

## NO MORE SEEN AS 'MENTAL ILLNESS'

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Justice Rohinton Nariman on the Constitution Bench said the stigma of 'mental illness' attached to homosexuality has gone for good.

As proof, Justice Nariman pointed to the recent parliamentary re-enactment of the Mental Healthcare Act of 2017.

Justice Nariman said the definition of 'mental illness' in the Act "throws to the winds all earlier misconceptions of mental illness, including the fact that same-sex couples who indulge in anal sex are persons with mental illness."

"The present definition of mental illness in the 2017 Parliamentary statute makes it clear that homosexuality is not considered to be a mental illness. This is a major advance in our law which has been recognised by Parliament itself," Justice Nariman observed, in his separate opinion for the five-judge Constitution Bench led by Chief Justice of India Dipak Misra on Thursday.

Justice Nariman said, "Mental illness shall not be determined on the basis of non-conformity with moral, social, cultural, work or political values or religious beliefs prevailing in a person's community."

The judge urged the Centre to take all measures to ensure that the Bench's judgment is given wide publicity through the public media, which includes television, radio, print and online media at regular intervals.

Speaking for the Constitution Bench, Justice Nariman said the government should initiate programmes to reduce and finally eliminate the stigma against homosexuality.

Government officials, particularly police officers, should be given periodic sensitisation and awareness training about the plight of the members of the LGBTQ community, Justice Nariman directed.

***Government should initiate programmes to reduce and finally eliminate the stigma***

***Justice Rohinton Nariman***

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