual Rights, sex education should teach children and adolescents about knowledge, skills and values that promote equality and non-discrimination while upholding freedom of speech and expression.¹² Such inclusive sex educational programs foster a more equitable and informed society for the well-being of the LGBTQ+ community.

The article delves into the crucial need for LGBTQ+ inclusive sex education in India. It fosters acceptance and recognition of diverse sexual orientations and gender identities among students.¹³ Every individual deserves recognition irrespective of their class, caste, age, economic status, gender identity or sexual orientation. The primary objective of this discussion revolves around the concept of consent and mutual respect, which is the foundational unit for both heterosexual and homosexual relationships.¹⁴ Since the current educational policy in India lacks such an inclusive educational program, several individuals of the LGBTQ+ community face mental

¹¹ UNESCO, *The journey towards comprehensive sexuality education: global status report* (2021) 15-20

¹² Stefano Eleuteri et al., 'Inclusion Goals: What Sex Education for LGBTQIA+ Adolescents?' (2024) 11(8) *Children* 966, 970-975 <<https://doi.org/10.3390/children11080966>> accessed 10 November 2025

¹³ Max A Hope and Joseph J Hall, "Other spaces' for lesbian, gay, bisexual, transgendered and questioning (LGBTQ) students: positioning LGBTQ-affirming schools as sites of resistance within inclusive education' (2018) 39(8) *British Journal of Sociology of Education* 1195, 1200-1205

<<https://doi.org/10.1080/01425692.2018.1500273>> accessed 10 November 2025

¹⁴ Muire O'Farrell et al., 'Examining LGBTI+ inclusive sexual health education from the perspective of both youth and facilitators: a systematic review' (2021) 11(9) *BMJ Open* <[10.1136/bmjopen-2020-047856](https://doi.org/10.1136/bmjopen-2020-047856)> accessed 10 November 2025

health crisis, isolation, bullying, teasing, harassment, hate speech, defamation and sometimes even physical assault.

Moreover, many youths hesitate to disclose their sexual orientation due to fear of societal rejection. It is fuelled by the pre-existing social taboo and deep-seated prejudices. As society evolves, it is essential to recognise such acts of discrimination and make this nation a safe and more inclusive society. Furthermore, the Government of India must incorporate such inclusive educational policies in schools and other educational institutions in order to promote social justice and uphold fairness.

Education itself is a subjective term that cannot be defined by the boundaries of schools, colleges and universities. An awareness program must also be incorporated for the population principally outside schools and colleges, preferably, the age group of above 30. Apart from students, a large fraction of society consists of working-class professionals who should also be informed about the LGBTQ+ struggles in workplaces and public spaces. Such an awareness campaign can eradicate discrimination from every sphere of the population. Several instances showcase that LGBTQ+ individuals face non-acceptance from their own parents, family members and friends; harassment in workplaces and hate speech, defamation in public spaces. Not only must we be aware of mutual respect, but every working professional in the office, family members in domestic households, and every passerby in public places must be aware of the concept of consent and mutual respect, as every individual has the right to live with dignity. Such awareness programs not only change the mindsets of the people but also promote a notion of a fair and equitable society for all.

Furthermore, laws are not static; they are dynamic and constantly evolving to reflect the changing needs and values of society. This dynamic relationship elaborates that the law changes with the changing needs of society. Thus, the incorporation of LGBTQ+ inclusive sex education in schools and other educational institutions and other awareness campaigns for the mass population and promotion of such ideas through digitalisation is essential for maintaining social justice and fairness. It is also crucial to gain legal support for this adaptation to ensure that the legal system remains relevant and effective.

LITERATURE REVIEW

“Queer: A Graphical History” by Meg John Barker and Jules Scheele gives the readers a visual illustration of the complexities of gender roles and their impact on identity politics. It showcases the evolution of queer thought very innovatively and successfully illustrates the key concepts of gender and sexuality.

The American Library Association’s Rainbow Book List notably features the “Every Body Book: The LGBTQ+ Inclusive Guide for Kids about Sex, Gender, Bodies and Families” by Racheal E. Simon and Noah Grigni. This book uses a gender-neutral language to educate children on sexual health and relationships. The book teaches to respect the diversity of bodies and family structures in society, ensuring that every child feels valued.

“Moving Towards Inclusive Education as a Human Right” by Lisa Waddington & Carly Toepke (2014) illustrates that inclusive education is not just a policy but a binding human obligation. This paper was published by the Maastricht Faculty of Law Working Paper. It argues that such an obligation falls under the responsibility of the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC).

“Examining LGBTI+ Inclusive Sexual Health Education from the Perspective of Both Youth and Facilitators: A Systematic Review,” a 2021 article in the British Medical Journal by Muire O’Farrell, Phil Corcoran, and Martin P. Davoren argues that such inclusive education is only widespread in the medical field. Apart from that, such knowledge is completely lacking in general education. It shows 24 studies and highlights that sex education is completely focused on heterosexual relationships, leaving the LGBTQ+ youth excluded. It also points out the lack of standardized trainings and resources while carrying out such programs.

“Inclusion Goals: What Sex Education for LGBTQIA+ Adolescents?” by Stefano Eleuteri, Marta Girardi, Rossella Spadola and Elisabetta Todaro; a 2024 Children Journal showcases the gap between goals of sex education and its actual implementation in the real world. It points out that it is still more heteronormative-based, and one must shift such values to make it more inclusive and equitable.

