

W.P.No.7284 of 2021

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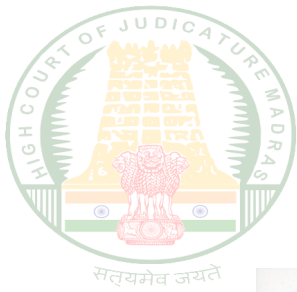
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N. ANAND VENKATESH,. J.,

Pursuant to the earlier orders passed by this Court on 10.06.2024, the matter was posted for hearing today.

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

2.A status report was filed by the 30th respondent and the relevant portions are extracted hereunder:



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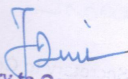
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7. It is respectively submitted that, as per the request received from the Community persons, draft Transgender Policy has been framed and the draft Policy has been circulated to various stakeholder departments for opinion and remarks. Based on the remarks being received from the departments, orders have to be obtained in circulation from the Hon'ble Chief Minister for approval of the policy. Once the policy is approved, appropriate Tamil Translations will be made and published in Public domain for suggestions.

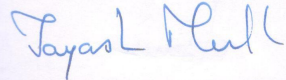
8. It is respectfully submitted that, In accordance to the transgender welfare board meeting held on 29.02.2024 under the Chairmanship of Hon'ble Minister for Social Welfare and Women Empowerment Department, it was also resolved to conduct camps at District levels to enhance the enrolment of transgenders through online mobile app.

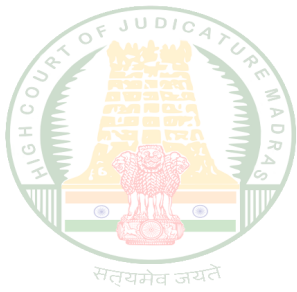
9. It is further submitted that, Following the positive response for the camp conducted in Zone-8, Chennai on 06.03.2024 on pilot basis, in coordination with other departments like e-sava centres, health department, Revenue department for issue of TG ID cards, CMCHIS card, ABHA card (AyushmanBharath Health Account Card), corrections in Voter ID, Aadhar card etc. in the same manner, camps were conducted in all districts on June 21, 2024.

10. It is respectfully submitted that, as a value addition and to address the grievances of Transgender community other essential documents as Aadhaar Card, Voter ID, CMCHIS card, Ration Card, Ayushman Bharat Card, the


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Social Welfare and
Women Empowerment Department
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concerned department officials were also involved and elaborate arrangements were made to setup separate kiosk for each department at camp site enabling Transgender communities to access the services easily.

11. Among the 3,237 transgender individuals who participated in the registration camps, approximately 601 applied for transgender identity cards. It is also informed that others who participated on the camp date had already possessed identity cards issued through the Tamil Nadu Transgender Welfare Board. They attended the camps for making changes in other essential documents. It is also important to note that apart from corrections in documents, eligible transgender persons were awarded with house site pattas by District Collectors.

12. It is further submitted that, the Department is in the process of framing separate Policy for Sexual Minority Communities (LGBQA+ persons). Once it is finalised, it will be submitted to Government for approval. The approved copy will be translated in Tamil and published in Public domain.

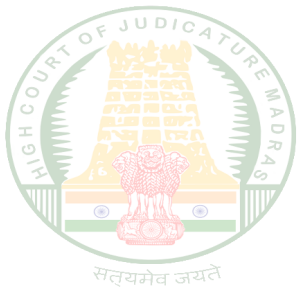
13. It is respectfully submitted that it is being informed that the Department is taking sincere and necessary steps continuously, a separate policy for other communities like LGBQA+ is being framed and will be expedited at the earliest. Therefore it is respectfully submitted that atleast three month time is needed for the above said process.

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No. of Corrections: Nil

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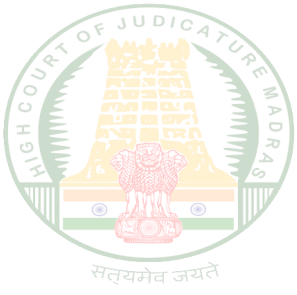
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3.The learned State Public Prosecutor appearing on behalf of the 30th respondent submitted that three more months time is required to complete the process of framing a separate policy and to get the nod from the State Government.

Ministry of Social Justice and Empowerment, Government of India,
Enlisting NGOs

4.A status report was field by the Under Secretary to the Ministry of Social Justice and Empowerment, Government of India. Mr.V.Chandra Sekhar, learned Standing Counsel, submitted that as on 02.09.2024, a total of 180 NGOs/CBOs have been registered. The learned Standing Counsel further submitted that the 10th respondent has sought for some information from the Social Welfare and Women Empowerment Department, Government of Tamil Nadu to provide particulars/validate the NGOs/CBOs who have registered themselves and to ensure that they are working on issues related to LGBTQIA+ community. The learned Standing Counsel further submitted that the State Government can also propagate among the NGOs/CBOs working for the cause to register themselves, if they are not already registered.

5.The learned State Public Prosecutor shall issue directions to the 30th respondent to act upon the request made by the Ministry of Social Justice and Empowerment, Government of India and provide the necessary particulars.



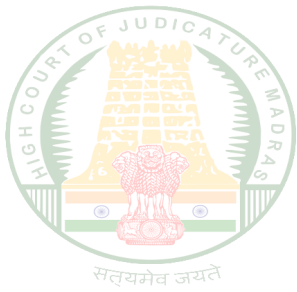
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6.This Court had made it clear even in the earlier order that no further extension of time will be granted for enlisting the NGOs/CBOs.

