Outlawing the Conversion Therapy - Madras HC

Why in news?

The Madras High Court, recently, explicitly called for an Indian ban on conversion therapy.

What is a conversion therapy?

- It is a pseudo-medical practice.
- It falsely professes to be able to change the sexual orientation of members of the LGBTQIA+ community.
- It is done to make a person act more stereotypically masculine or feminine.

Why is it unwelcome?

- There is a misguided and unscientific notion that sexuality can be altered through external intervention.
- It takes from the false belief that non-heterosexual orientations are unnatural or immoral.
- A number of Indians have become victims of conversion therapy, being subjected to physical and emotional abuse.
- A shocking 98% who undergo the therapy experience depression, anxiety, permanent physical harm and loss of faith.
- The United Kingdom recently pledged to outlaw the conversion therapy.
- Laws against the practice have already been passed in several countries, including Germany, Canada, Malta, Australia, and the U.S.

Where does India stand?

- Laws and attitudes toward homosexuality have evolved in recent years.
- The Indian Psychiatric Society has already declared that non-heterosexuality is not a mental illness.
- It cannot be changed by external attempts.
- Also, Section 377 no longer applies to consensual homosexual relations.
- But these positive steps are far from enough.
- The Mental Healthcare Act bans medical treatment without consent.
- But victims may consent to conversion therapy when administered by

medical professionals.
- Because they have internalised a misplaced belief that they are abnormal.
- So, in effect, there is no law at present banning conversion therapy in India.
- Anjana Harish, a young woman, committed suicide in Goa recently after detailing the physical and mental anguish she was subjected to as part of an attempt at conversion therapy.
- It is just one case in the long history of the persecution of LGBTQIA+ people in India.

What is the Madras HC ruling?

- The court has called for a ban on the conversion therapy.
- In has also demanded legal action against those who practise it.
- It is a significant step in the fight against homophobia.

What could be the measures against the practice?

- Imposing professional sanctions against medical practitioners who engage in conversion therapy
- Banning conversion therapy involving minors, who cannot consent to any such procedure
- Banning advertising of conversion therapy, with the aim of reducing its prevalence and decreasing its social acceptability
- Banning the most egregious forms of conversion therapy, which involve such repellent practices as the use of physical abuse, food deprivation, and homophobic slurs

What is the way forward?

- Indian government must go forward and implement the suggestions of the Madras High Court.
- Special legislative action is required to protect LGBTQIA+ Indians.
- Outlawing the practice would legally prevent the forced administration of medication and the physical and mental abuse that characterises conversion therapy.

Source: The Indian Express



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