

W.P.No.7284 of 2021

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**N. ANAND VENKATESH,. J.**

Pursuant to the earlier orders passed on 22.08.2022, the matter was posted for hearing today to report the follow up action on the directions issued by this Court during the previous hearing.

**National Medical Commission**

This Court had issued certain directions to the National Medical Commission (NMC) during the previous hearing. A status report has been filed by the learned Standing Counsel appearing on behalf of NMC.

2.During the previous hearing, this Court directed the NMC to upload the recommended modifications in the competencies as suggested through notification dated 18.08.2022, in their website. It is brought to the notice of this Court that the recommended modifications have been uploaded and accordingly, this direction has been complied with.

3.This Court directed the NMC to issue an official notification by enlisting the conversion therapy as a professional misconduct. The learned Standing Counsel submitted that this direction issued by this Court has been complied with. To substantiate the same, the communication dated 25.08.2022, issued by the Ethics and Medical



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Registration Board of the National Medical Commission was brought to the notice of this

Court and for proper appreciation, the entire communication is extracted hereunder:

To  
State Medical Councils  
(as per list enclosed)

Subject: Compliance of directions given in order dated 08.07.2022 of Hon'ble High Court of Madras regarding enlisting "Conversion Therapy" as a professional misconduct-reg.

Sir/Madam,

I am directed to refer to the subject captioned above and say that Hon'ble High Court of Madras vide its Order dated 08.07.2022 given in WP. No.7824 of 2021 has directed the NMC to issue necessary official notification by enlisting "Conversion Therapy" as a professional misconduct.

2. In compliance of the order dated 8th July 2022, Ethics and Medical Registration Board, National Medical Commission has decided that Conversion therapy will constitute a professional misconduct under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

Yours faithfully,

Sd/-xx (C.L. Guleria)

Deputy Secretary, Ethics Section  
Ethics and Medical Registration Board

4.It is clear from the above that the State Medical Councils have been directed

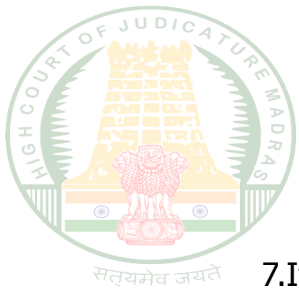


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to notify conversion therapy as a professional misconduct. In view of this communication, there shall be a direction to the Tamil Nadu Medical Council (R-24) to immediately implement the directions issued by the NMC and file a status report before this Court during the next date of hearing. Mr.G.Sankaran, learned Standing Counsel appearing on behalf of the Tamil Nadu Medical Council submitted that the compliance will be reported during the next hearing, by filing a status report.

5.This Court further directed the NMC to take instructions as to whether the draft regulations have been uploaded by the NMC in the website by incorporating conversion therapy as a professional misconduct. The learned Standing Counsel submitted that this process is going on and the compliance will be reported during the next date of hearing.

6.This Court further directed the NMC to issue communication to the Medical Colleges/Medical Institutions/Medical Universities/Medical Education Boards, to implement the revised guidelines for competency based PG Training Programme for MD in Psychiatry. The learned Standing Counsel brought to the notice of this Court the communication dated 02.09.2022, issued by the NMC in this regard. It is clear from this communication that the revised Post Graduate Psychiatry curriculum has been directed to be followed by all universities and colleges effective from the beginning of the academic year 2022 onwards.



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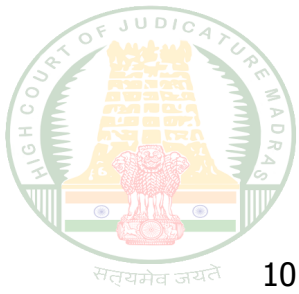
7.It is clear from the above that the revised guidelines and the module are going to be implemented for the Post Graduate Psychiatry curriculum from this academic year. This Court also carefully went through the revised guidelines and it sufficiently prepares the Post Graduate Students to understand about sex and gender issues in psychiatry.

8.The learned Standing Counsel submitted that insofar as the incorporation of conversion therapy as a professional misconduct in the draft regulations and uploading the same in the website, the follow up action will be informed to this Court during the next date of hearing. While doing so, the NMC will also file a status report enlisting all the steps that were taken by the commission from the date of passing of the order in the writ petition, till the latest development.

### **ENLISTING NGOs**

9.The learned Senior Panel Counsel submitted that the earlier order passed by this Court was brought to the notice of the 10<sup>th</sup> respondent and there was also a joint meeting held with the counsel, wherein the allocation of business rules was brought to the notice of the 10<sup>th</sup> respondent. The learned Senior Panel Counsel submitted that sincere efforts are taken to implement the directions issued by this Court insofar as enlisting the NGOs are concerned. The learned Senior Panel Counsel therefore sought for some more time to report compliance in this regard.

### **NCERT MANUAL**



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10.The learned Senior Panel Counsel submitted the written communication received from the department of gender studies, NCERT. For proper appreciation, the report is extracted hereunder:

The training module titled "*Training Module on Integrating Transgender Concerns in Schooling Process*" has been prepared. It had been shared with all the committee members for their observation and suggestion to be sent by 25th August, 2022. The comments have been received and incorporated. Now the work related to DTP (designing) is in progress and after completion of the same it will be shared with all states, CBSE, KVS and NVS for their comments and suggestions in September. 2022

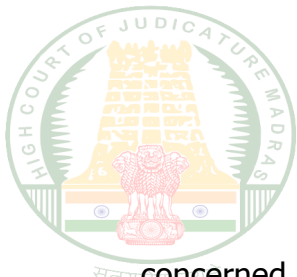
#### **Tamil Nadu State Legal Services Authority**

11.The learned Standing Counsel appearing on behalf of the Legal Services Authority submitted that there is on going programme that is being conducted for the advocates and it is done District wise. The learned Standing Counsel therefore sought for some more time to file a status report and to incorporate the various programmes conducted by the Legal Services Authority.

