

“Curing The Queer, A Critical Analysis of Conversion Therapy in India”

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Abstract—It has been years since the Navtej Singh Johar judgment which decriminalised same sex relationship. However, homophobia in India is still exist in alarming level. An example of such homophobia is conversion therapy. This therapy uses medication, surgical and Electroconvulsive therapy to change a person’s sexual orientation. These violent methods led a long-term impact on sexual minorities. The conversion Therapy involves complex issues like international human rights issues. How far can international law be impacting individual human rights violations. It also involves the questions regarding self-determination. This paper is an attempt to critically analyse conversion therapy through lens of convention against torture. The paper will also study medical practitioners’ duty towards patients.

Index Terms—Sexual minorities, human rights, violent, mental health, ethics & medical.

List Of Abbreviations

Serial number	Acronym	Full form
	&	And
	CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
	CT	Conversion therapy
	ECT	Electroconvulsive therapy
	LGBTQA+	Lesbian, gay, bisexual, transgender, Queer and Asexual
	MP	Medical Partitioners
	SOCE	sexual orientation changes efforts
	SOGI	Sexual orientation and gender identity
	Vs.	Versus

List Of Cases

Serial Number	Case Name
	A.S. Mittal and Another v. State of U.P. and others (1989) AIR 1570.
	Airedale N.H.S. Trust v. Bland (1993) 2 WLR 316: (1993) 1 All ER 821, HL.
3.	Dr TT Thomas vs Elisa [1987] SC, 1 ACC (SC).
4.	Munshi Singh Gautam v State of MP [1999] SC, Appeal (crl) 919 of 1999 (SC).
5.	Pickup v Brown [1781] SB.
6.	R v Gibbons and Proctor (1918) 13 Cr App Rep.
7.	RAGHBIR SINGH Vs STATE OF HARYANA [1980] SC, 277 SCC (SC).
8.	Shakila Abdul Gafar Khan v Vasant Raghunath Dhoble [2003] SC, Appeal (crl) 857 of 1996 (SC).
9.	Toonen v Australia [1992] Human Rights Committee, 44 CCPR/C/WG/ (Human Rights Committee).

I. INTRODUCTION

Conversion therapy is an unsubstantiated medical and phycological intervention which is used by homophobic people to cure sexual orientation and gender identification (SOGI) of LGBTQ community. According to recent study this method is used for converting a non-heterosexual person to heterosexual identities¹. It is submitted that conversion therapy is contrary to medical ethics, where the main goal is welfare and bringing ease to the condition of the patient. It is opinion of Lord Keith that medical professionals (MP) have responsibility and a duty to discharge in continuance of the betterment of patient².

¹ 'Sexual Orientation and Gender Identity: UN Expert Hails Historic Legal Opinion Issued in Americas' (United Nation Human Rights office high commission 2017).

² Goodman, Kenneth. (2009). The Case of Terri Schiavo: Ethics, Politics, and Death in the 21st Century. Oxford: OUP.

Court in *Airedale NHS Trust v Bland*³ also noted the importance of informed consent of the patient. MP should try to their level best to make patient aware of the best possible treatment available. In cases of conversion therapy since it is not a disease or ailment there is no questions of “treating the patient”. The global community is urging member states to take positive steps to ban conversion which is main reason for torture among LGBTQ community⁴.

People who undergo conversion therapy undergo long term psychological and physical trauma. There are majorly three broad methods by which conversion therapy is done on a particular person. The first is Electroconvulsive therapy (ECT) it is most common method in which electric shocks are used for changing sexual orientation of the person. In this ECT involves attaching electrodes to the head and passing an electric current between them to induce seizure. If used without giving anaesthesia or muscle relaxant it can results into violent convulsions. This method has long term impact on the mental health of person it can result into various kind of cognitive disorders and can also leads to Alzheimer in future⁵. The recent death of Anjana Harish⁶ have highlighted that the people who are forcefully undergoing through the treatment are given various medication which are responsible for different psychological problems like sleeplessness, anxiety and depression. It was also highlighted that conversion therapy uses corporal methods which gives physical injury to the people. People who are using violent methods are often pseudo spiritual gurus who claims that homosexuality can cured.