“A Critical Systematic Literature Review of Global Inclusive Education” by Hernández-Saca et al (2023) showcases the dominance of Global North perspectives and notions. It focuses more on

intersectionality and legal frameworks. It revolves around the notion that such inclusive education should have a more localised interpretation.¹⁵

RESULTS

There is currently no widespread national policy in India regarding LGBTQ+ inclusive sex education in schools and other educational institutions. However, several other countries have successfully incorporated such educational policies, making significant progress towards creating a sustainable and supportive environment for the LGBTQ+ individuals. The Madras High Court in *S. Sushma v Commissioner of Police & Others*¹⁶ case held that LGBTQ+ inclusive content must be incorporated in the school syllabus. Justice Anand Venkatesh, in his ruling, upheld a more empathic approach in addressing such sensitive issues concerning the LGBTQ+ community. One of the most effective ways of including such educational programs is by including their content into the regular syllabus of the students, like in history classes, the schools can include the history or origin of the LGBTQ+ community and struggles towards an equitable society. This has led to the eradication of discrimination and social taboos among students in schools and other educational institutions.¹⁷

- Scotland is the very first country globally to incorporate a LGBTQ+ inclusive school curriculum in the year 2020. This revolutionary initiative acted as a force against homophobia. Due to such educational programs, mass populations emphasised the talks of same sex marriages, same sex parenting, the social evils faced by the homosexual couples historically and also the HIV/AIDS epidemic. It all started in the year 2018 when the Legislative route of Scotland incorporated such measures by accepting the recommendations of the LGBTI Inclusive Working Group through government policy and legislative guidance.
- The Netherlands is also known for its robust, inclusive educational programs throughout the world. The 2012 Dutch Law made several amendments to the educational

¹⁵ David Isaac Hernández-Saca et al., 'A Critical Systematic Literature Review of Global Inclusive Education Using an Affective, Intersectional, Discursive, Emotive and Material Lens' (2023) 13(12) Education Sciences <<https://doi.org/10.3390/educsci13121212>> accessed 15 November 2025

¹⁶ *S Sushma and Ors v Commissioner of Police & Ors* (2021) SCC OnLine Mad 2096

¹⁷ Preethika Shree AC and Dr GK Chithra, 'Indian Education System: Inclusion of LGBTQ+ Studies in curriculum' (2023) 10(8) Journal of Emerging Technologies and Innovative Research <<https://www.jetir.org/papers/JETIR2308117.pdf>> accessed 15 November 2025

frameworks. One such changes are making the sexuality education mandatory. Thus, the Legislature gave it a legal basis while schools initially gave sex education to students. It promotes inclusivity among all the students with different gender identities and diverse sexual orientations.

- Canada has a decentralised educational system. Hence, the provincial legislatures incorporated such policy changes and updates through the Ministry of Education. Thus, the inclusive sex education promotes inclusivity that leads to a safer society, thus upholding social justice and fairness.
- Sweden is known for its progressive approach and policies concerning the LGBTQ+ community. In 1955, the legislature of the nation implemented sex education. With evolving times, such policies incorporated LGBTQ+ concerns, especially after the 2011 and 2012 reforms in legal policies. Such updates are well incorporated into government policies and regulations over time.
- Germany has mandated such inclusive educational policies to address the concerns of the LGBTQ+ community. Both the federal and the state authorities work together to incorporate such a national framework in each of the 16 federal states of the nation. The Federal Centre of Health Education, along with administrative initiative, gave rise to such governmental regulations.
- The United States shows a mixed signal regarding the recognition of the LGBTQ+ community. In this nation, both the judiciary and legislative powers work hand in hand to incorporate such policies in specific states like California and New Jersey. The state-level legislature, with judicial involvement, mandated such policies through fighting against legal challenges. On the other hand, states like South Carolina and Florida strictly prohibit any discussions regarding LGBTQ+ issues in schools.¹⁸
- The United Kingdom regulates all state-funded schools to incorporate such inclusive educational programs. In September 2020, the Relationships and Sex Education and Health Education Act¹⁹ was enacted by the Legislature to regulate the Department of Education to maintain the smooth functioning of such inclusive educational programs to uphold fairness and inclusivity.

¹⁸ California Healthy Youth Act 2016

¹⁹ Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019

Such remarkable advancements are already visible in these nations that make their society a more inclusive and safer place for every LGBTQ+ individual through incorporating such inclusive educational policies. India must come forward and raise its voice for the incorporation of such LGBTQ+ inclusive sex education in schools, colleges and universities and awareness programs for the mass population to uphold social justice and fairness in the society.

CONCLUSION

The LGBTQ+ inclusive sex education will play a crucial role in dismantling all the deep-seated prejudices existing in the modern world. The social stigma that was cultivated over the past decades will gradually fade away, giving rise to an inclusive society. This form of education will teach students about their rights and duties to foster equality for every individual. It will also empower students about their sexual health, the concept of consent and mutual respect for all.

In the context of Indian society, such educational policies might face cultural and religious backlash. The conservative section might create hurdles that would hinder the incorporation of such policies. In such a situation, the legal frameworks should stand firm alongside such initiatives and provide a legal basis for such inclusive educational programs. Through such legal intervention, the society would eradicate the toxicity of discrimination and treat every individual as unique, respect and value their experiences. It is essential for cultivating a more understanding society to promote equality and respect for diverse sexual orientations and gender identities. This will eventually mitigate the negative health outcomes on the LGBTQ+ community, thus promoting a healthy and equitable society.