**Kapoor Pathare S 377 and mental health**

**Review comments**

1. The paper addresses issues very relevant to the fields of bioethics and medical ethics in the developing countries.
2. It is very topical given the Supreme Court judgment on S377 a few weeks ago and the relatively recent Mental Healthcare Act.
3. It has the potential to influence thinking around how to use and interpret the law and the Constitution in a vital rights-based manner.
4. Check for typos, and edits. For example:

“ (i) The right to access mental healthcare and treatment is guaranteed for *all* persons *without* discrimination based on any of grounds mentioned in Section 18 (2)…” Add “the” before “grounds”.  
Also, in the conclusion, there is no need for the parentheses. Actually, I think the parentheses are wrongly used and should be deleted.

1. There needs to be a declaration that one of the authors is the primary drafter of the MHCA. For a journal of ethics, this would be essential (indeed, for any journal).
2. Also, the declaration is needed that the same author is one of the mental health professionals who were the interveners for the 377 case (as am I).
3. Both declarations are important because the tenor of the article is laudatory of MHCA, and suggesting that the MHCA is primarily the reason that the verdict in the 377 case is what it is.
4. This is perhaps only partly true. There are complex and diverse reasons, legal, sociological and societal which influence both civil society and legal discourse, and that certainly needs to be acknowledged. Focusing only on the legal discourse would be far too limiting. Also, i think i have a bit of discomfort when somebody who has authored the bill writes a laudatory article on it in an academic journal..

I think there is perhaps an ethics issue here that we may want to think about.