LGBTQ community are already suffering drastically because neither society or social institution are giving them recognition. In Navtej Singh Johar Case honourable supreme court have highlighted the fact that LGBTQ community are tortured, blackmail, harassed by police administration and other institution. During pandemic when all the universities and workplace are closed because of lockdown. In

pandemic when most of population stuck at home the person from LGBTQ community has to face hostile environment at home. The person forms the community has lost all the support groups. Most of the people come from diverse background they don't have equal resources to join virtual groups. They have no choice but to live in hostile environment at home. People from the community are abused and violated from their own family members which has created a distrust station among community.

This paper is an attempt to critically examine conversion therapy. In an Independent and country which is known for nonviolence conversion therapy cannot be tolerated. It is not only physically and mentally harming a person but it also impacts on the dignity, agency and self-recognition of the person. The main aim of this paper is to put forth arguments why India should necessarily take positive steps to ban the therapy and give strong penalties to people who trying to hurt and spreading homophobia.

1.1 Conclusion Outline of Other Chapters

This chapter provides for the brief background. In this chapter researcher try to provide for key terms which later will be elaborated in coming chapters. The next chapter will be research methodology of paper. This chapter will elaborate on specific research tools which researcher will use during the study. It provides for limitation of researcher.

II. RESEARCH METHODOLOGY STATEMENT OF THE PROBLEM

It has been 3 years since the Navtej Singh Johar judgment where Indian courts and Indian society has given recognition to the same sex relationship. However, homophobia is very common in Indian society. One such problem which arise from homophobia is conversion therapy. This therapy uses medication and other physical tortures for an

³ *Airedale N.H.S. Trust v. Bland* (1993) 2 WLR 316: (1993) 1 All ER 821, HL.

⁴ United Nations Human Rights High Commission, 'Report on Conversion Therapy' (OHCHR 1996-2021 2021) <<http://A/HRC/44/53>> accessed 22 October 2021.

⁵ Christopher Andrews and Andrew Reisner, 'Neurological and Neuropsychological Consequences of Electrical and Lightning Shock: Review and

Theories of Causation' (2017) 12 *Neural Regeneration Research*.

⁶ Navami Sudhish, 'Shock Treatment, Exorcism, Psychotropic Drugs: Behind 'Conversion Therapy' For Queers' <<https://www.thehindu.com/society/it-is-dangerous-and-unethical-but-queer-people-continue-to-be-subjected-to-conversion-therapy/article31922458.ece>> accessed 22 October 2021.

intervention which claims to change SOGI of person. Mostly the parents and other family members are the once who are most likely to force LGBTQ person to undergo this therapy. This therapy is consensual and uninformed. This therapy is often practiced by phycologist and other spiritual gurus who claims that they can cure the defect of homosexuality. They claim that people mind can be changed by this therapy. It is submitted that many phycological associations have removed homosexuality from the list of mental illness⁷. However, the conversion therapy is still prevalent not only in India but all over the world⁸. Some countries have started banning the therapy⁹ and started protecting minorities however there is still countries like India where the rights and recognition of LGBTQ community is at initial stage and which is leading to the exploitation of members of community.

2.1 Significance of the study

This paper is an attempt to understand and critically analyse conversion therapy. It argues the reasons that India should ban conversion therapy. In light of the researcher will discuss convention against torture and law commission report which only talk about institutionalised torture and very conveniently left the tortures which are involving sexual minority. Conversion therapy should be distinguished from client-centric approaches that support clients' identity exploration and development without an a priori treatment goal for how clients identify or live out their SOGI. Such approaches emphasise the therapist's role in assisting the client in attaining or aligning the client's personal goals, values and beliefs. The study will also be including duty of therapist towards clients and the legal implication regarding self-determination of autonomy of patients.