#### **Glossary, Draft Transgender Persons (Protection of Rights) Rules, Sensitisation of Teachers and the Transgender Persons Policy**

12.Pursuant to the earlier orders passed by this Court on 22.08.2022, a status report has been filed by the Additional Chief Secretary, Social Welfare and Women Empowerment Department.

13.Insofar the status of the Transgender Persons (Protection of Rights) Rules is



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सत्य concerned, it has been stated as follows:

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6.it is respectfully submitted that in respect of Transgender rules, draft rules has been prepared and sent to Law Department for remarks on 24.02.2022 The Law Department has suggested certain modification/incorporation/deletion in the Draft Transgender Persons (Protection of Rights) Rules on 11.03.2022 which has already been extracted in the orders of the Hon'ble High Court of Madras dated 08.04.2022

7. Government have requested the Director of Social Welfare on 23.03.2022, to send revised draft rules to Government in accordance with the above suggestions of Law Department. The Director of Social Welfare has sent the revised rules on 24.08.2022 to Government. Based on the revised rules received from the Director of Social Welfare, a draft rule has been updated and modified in accordance with suggestions/remarks of Law Department and sent to Law Department on 27.08.2022 for remarks and approval. On approval, necessary procedures of obtaining orders in circulation upto the Hon'ble Chief Minister through the Department Minister concerned has to be followed before the Notification. If any further suggestion will be received from Law Department for modification/inclusion/deletion in the draft rules, action will be initiated accordingly.

14.The learned Additional Advocate General submitted that the draft rules are now being scrutinized by the Law Department and based on the remarks and approval given by the Department, the same will be circulated to the concerned Minister and ultimately the files will be placed for approval before the Hon'ble Chief Minister. The



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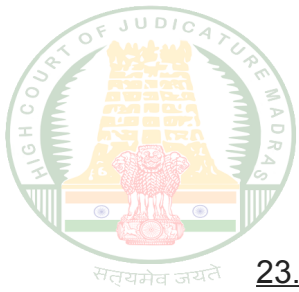
learned Additional Advocate General submitted that this process will take some more time.

15.The status report gives more clarity as to what steps have been taken to implement the rules and it is seen that it is almost at the final stage. In view of the same, this Court is inclined to grant **twelve weeks** time to enable the Government to notify the rules after getting approval from all concerned.

16.Insofar as the Transgender Policy is concerned, it has been stated in the status report as follows:

8.It is respectfully suited that in respect of Transgender Policy, the State Planning Commission has prepared and sent a deal policy to Government on 12.04.2022 for inputs. Necessary remarks have been called for by Government on 19.04.2022 from the Director of Social Welfare (implementing agency for transgender welfare) The Director of Social Welfare has sent the comments to Government on 06.05.2022 The B.C., M.B.C., & Minorities Welfare Department (appropriate authority for reservation) has sent their remarks on 20.06.2022 and Planning, Development and Special Initiatives Department (as special initiatives, policy has been prepared for transgender persons) has sent their remarks on 26.07.2022

9.It is respectfully submitted that the comments of lines Departments in respect of policy for transgender persons referred in para 8 above have been sent to the State Planning Commission on



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23.08.2022. A Consultation meeting was also held on 24.08.2022 under the Chairpersonship of Chief Secretary along with line Departments among others to discuss the policy for transgender persons. During te meeting, it was decided that policy for transender persons may be finalised as soon as all procedures such as uploading the policy in the public domain for comments within the stipulated time i.e., minimum one month, consultation meeting to be conducted on the comments / suggestions to be received, suggestion/ views if any relevant to be incorporated, obtaining orders in circulation upto the Hon'ble Chief Minister are completed. The Government is committed to provide best support for Transgender community and is taking all such efforts towards the welfare and protection of transgender community.

17.The learned Additional Advocate General submitted that the discussion on the policy for transgender persons is at its final stage and the Government is committed to provide the best support for the transgender community and all steps will be taken to implement the policy at the earliest possible time.

18.It is clear from the status report that effective steps have been taken by the Government and it has almost reached the final stage. Hence, this Court is inclined to grant **twelve weeks** time to the Government to notify the transgender policy and intimate this Court.

### **Sensitizing teachers to the needs of queer children**

19.This Court by its order dated 08.04.2022, directed the 17<sup>th</sup> and 18<sup>th</sup> respondents to take steps to arrange a programme for the School teachers and to



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सत्यम् sensitize them about the issues on the problems faced by children belonging to LGBTQIA+community. The learned Additional Advocate General submitted that he has not received any instructions in this regard and sought for some more time.

20.As stated in the earlier order, it is imperative that the teachers are sensitized on this issue and once they get a proper understanding as to what is undergone by a child who belongs to this community, they will be in a better position to give proper guidance. In view of the same, this Court expects the 17<sup>th</sup> and 18<sup>th</sup> respondents to take up this issue seriously and to start the process of sensitizing teachers in the school. The steps taken by the 17<sup>th</sup> and 18<sup>th</sup> respondents in this regard shall also be informed to this Court by way of filing a status report during the next date of hearing.

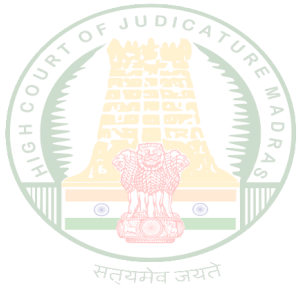
21.Post this writ petition for hearing on **09.12.2022 at 2.15 pm.**

02.09.2022

Internet: Yes  
KP

**N.ANAND VENKATESH.,J**

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02.09.2022