

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-80/2020-CDN

Dated- ^{2nd} December, 2020

ENDORSEMENT

Ms. Padmaja Singh, Joint Secretary to the Govt. of India, Ministry of Health & Family Welfare, DHFW, Nirman Bhawan, New Delhi has issued D.O. letter No. Z-28013/FTS-1653205/2020-MS dated 29.10.2020 regarding Compliance of directions passed by Hon'ble Supreme Court of India regarding third gender including Transgender (TGs) vide its Judgment dated 15.4.2014 in the W.P. © No. 400/2012, titled as National legal Service Authority versus Union of India alongwith Grievance of Dr. K.K. Agarwal and Judgement of Supreme Court in this matter (para 129). The above mentioned D.O. letter dated 29.10.2020 is being uploaded on the ICAR website [www .icar.org.in](http://www.icar.org.in) and e-office for information and necessary action.

Ajai Verma
11/12/20

(Ajai Verma)
Under Secretary (GAC)

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11/2/2020

Email

1

500355/2020/Legal Cell

law.icar@nic.in

From : JitenderKhanna ALA <jitenderkhanna.icar@nic.in>

Fri, Oct 30, 2020 06:59 PM

Subject : Fwd: Fwd: Compliance of Directions passed by Hon'ble Supreme Court of India reg. third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No. 400/2012, titled as National Legal Service Authority Versus UOI

1 attachment

To : D.K. Sinha <law.icar@nic.in>

----- Forwarded Message -----

From: S.K.Singh LA <sksingh.icar@nic.in>

To: D.K. Sinha <law.icar@nic.in>, JitenderKhanna ALA <jitenderkhanna.icar@nic.in>

Sent: Fri, 30 Oct 2020 14:43:01 +0530 (IST)

Subject: Fwd: Compliance of Directions passed by Hon'ble Supreme Court of India reg. third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No. 400/2012, titled as National Legal Service Authority Versus UOI

From: "Mr Sanjay Singh" <secy.icar@nic.in>

To: "S.K.Singh LA" <sksingh.icar@nic.in>

Sent: Thursday, October 29, 2020 5:53:27 PM

Subject: Fwd: Compliance of Directions passed by Hon'ble Supreme Court of India reg. third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No. 400/2012, titled as National Legal Service Authority Versus UOI

From: "Trilochan Mohapatra" <dg.icar@nic.in>

To: "Mr Sanjay Singh" <secy.icar@nic.in>

Cc: "S.K.Singh LA" <sksingh.icar@nic.in>

Sent: Thursday, October 29, 2020 5:45:47 PM

Subject: Compliance of Directions passed by Hon'ble Supreme Court of India reg. third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No. 400/2012, titled as National Legal Service Authority Versus UOI