The study is an attempt to contribute to the study of sexual minority in India. This paper will examine the different kinds of torture which a sexual minority face in the name of conversion therapy. This paper will also examine how homophobia is systematically adopted by the MP and society. 'This paper will be restricted to only Convention against torture and various Indian courts judgments. This study will not be including any foreign court judgment because of limited resources.

III. REVIEW OF LITERATURE

Indian Literature

- A. Conversion therapy for homosexuality: Serious violation of ethics by Suravi Patra publishes in Indian Journal of Medical ethics (2016): In this article researcher highlighted that social pressure is the main reasons why sexual minorities are pushed into conversion therapy. The article further argues that conversion therapy is serious violation of biomedical ethics as so-called treatment¹⁰ is happening against the wishes of the person. It attacks on patients' autonomy to choose for a particular treatment¹¹.
- B. A report Publish by Asia Pacific Transgender Association titled as "conversion therapy in India" in the year 2021- This report highlights that effect of conversion therapy on body of transgender person. It highlights that the medication effect of conversion therapy has long term effect. The long-lasting side effects include dizziness and admiral pain. The conversion therapy is more harmful for children. It leads to high blood pressure and diabetes as a result of increased stress levels due to constant pressures to conform¹².

⁷ Charalampos Soto's, 'Origins of Gender Affirmation Surgery: The History of The First Gender Identity Clinic in The United States at Johns Hopkins' (2019) 83 Ann Plats Surg.

⁸ 'What Is Conversion Therapy and When Will It Be Banned?' (BBC News, 2021) <<https://www.bbc.com/news/explainers-56496423>> accessed 22 October 2021.

⁹ Jamie Wareham, 'This Is Where LGBTQ 'Conversion Therapy' Is Illegal' (Forbes, 2021) <<https://www.forbes.com/sites/jamiewareham/2021/03/08/this-is-where-lgbtq-conversion-therapy-is-illegal/?sh=6a283eab4ae0>> accessed 22 October 2021.

illegal/?sh=6a283eab4ae0> accessed 22 October 2021.

¹⁰ 'Indian Psychiatric Society Reiterates Need for Decriminalisation of Homosexuality | Orinam' (orinam, 2018) <<http://orinam.net/ips2018-decriminalisation-support/>> accessed 23 October 2021.

¹¹ Suravi Patra, 'Conversion Therapy for Homosexuality: Serious Violation of Ethics' [2016] Indian Journal of Medical Ethics.

¹² The Asia Pacific Transgender Network, 'Conversion Therapy Practices in India' (The Asia Pacific Transgender Network 2021).

- C. Another report published by A Global Overview of Conversion Therapy: Practices, Perpetrators, And the Role of States, The International Rehabilitation Council for Torture Victims (IRCT) in year 2020- This report suggest that India is among 13 countries in which aversive treatments are used in conversion therapy against sexual minority. Among these methods strong medication which has drastic Side effect is used and ECT is also used as method¹³.
- D. Conversion Therapy Bans by Darius Lee, 33 SAcLJ 483, (2021): In this article the author highlights that SOGI is essential part of freedom of speech and expression. It further highlights that minor who undergone to conversion therapy suffer from long phycological problems¹⁴.

Western Literature

Understanding Conversion Therapy Bans by Marie-Amelie George publish in Dukeminier Awards: Best Sexual Orientation and Gender Identity Law Review (2018): the article highlights religious services advancing conversion treatment have existed starting around 1973, yet expanded in outright numbers and comparative with authorized specialists after emotional well-being experts gotten some distance from conversion treatment; they currently structure most of conversion treatment rehearses. Conversion treatment services have their foundations in zealous Christianity, merging religious philosophy and brain science in their hypotheses and strategies. Honest Worthen established the principal such service in the wake of hearing God's voice, which approached Worthen to leave homosexuality. The brought back to life Worthen started going to chapel and shut his business to shape Love in real life. The gathering started meeting each and every week at the Church of the Open Door, a nondenominational Christian service, and became the primary private sexual

minority program in 1979 after people started showing up at the meetings with bags¹⁵.