Considering the fact that a substantial number of NGOs/CBOs have registered themselves with the 10th respondent, the process of enlisting shall be closed for the present. The 30th respondent shall verify the particulars of the NGOs/CBOs who have registered themselves with the 10th respondent and ensure that they are genuinely working on issues relating to LGBTQIA+ community. If there are any more NGOs/CBOs, who are working for the cause and are yet to get registered, the number of such organisations who are yet to be registered shall be furnished to this Court and this Court will issue appropriate directions to the 10th respondent to reopen the portal and to register the concerned NGOs/CBOs.

NCERT

7.Even when the earlier order was passed on 10.06.2024, this Court had taken into consideration the draft module that was submitted by NCERT and which was pending before the concerned Ministry. Even today, on going through the status report filed by the 22nd respondent, it is seen that the Department is yet to receive any communication from the concerned Ministry. As a result, the *status quo* continues.



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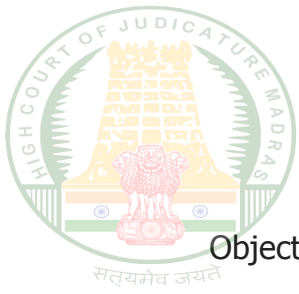
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8.A lot of effort has been taken to prepare the draft module which provides for integrating the concerns of transgender persons in schooling processes. The matter has been pending before the 24th respondent for quite a long time. That part, it was planned to make this module operational during this academic year. However, the academic year has already commenced and the Ministry is yet to react to the draft module submitted by NCERT.

9.This Court expects the 24th respondent viz., the Ministry of Women and Child Development, to show more sensitivity to this issue and act upon the draft module submitted by NCERT. The 24th respondent must necessarily give some priority for this issue since it has been going back and forth for the last two years. Therefore, there shall be a direction to the 24th respondent to act upon the draft module that has already been submitted by NCERT and to make it operational. It will enable the concerns of the transgender persons to be understood at the school level. Hence, this Court expects the 24th respondent to comply with the direction and report compliance during the next date of hearing.

NATIONAL MEDICAL COMMISSION

10.On 29.08.2024, the NMC published the medical curriculum with outdated and inaccurate content pertaining to gender and sexuality.



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Objections were raised by persons belonging to the community and also the various NGOs who are working for the welfare of LGBTQIA+ community. As a result, the guidelines issued under the competency based medical education curriculum, 2024 was withdrawn and cancelled. Thereafter, a fresh publication was made on 12.09.2024. Even in the fresh guidelines, only certain issues were addressed and there were lots of areas where concerns were raised. In order to understand the actual grievance that has been expressed in this regard, this Court wants to take note of a detailed article written by Dr.L.Ramakrishnan titled as 'Curriculum Content Disorder', dated 16.09.2024. This article provides the background, the changes that has been made and the changes which are yet to be made in the curriculum. This article can be taken as the base document to enable the NMC to submit a report. The report shall specifically deal with the issues that has been raised in this article. Either, the necessary change must be made in the curriculum or if it is not carried out, the report must specifically state as to why such change cannot be made.

11.Apart from the other issues that have been flagged in the above article, this Court is more concerned with the usage of the term “Gender Identity Disorder” in topic 9. This falls under the psychiatric competency. This Court has been urging right from the beginning that there is no psychological disorder involved in a person belonging to the LGBTQIA+



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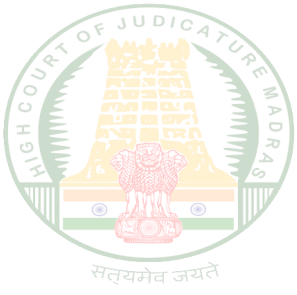
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community and such a mistaken understanding must be corrected by making appropriate changes in the curriculum. Unfortunately, once again the work “disorder” has found its place even in the new curriculum and it has to be immediately removed. This is apart from the other concerns raised in the above article.

12.The NMC shall submit a report in this regard before the next date of hearing and the necessary changes/inclusions shall be made before the next date of hearing.

13.Insofar as the incorporation of the conversion therapy as a professional misconduct in the relevant regulation, this Court had issued some directions at paragraph 11 of the previous order dated 10.06.2024. The learned Standing Counsel for NMC submitted that a report will be submitted in this regard also during the next date of hearing.

14.A decision has already been taken for incorporation of conversion therapy as a professional misconduct. In order to add authenticity to the decision taken, it has to necessarily form part of the regulations. Therefore, the 2023 regulations that is going to be brought into force must deal with this issue. The stage at which the 2023 regulations are pending will become more clearer only after receiving a report from NMC.



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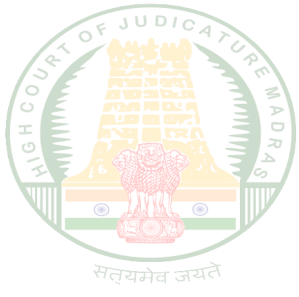
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15.The time sought for by the State Government is granted. This Court is confident that the State Government will finalise and approve the policy within the extended time of three months granted by this Court. That apart, the status reports shall also be filed by the NMC, NCERT and also the Ministry of Women and Child Development, Government of India with respect to the various directions that were issued in this order. The 30th respondent shall also file a status report on the follow up with the request made by the 10th respondent.

16.Post this case for 'further hearing' on **06.01.2025 at 2.15 p.m.**

18.09.2024

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