From: "Section Officer Medical Services" <so2ms-mohfw@nic.in>

To: "Mr U P Singh" <secydws@nic.in>, "DURGA SHANKER MISHRA" <secyurban@nic.in>, "K D Tripathi" <secy.president@rb.nic.in>, "I V Subbarao" <secyvp@nic.in>, "Sanjay Agarwal" <secy-agri@nic.in>, "Trilochan Mohapatra" <dg.icar@nic.in>, "Mr Atul Chaturvedi" <secyahd@nic.in>, chairman@dae.gov.in, "RAJESH KOTECHE" <secy-ayush@nic.in>, "Mr Rajesh Chaturvedi" <sec.cpc@nic.in>, "Ms S. Aparna" <secy-pharma@nic.in>, "Mr Pradeep Kharola" <secy.moca@nic.in>, "Anil Kumar Jain" <secy.moc@nic.in>, "csoffice" <csoffice@nic.in>, "secy-ipp" <secy-ipp@nic.in>, "Anshu Prakash" <secy-dot@nic.in>, secretary-posts@indiapost.gov.in, "Leena Nandan" <secy-ca@nic.in>, "Mr Sudhanshu Pandey" <secy-food@nic.in>, "secy mca nic insecy-culture" <secy.mca.nic.insecy-culture@nic.in>, "Raj Kumar" <sdpsn@nic.in>, "Shri Ravi Kant" <secyesw@nic.in>, "DEFENCE SECRETARY" <defsecy@nic.in>, "Dr(Mr) Inderjit Singh" <secydoner@nic.in>, "Secretary MoES" <secretary@moes.gov.in>, "Ajay Sawhney" <secretary@meity.gov.in>, "Shri R P Gupta" <secy-moef@nic.in>, "secyeast secyeast" <secyeast@mea.gov.in>, secyerm@mea.gov.in, "secywest" <secywest@mea.gov.in>, "Secretary CPV OIA Secretary CPV OIA" <secycpv@mea.gov.in>, "Mr Tarun Bajaj" <secy-dea@nic.in>, "T.V. Somanathan" <secyexp@nic.in>, "Ajay Bhushan Pandey" <rsecy@nic.in>, "Shri Debasish Panda Secretary FS" <secy-fs@nic.in>, "Secretary MoFPI" <secy.mofpi@nic.in>, "RAJESH BHUSHAN" <secyhfw@nic.in>, "Arun Goel" <shioff@nic.in>, "Shri Sailesh" <secy-dpe@nic.in>, "Secretary Iscs" <secy-iscs@nic.in>, "Sanjeev Gupta" <gupta.sanjeev@gov.in>, "Ajay Kumar Bhalla" <hshso@nic.in>, "Anita Karwal" <secy.sel@nic.in>, "Shri Amit Khare" <secy.dhe@nic.in>, "Amit Khare" <secy.inb@nic.in>, "Secretary DIPAM" <secydivest@nic.in>, "U P Singh" <secy-mowr@nic.in>, "Secy Labour Employment" <secy-labour@nic.in>, "Barun Mitra" <secy-jus@gov.in>, "Narayana Raju" <gn.raju@nic.in>, "A. K. Sharma" <secretary-msme@nic.in>, "Shri Anil Kumar Jain" <secy-mines@nic.in>, "Pranod Kumar Das" <secy-mma@nic.in>, "Mr. Indu Shekhar Chaturvedi" <secy-mnre@nic.in>, "Mr Sunil Kumar" <secy-mopr@nic.in>, "Dr. R.S Shukla" <secyma@nic.in>, "Mr AJAY KUMAR BHALLA" <secy_mop@nic.in>, "Dr. Kshatrapati Shivaji" <secy-arpg@nic.in>, "Tarun Kapoor" <sec.png@nic.in>, "Secretary Power" <secy-power@nic.in>, "SECRETARY MORT&H" <secy-road@nic.in>, "Shri Nagendra Nath Sinha" <secyrd@nic.in>, "Mr Ajay Tirkey" <secy-dolr@nic.in>, "Ajay Tirkey" <tirkeyaj@ias.nic.in>, "Prof Ashutosh Sharma" <dstsec@nic.in>, "Secretary DBT" <secy.dbt@nic.in>, "DG CSIR" <dgcsir@csir.res.in>, "Dr Sanjeev Ranjan" <secyship@nic.in>, "Praveen Kumar" <secy-msde@nic.in>, "Mr R Subrahmanyam" <secywel@nic.in>, "Mr Shakuntala Gamlin" <secretaryda-msje@nic.in>, chairman@isro.gov.in, "Dr. Kshatrapati Shivaji" <secretary@mospi.gov.in>, "P.K. Tripathi" <secy-steel@nic.in>, ecy-textiles@nic.in, "Secretary Tourism" <sectour@nic.in>, "Secretary Tribal Affairs" <secy-tribal@nic.in>, "Mr Ram Mishra" <secy.wc@nic.in>, "Ravi Mital" <secy-sports@nic.in>, "Secretary Youth Affairs" <secy-ya@nic.in>

Cc: "Mrs Padmaja Singh" <padmaja.singh@nic.in>, "ASHISH V GAWAI" <av.gawai@nic.in>, "RAJEEV ATTRI" <r.attri54@nic.in>

Sent: Thursday, October 29, 2020 5:33:21 PM

Subject: Compliance of Directions passed by Hon'ble Supreme Court of India reg. third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No. 400/2012, titled as National Legal Service Authority Versus UOI

Madam/Sir,

Please find attachment for Compliance of directions passed by Hon'ble Supreme Court of India regarding third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No.400/2012, titled as National Legal Service Authority versus Union of India

Regards

Medical Services Section
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
Ph: 011-23061313
Fax: 011-23063006

[<http://gandhi.gov.in/>]

[<http://gandhi.gov.in/>]

[<http://gandhi.gov.in/>]

PDF Transgender .pdf
1 MB

500355/2020/Legal Cell

Z.28013/FTS-1653205/2020-MS
 Government of India
 Ministry of Health & Family Welfare
 Department of Health & Family Welfare
 (Medical Services Section)

Nirman Bhawan, New Delhi —110011
 Dated, the 29th October, 2020

To,

1. The Secretary, All Central Government Ministries
2. Secretary (Ministry of Drinking Water and Sanitation), GoI
3. Secretary (Ministry of Housing and Urban Affairs), GoI
4. Principal Secretary (Health) and State Mission Directors, NHM All States/UTs
5. Director CGHS
6. In-charges/Directors/Medical Superintendents (All AIIMS, Dr. RML Hospital, Safdarjung Hospital, LHMC and associated Hospitals, PGIMER Chandigarh, JIPMER, Puducherry, NIMAHNS, NEIGRIHMS, CIP Ranchi, National Institute of Tuberculosis and Respiratory Diseases.