Warren Cangany, 'Extending Hoosier Hospitality to LGBTQ Youth: Why Indiana Should Pass a Conversion Therapy Ban to Protect and Promote Mental Health Outcomes for LGBTQ publish in Youth' Ind Health L Rev (2021)- For years, LGBTQ individuals have been informed that they are abnormal. This pessimistic conviction brought forth that LGBTQ individuals can likewise be changed or changed over to heterosexual or cisgender through what is normally alluded to as conversion treatment, reparative treatment, or sexual orientation change efforts ("SOCE"). This Note will utilize conversion treatment and SOCE reciprocally. The act of conversion treatment means to change a core part of an individual's character and endeavours "to change an individual's personality from trans-to cisgender or their orientation from LGB to heterosexual." The act of conversion treatment has been reported in scholastic writing as ahead of schedule as the 1890s. The training became normal during the 1950s and the 1960s when homosexuality was as yet marked as a mental disorder. The mental ailment grouping gave rise to the idea that it should have been restored. The first endeavours to fix homosexuality included "turning around the impacts of pathogenic hereditary deformities, defective or unnecessary nurturing, and enduring injury from sexual maltreatment" on the grounds that the fix depended on the possibility that turning around those factors would eliminate individual squares to Heterosexuality¹⁶.

3.1 Objective of the research

Following are the objectives which will guide researcher through the research

1. General Objective-
 - To critically analyse conversion therapy
2. Specific Objectives-

¹³ Josina Bothe, 'Its Torture Not Therapy A GLOBAL OVERVIEW OF CONVERSION THERAPY: PRACTICES, PERPETRATORS, AND THE ROLE OF STATES' (International Rehabilitation Council for Torture Victims (IRCT) 2020).

¹⁴ Darius LEE, 'CONVERSION THERAPY BANS' (2020) 33 Salk.

¹⁵ Marie-Amelie George, 'Expressive Ends: Understanding Conversion Therapy Bans' (2018)

¹⁷ Dukeminier Awards: Best Sexual Orientation and Gender Identity Law Review 63.

¹⁶ Warren Can any, 'Extending Hoosier Hospitality to LGBTQ Youth: Why Indiana Should Pass a Conversion Therapy Ban to Protect and Promote Mental Health Outcomes for LGBTQ Youth' (2021) 18 Ind Health L Rev 155.

- To understand doctor patient relation in conversation therapy
- To argue for banning of conversion therapy for protection of sexual minority
- To study long term impacts of conversion therapy
- To study how far the condition of sexual minority improved after striking down same sex laws by horrible supreme court
- To study what kinds of methods used in conversion therapy
- To study historical evolution of conversion therapy
- To understand the concept of corrective measures in conversion therapy

3.2 Research Questions

Researcher Aims to Answer Following Questions

1. What Is Conversion Therapy?
 - a. What Are the Specific Methods Which Is Used in Conversion Therapy?
 - b. What Are Corrective Methods and How Indian Society Is Using It to Violate Sexual Minorities?
 - c. Who Are the Persons Involved in Conversion Therapy?
2. Can Conversion Therapy Can Be Called as Torture?
 - a. Do Conversion Therapy Is Covered by Convention Against Torture?
 - b. What Is Judicial Response Towards the Torture of Sexual Minorities by Their Own Family Members?
3. What Is the MP Responsibility in Conversion Therapy?
 - a. Can Principle of Best Interest Be Invoked?
 - b. In Cases Where a Child Belonging to LGBTQ Community Is Undergoing the Therapy Can Prints Consent Be Viable?
 - c. Is Rule of Self Determination and Autonomy Be Used in Conversion Therapy?
 - d. What is Indian court jurisprudence related to self-determination and autonomy?
4. Should India Ban Conversion Therapy?

3.3 Hypothesis

Following is the hypothesis for the study

“Conversion therapy is torture against sexual minority of India”

3.4 Scope and limitation of the study

The scope of the study is to contribute and bring to notice the urgent need to ban conversion therapy. The

study will critically analyse CT through the lens of convention against torture. This is because convention against torture (CAT) is only threat which extensively talks about torture prohibition by member states. The paper will also not consider foreign courts judgment on conversion therapy and different kind of offenses against sexual minority. This done because researcher do not have particular resource as to analyse various courts judgment. However, refresher will consider different countries in which conversion therapy is ban. These countries which follow common law methods are selected.

The biggest limitation which researcher faced is availability of resources and time. Since India has decriminalized same sex relation three years back there is very a smaller number of judgments which discuss torture against sexual minorities extensively.

3.5 Data Sources and Methodology

This paper is an attempt to do legal research. The researcher will do primary research. It is through primary research, by which the researcher will critically analyse the important questions. The researcher will adopt explanatory research design. The sources of data are divided into two parts primary and secondary. For data collection researcher will use non doctrinal method and will be using secondary source such as article and commentaries. However primary sources like acts and judgments will also be used by the researcher.

3.6 Conclusion

This chapter provides for detail methodology which is adopted by the researcher. This chapter is guidance to researcher to carry out research in time bound manner. This chapter provides for research which is already done in this subject matter. In this chapter has highlighted specific details of conversion therapy which is later elaborated by the researcher in chapters.

3.7 Conversion therapy and cat

India signed CAT in the year 1997. Article of UNHHR states that every person has right to life and no person should be treated in equally by member parties. article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. The preamble of

the convention highlights that convention is drafted with the reasons to protect the dignity and life of people. Article 1 of the conventions states that "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

This definition highlights a specific case and circumstances where the violence inflicted on a person can be called as torture. It is submitted that the definition is non-elusive. It can be clearly inferred that the convention specifically presumes that a torture can only be committed by state institution. It is further submitted that the convention has very restricted application and applicability. It does not protect crimes which are conducted by individual persons.

Secondly, it is submitted that international instruments play a greater role in changing and bringing a new perspective to the legislation. Since India doesn't have a formal definition of torture, international instruments provide the guidance for interpretation by which a person can ascertain its meaning. It is submitted that because there is no law and conventions do not cover CT, it is very difficult to punish individuals who violate sexual minorities' rights. On the other hand, some corrective methods like rape are criminalized by Indian law; however, in some cases, because of the grey area in law, the accused are not convicted of the crimes they commit. This simply shows the attitude and political unwillingness to protect sexual minorities of India¹⁷.

Thirdly, it is submitted that there is a lot of confusion and uncertainty that SOGI can be treated as a person or not, for example in the case of *Toonen v. Australia*¹⁸ in

which the human rights committee has to interpret whether sexual minorities will come under the term "sex" and whether the legislation which was in question is discriminatory. It was held by the commission that the sex word does not cover sexual minority. In the case of *Pickup v. Brown*¹⁹ in this case there was an argument that CT is part of the right to religion. The parties to the suit were a group of people who, on the demand of parents, talk to sexual minority and try to convert them back to heterosexuality. However, in this case, the court held that believed that First Amendment privileges of experts existed on a "continuum", which was "fairly lessened" inside the bounds of an expert relationship. While the court in *Pickup* described as managing "conduct" rather than "discourse", even in instances of talk treatment, an opposite end was reached in *King*, where the last court thought about that the endeavour of describing verbal and composed correspondences as "lead" was deceitful and vulnerable to control. It was held that even though speech and talk come under freedom of speech and expression but talking to minors about their sexuality leaves a deep impact. By the talking to children belonging to minority community, these people are making them believe that they are not normal. This has long-term psychological impacts and the court cannot permit it especially when there is no evidence to show that sexuality of a person cannot be changed.