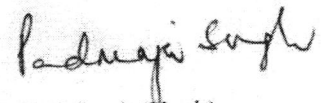
Subject: Compliance of directions passed by Hon'ble Supreme Court of India regarding third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No.400/2012, titled as National Legal Service Authority versus Union of India

Madam/Sir,

I am directed to invite reference to the grievance of Dr. K. K. Aggarwal, forwarded by the PMO, wherein he has drawn attention to non-implementation of the directions of the Hon'ble Supreme Court of India regarding third gender including Transgender (TGs) vide its Judgment dated 15.04.2014 in the WP(C) No.400/2012, titled as National Legal Service Authority versus Union of India, wherein Hon'ble Court specifically directed that "*Centre and State Governments should take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities.*" The grievance along with the relevant part of above-mentioned judgment is enclosed.

2. At this juncture, it becomes imperative for the Government, and its institutions including the Health Institutions, to comply with the direction of the Hon'ble Supreme Court in letter and spirit.
3. In view of the above, it is requested that appropriate action may be taken in compliance of the directions of the Hon'ble Supreme Court at the earliest, and in the interest of the public at large.

Yours sincerely,



(Ms. Padmaja Singh)

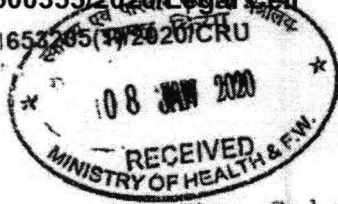
Joint Secretary to the Government of India

Copy for information to:

1. PPS to AS &MD, MoHFW, Nirman Bhawan, New Delhi-11
2. PPS to AS (H), MoHFW, Nirman Bhawan, New Delhi-11

500355/2020/Legal Cell

1653305/17/2020/CRU



PRIME MINISTER'S OFFICE

South Block, New Delhi - 110 011

Please find enclosed, for comments, copy of a self-explanatory grievance dated 30.12.2019 received via CPGRAMS in this office from Dr. K.K. Aggarwal, Delhi.

Rajender Kumar
(Rajender Kumar)
Director
Tel: 2301 3024

Secretary, D/o Health & Family Welfare
Secretary, M/o Women & Child Development
PMO ID No. 5195806/PMO/2020/SW-Cell

Dated: 07.01.2020

Encl: As above

*P.S. to
Secy (H)*

I/3713065/2020

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.400 OF 2012

National Legal Services Authority ...

Petitioner

Versus

Union of India and others ...

Respondents

WITH

WRIT PETITION (CIVIL) NO.604 OF 2013

JUDGMENT

JUDGMENT

K.S. Radhakrishnan, J.

1. Seldom, our society realizes or cares to realize the trauma, agony and pain which the members of Transgender community undergo, nor appreciates the innate feelings of the members of the Transgender

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that the TGs are also part of vulnerable groups and marginalized section of the society, we are only bringing them within the fold of aforesaid rights recognized in respect of other classes falling in the marginalized group. This is the minimum riposte in an attempt to assuage the insult and injury suffered by them so far as to pave way for fast tracking the realization of their human rights.

128. The aforesaid, thus, are my reasons for treating TGs as 'third gender' for the purposes of safeguarding and enforcing appropriately their rights guaranteed under the Constitution. These are my reasons in support of our Constitution to the two issues in these petitions.

JUDGMENT

.....J.
(A.K.Sikri)

129. We, therefore, declare:

- (1) Hijras, Eunuchs, apart from binary gender, be treated as "third gender" for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State Legislature.

- (2) Transgender persons' right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.
- (3) We direct the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.
- (4) Centre and State Governments are directed to operate separate HIV Sero-surveillance Centres since Hijras/ Transgenders face several sexual health issues.
- (5) Centre and State Governments should seriously address the problems being faced by Hijras/Transgenders such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies, social stigma, etc. and any insistence for SRS for declaring one's gender is immoral and illegal.
- (6) Centre and State Governments should take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities.

- (7) Centre and State Governments should also take steps for framing various social welfare schemes for their betterment.
- (8) Centre and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and be not treated as untouchables.
- (9) Centre and the State Governments should also take measures to regain their respect and place in the society which once they enjoyed in our cultural and social life.

130. We are informed an Expert Committee has already been constituted to make an in-depth study of the problems faced by the Transgender community and suggest measures that can be taken by the Government to ameliorate their problems and to submit its report with recommendations within three months of its constitution. Let the recommendations be examined based on the legal declaration made in this judgment and implemented within six months.

131. Writ Petitions are, accordingly, allowed, as above.

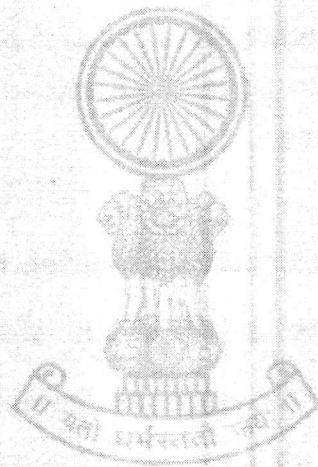
Radhakrishnan)

.....J.
(K.S.

New Delhi,
April 15, 2014.

.....J.
(A.K. Sikri)

SUPREME COURT OF INDIA



JUDGMENT