3.8 Indian courts position on torture

Indian courts have always interpreted the term torture only when government or government institution is violated of the rights. In the case of *Raghubir Singh Vs State of Haryana*²⁰ it was observed by the honourable supreme court that even though India promises to protect human rights of citizens in front of international communities it however fails to control custodial violence. Another case *Shakila Abdul Gafar Khan v Vasant Raghubir Singh Dhoble*²¹ in this case the court held that future by police authorities has increased to a new level. The observation made in *Raghubir Singh* has fallen into deaf ears. In *Munshi Singh Gautam v. State*

¹⁷ CHOICE FOR YOUTH AND SEXUALITY, 'CONVERSION THERAPY' (CHOICE FOR YOUTH AND SEXUALITY 2019).

¹⁸ *Toonen v Australia* [1992] Human Rights Committee, 44 CCPR/C/WG/ (Human Rights Committee).

¹⁹ *Pickup v Brown* [1781] SB.

²⁰ *RAGHUBIR SINGH Vs STATE OF HARYANA* [1980] SC, 277 SCC (SC).

²¹ *Shakila Abdul Gafar Khan v Vasant Raghubir Singh Dhoble* [2003] SC, Appeal (crl) 857 of 1996 (SC).

of M.P In this case court made remarks regarding increasing level of torture by state authorities. Observing the increasing cases court made remarks "Civilisation itself would risk the consequence of heading towards total decay resulting in anarchy and authoritarianism reminiscent of barbarism".²²

The Prevention of Torture Bill, 2010 was a great initiative by Parliament to draft new legislation. In contrast to Indian law, which focusses on murder and broken bones (unfortunate hurt), torture was extended to incorporate food deprivation, persuasive taking care of, lack of sleep, sound barrage, electric shocks, cigarette consuming, and different structures. The Indian police power utilizes these methods. Around the same time, a Select Committee of Parliament embraced the Bill and made some sure suggestions for restoration, compensation and witness security. The Select Committee noticed that a mind-boggling number of States and Union Territories were agreeable to the Bill. The Bill was permitted to lapse²³.

3.9 Conclusion

This chapter highlights the how international human rights law intervene only when member state violates human rights. This chapter also highlights the how the absence of definition of torture had led courts to only consider some specific violations as torture.

3.10 Fixing the Liability

In cultural context India is considered home for spiritual gurus and God man who claim to cure or heal sexual minorities which also includes children of their mental illness. One of such so called yoga Guru is Ramdev who claimed that homosexuality can be cured by doing Yoga²⁴. It is submitted that action should be taken against the individual who claims that homosexuality can be cured and for that subject sexual minorities to weird exercise. It effects physiologically to sexual minorities and makes them believe that homosexuality is abnormal. False advertisements should be prosecuted under consumer protection act.

In R vs. Gibbon²⁵ court held that parents are under duty to take care of the children. They have duty to protect children and look after children if they failed to do so they can hold to be liable for the murder of the child. This case highlights where the person has duty to take care of the victim and applicant failed to do so is liable for homicide.

MP is one of the most established callings and most helpful one. Specialists in India are treated as second lifelines after God. The norm of care from MP and emergency clinic authority is relied upon to be more in correlation with different instances of carelessness. So appropriate consideration should be taken by the specialists and the specialist's side to keep away from medical negligence. The Black law Dictionary reference meaning of negligence" lead, regardless of whether of activity or oversight, which might be pronounced and treated as carelessness with practically no contention or proof concerning the specific encompassing conditions, either in light of the fact that it is infringing upon sculpture or legitimate city law or on the grounds that it is so obviously went against to the directs of normal reasonability that it tends to be said decisively or question that no cautious individual would have been at fault for it. When in doubt, the infringement of a public obligation, urged by law for the assurance of individual or property, so comprises. In A.S. Mittal and Another v. State of U.P. and others²⁶ it was held in this case that medical partitioning holds a greater responsibility as compared to normal profession as a results offenses involving moral turpitude can also attract criminal liability. The MP has following duty (I) to benefit the patient, (ii) to avoid or minimize harm, and to (iii) respect the values and preferences of the patient. They should be maintained throughout the treatment.

In the case of Rd. T.T. Thomas vs. Elisa²⁷ it was held by court that only in cases of emergency that a MP can act without consent. It is very necessary that patients informed consent should be present at time of procedure.

²² Munshi Singh Gautam v State of MP [1999] SC, Appeal (crl) 919 of 1999 (SC).

²³ Colin Gonsalves, 'Stand Up Against Torture' <<https://www.thehindu.com/opinion/op-ed/stand-up-against-torture/article21261356.ece>> accessed 23 October 2021.

²⁴ 'Homosexuality Is a Disease, Yoga Can Cure It: Ramdev' (Deccan Chronicle, 2013)

<<https://www.deccanchronicle.com/131211/news-current-affairs/article/homosexuality-disease-yoga-can-cure-it-ramdev>> accessed 23 October 2021.

²⁵ R v Gibbons and Proctor (1918) 13 Cr App Rep.

²⁶ A.S. Mittal and Another v. State of U.P. and others (1989) AIR 1570.

²⁷ Dr TT Thomas vs Elisa [1987] SC, 1 ACC (SC).

3.11 Conclusion

This chapter attempts to understand separate liability who are involved in conversion therapy process.

IV. CONCLUSION AND SUGGESTION

This paper was an attempt to understand conversion therapy in India. India is home for large number of populations who belong to sexual minority group. As a result, it is necessary that proper laws should be them to protect them. During the course of study researcher was unable to find foreign law courts specific opinion about CT. It is also submitted that researcher because of posit of time researcher was unable to look at history of CT and why it was invented. However, it can be concluded that CT is still an intervention to change sexual orientation and gender identification of a particular sexual minority.

Suggestion

- It is suggested that conversion therapy should be ban in India
- Suitable and immediate steps should be taken against Spiritual Gurus and other medical practitioners who are involved in forkful expectation of minority
- Specific legislation should be drafted so as to cover individual and government actions against torture
- The person who are affected by the therapy should be given financial and medical assistance

Scope for farther research

For farther research authors can compare different thereby other than CAT. It is submitted that further research should be done to know what are the specific law under which accused of conversion therapy can be prosecuted.

REFERENCES

Articles

- [1] 17 Dukeminier Awards: Best Sexual Orientation and Gender Identity Law Review 63.
- [2] Charalampos Soto's, 'Origins of Gender Affirmation Surgery: The History of The First Gender Identity Clinic in The United States at Johns Hopkins' (2019) 83 Ann Plats Surg.
- [3] Choice For Youth and Sexuality, 'Conversion Therapy' (Choice for Youth and Sexuality 2019).

- [4] Christopher Andrews and Andrew Reisner, 'Neurological and Neuropsychological Consequences of Electrical and Lightning Shock: Review and Theories of Causation' (2017) 12 Neural Regeneration Research.
- [5] Darius LEE, 'Conversion Therapy Bans' (2020) 33 Salk.
- [6] Goodman, Kenneth. (2009). The Case of Terri Schiavo: Ethics, Politics, and Death in the 21st Century. Oxford: OUP.
- [7] Josina Bothe, 'Its Torture Not Therapy a Global Overview of Conversion Therapy: Practices, Perpetrators, And the Role of States' (International Rehabilitation Council for Torture Victims (IRCT) 2020).
- [8] Marie-Amelie George, 'Expressive Ends: Understanding Conversion Therapy Bans' (2018)
- [9] Pass a Conversion Therapy Ban to Protect and Promote Mental Health Outcomes for LGBTQ
- [10] 'Sexual Orientation and Gender Identity: UN Expert Hails Historic Legal Opinion Issued in Americas' (United Nation Human Rights office high commission 2017).
- [11] Suravi Patra, 'Conversion Therapy for Homosexuality: Serious Violation of Ethics' [2016] Indian Journal of Medical Ethics.
- [12] The Asia Pacific Transgender Network, 'Conversion Therapy Practices in India' (The Asia Pacific Transgender Network 2021).
- [13] Warren Can any, 'Extending Hoosier Hospitality to LGBTQ Youth: Why Indiana Should
- [14] Youth' (2021) 18 Ind Health L Rev 155.

Cases

- [1] A.S. Mittal and Another v. State of U.P. and others (1989) AIR 1570.
- [2] Airedale N.H.S. Trust v. Bland (1993) 2 WLR 316: (1993) 1 All ER 821, HL.
- [3] Dr TT Thomas vs Elisa [1987] SC, 1 ACC (SC).
- [4] Munshi Singh Gautam v State of MP [1999] SC, Appeal (crl) 919 of 1999 (SC).
- [5] Pickup v Brown [1781] SB.
- [6] R v Gibbons and Proctor (1918) 13 Cr App Rep.
- [7] RAGHBIR SINGH Vs STATE OF HARYANA [1980] SC, 277 SCC (SC).
- [8] Shakila Abdul Gafar Khan v Vasant Raghunath Dhoble [2003] SC, Appeal (crl) 857 of 1996 (SC).

- [9] Toonen v Australia [1992] Human Rights Committee, 44 CCPR/C/WG/ (Human Rights Committee).

International Convention

- [1] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.
[2] International Covenant on Civil and Political Rights 1976
[3] Universal Declaration of Human Rights 1948

Statutes

- [1] Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 (amended up to 8th October, 2016).
[2] The consumer protection Act 1986.
[3] The Indian Constitution 2019.
[4] The Indian Penal Code 1860.

Websites/

- [1] Colin Gonsalves, 'Stand Up Against Torture' <<https://www.thehindu.com/opinion/op-ed/stand-up-against-torture/article21261356.ece>> accessed 23 October 2021.
[2] 'Homosexuality Is a Disease, Yoga Can Cure It: Ramdev' (Deccan Chronicle, 2013) <<https://www.deccanchronicle.com/131211/news-current-affairs/article/homosexuality-disease-yoga-can-cure-it-ramdev>> accessed 23 October 2021.
[3] 'Indian Psychiatric Society Reiterates Need for Decriminalisation of Homosexuality | Orinam' (orinam, 2018) <<http://orinam.net/ips2018-decriminalisation-support/>> accessed 23 October 2021.
[4] Jamie Wareham, 'This Is Where LGBTQ 'Conversion Therapy' Is Illegal' (Forbes, 2021) <<https://www.forbes.com/sites/jamiewareham/2021/03/08/this-is-where-lgbtq-conversion-therapy-is-illegal/?sh=6a283eab4ae0>> accessed 22 October 2021.
[5] Navami Sudhish, 'Shock Treatment, Exorcism, Psychotropic Drugs: Behind 'Conversion Therapy' For Queers' <[https://www.thehindu.com/society/it-is-dangerous-and-unethical-but-queer-people-continue-to-be-subjected-to-conversion-](https://www.thehindu.com/society/it-is-dangerous-and-unethical-but-queer-people-continue-to-be-subjected-to-conversion-therapy/article31922458.ece)

[therapy/article31922458.ece](https://www.thehindu.com/society/it-is-dangerous-and-unethical-but-queer-people-continue-to-be-subjected-to-conversion-therapy/article31922458.ece)> accessed 22 October 2021.

- [6] United Nations Human Rights High Commission, 'Report on Conversion Therapy' (OHCHR 1996-2021 2021) <<http://A/HRC/44/53>> accessed 22 October 2021.
[7] 'What Is Conversion Therapy and When Will It Be Banned?' (BBC News, 2021) <<https://www.bbc.com/news/explainers-56496423>> accessed 22 October 2021.